

A decorative graphic consisting of a grid of grey dots of varying sizes, with several dots highlighted in red. The dots are arranged in a pattern that roughly outlines the shape of Thailand.

# Thailand Caught 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.



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## 1. Introduction

After years of political confrontation in the streets and in the courts, after »hot« and »silent« coup d'états and violent clashes, Thailand has called for an election on July 3. »New elections« were the battle cry of »red« demonstrations that paralysed Bangkok's business district from March to May 2010 and led to a violent crackdown, leaving 92 dead and 2000 wounded.<sup>1</sup> Now, voters have the choice between »red« and »yellow«, but the lack of enthusiasm before the elections indicates a growing fatigue over the political divide. As if to showcase Thailand's Kafkaesque political situation, the two main rivals – the obscurant-turned-pop-star sister of the former Prime Minister, Yingluck Shinawatra, and the photogenic acting Prime Minister Abhisit Vejjajiva – are no more than replacement characters for the real powers behind the scenes. Still, political parties are campaigning passionately, international observers have been invited to guarantee an acceptable process, and the winners of the elections have a realistic chance to form the next government. So, has the »Land of Smiles« finally returned to democracy?

The elections open a window of opportunity to strike a deal between competing elites. However, this paper will argue that 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 organised 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 Elections: Turning a Page or Another Round of Conflict?

For weeks all opinion polls have been drawing the same picture: Phuea Thai, the party led by controversial former Prime Minister Thaksin Shinawatra while in exile, seems

set to win the most votes in the elections on July 3 – provided that these elections take place, and are reasonably free and fair. The Democrat Party of acting Prime Minister Abhisit Vejjajiva could come in second. Third strongest will probably be Bhumjaithai, which is stirred from behind the scenes by banned power-broker Newin Chidchob. Two more successor parties hope for good results: Chartthaipattana and Chart Pattana Pua Pandin. Such a result would not be without irony. Many candidates of these smaller parties used to be part of the »red« coalition government led by the People's Power Party – Phuea Thai's judicially banned predecessor – before their parties were disbanded and their leaders banned by the Constitutional Court. Chartthaipattana's leader, Chumpol Silpa-Archa, recently cited »irresistible pressure from the invisible hand« that made leaders switch sides and join their adversaries to form the Abhisit government. As a consequence, the lack of legitimacy of this »yellow« government – enabled through a silent coup of the judiciary and brokered by the military – was the main reason for the »red« protesters to call for new elections one year ago.

The key variable for the great bargaining after the elections is the number of seats in the House of Representatives that Phuea Thai and the Democrats would respectively win. However, their high hopes could be derailed by the new election law rushed through parliament before the elections. The return to »one-man, one vote« in smaller constituencies could benefit locally rooted smaller parties. In northern and north-eastern »red« strongholds, Bhumjaithai could prove to be a dangerous competitor. While Phuea Thai is still suffering from the ban of 113 of its top leaders, Bhumjaithai candidates have managed to hold on to many constituents who voted for them as part of the »red« coalition in 2007. The move of the Bhumjaithai-dominated Ministry of the Interior to exchange governors and district chiefs in »red« strongholds should work to give the party additional mobilisation power. Vote-buying – Thailand's endemic disease – will surely further distort election results. On the other side of the aisle, the Democrats are particularly vulnerable to the campaign of the People's Alliance for Democracy (PAD) to boycott the election. The conservative »yellow« constituency of the Democrats is more likely to follow this call. With no bigger party gaining an absolute majority, the support of smaller parties will be needed. Without a doubt, they will accept the highest bid.

1. Human Rights Watch, *Descent into Chaos – Thailand's 2010 Red Shirt Protests and the Government Crackdown*, May 2011, <http://www.hrw.org/en/node/98399/section/2>.

Accordingly, the big parties went out of their ways to court these parties as potential coalition partners or win over small factions to join them together. There were some allegations that these efforts by the Democrats were encouraged by the »powers that be«. On the other side of the aisle, drug raids carried out by soldiers in »red« strongholds led to a war of words between the Royal Thai Army and Phuea Thai. Despite repeated vows to remain neutral and accept any election result, it is not too hard to guess what the personal choice of the army leadership would be. In contrast to these quarrels, the silence of civil society on policy issues is deafening.

Thai politics have little to do with ideology and even less with programmes. By and large, there are very few differences between the policy platforms, even of those parties that oppose each other fiercely. Parties are formed, merge with each other, and disintegrate quickly. Candidates switch sides in the blink of an eye. This confusion subsides when one looks beyond the generic party labels and focusses on the political actors behind them. Many candidates can look back on a long career, some even served in high-level government positions. These grandees preside over a network of supporters who are prepared to follow any moves by their patrons. It is these patrons who make new deals and arrangements in the run-up to every election to secure maximum benefits for their followers and themselves after the election. Accordingly, Transport Minister Sohpon Zarum's candidly remarked that smaller parties were ready to form a coalition with any side, as long as they could stay in government. Hence, smaller parties will find ways to benefit from their position to tip the scale. However, beyond the internal party bargaining, the playing field is not even: in order to form a government, Phuea Thai must win the elections by a large margin in order to gain the legitimacy necessary to deter its opponents from intervening.

Whoever forms the next government, the »money politics« and the cynical bargaining over power and resources that discredit Thailand's political system will surely continue. Still, the fierce struggle after the elections over the pole position for the main race should be seen as some kind of political competition. Voters can decide who will get the best cards for the grand poker game over who will form the next government. Yet other, unconstitutional forces have already taken their seats at this table.

### 3. The Political Conflict: Thailand Struggles Over Its Political and Social Hierarchy

This already indicates that political developments 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.

To fully comprehend the political conflict, one should not be misled by the »red« and »yellow« labels. In particular, the Western media reading of the colour-coded conflict suggests an ideological or class-based cleavage between fixed societal camps that does not exist in reality. This crude reduction of the actual situation – for example, the multi-billionaire Thaksin and his republican lumpen proletariat on the one side, and the royalist upper and middle class on the other – makes it difficult to properly understand the prolonged and multi-faceted conflict. In fact, many Thais – be they demonstrators on the streets or political actors within the institutions – move comfortably back and forth between the two sides. Still, the conflict polarises relations even between families and close friends, and runs counter to ideologies and social strata. Yet both »red« and »yellow« coalitions bring together actors with divergent interests and diverse values.

#### The Traditional Social Contract Deteriorates

A brief retrospect helps in understanding the current situation. With rapid socio-economic development in the 1980s, Thailand used to be cited as a role model for other developing and emerging countries. In 1997, civil society succeeded in passing a democratic constitution that decidedly repelled the political role of the military. Yet, the Asian crisis upset many high-flying hopes. Banks and companies went bust by the dozens; unemployment and poverty exploded. National business elites, already on the verge of extinction, found themselves sidelined 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.<sup>2</sup> This was by no means an ideological

2. 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.

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.

#### The Society Briefly 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. »Help for self-help« policies, such as cheap credit for villages and basic health insurance for all, secured the support of the poor and were applauded by civil society. The rock-solid support of the poor 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 (e.g., through the »war against drugs« and the »culture wars« to reign in Bangkok's libertarian nightlife).

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. Several mergers with smaller parties allowed Thaksin to gain control of two-thirds of the parliamentary seats. »Thaksinomics« worked: in his re-election, the media tycoon won the first absolute majority in Thai history.

#### 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.«<sup>3</sup> 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 (e.g., political control of the media and hardball attempts to silence critics) alarmed civil society, who feared the erosion of the hard-won democratic constitution. The violent and authoritarian tendencies of the »electorate«<sup>4</sup> was interpreted as the formation of an authoritarian »Singaporean« regime. Thaksin's audacious bragging behaviour 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.<sup>5</sup> Thaksinomics unequivocally legitimises power through democratic elections and assures enduring public support through social policies. Local elites – who effectively control the

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

4. Kasian Tejapira, *Toppling Thaksin*, *New Left Review* 39 (May/June), 2006.

5. Kevin Hewison, 2005.

House of Representatives and can organise mass 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 Yellow Anti-Thaksin Coalition Emerges

The middle class was driven to the streets to protest against Thaksin's shameless self-enrichment. Under the »yellow« colour of the King, Thaksin's opponents joined forces and mobilised against his »populist«, »corrupt«, and »republican« government. In 2006, and again in 2008, hundreds of thousands demonstrated in »yellow« shirts. In the »yellow« 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 Democrat Party's support for the »yellow« coalition started off lukewarm, only to eventually become the biggest winner in its struggle to bring down »red« governments by forming the first »yellow« government.

#### The Red Coalition Forms

Partisans of the »red« coalition referred to themselves as »Prai«. Deliberately diverging from its traditional meaning,<sup>6</sup> this identity tag has been carefully redefined to include all those who – irrespective of their merits or social positions – are excluded by the »owners of the nation« from full participation in political, social, and cultural life. The »red« coalition is an alliance of the new business elites with the Northern and North-Eastern elites and middle classes as well as participation of the

security forces (e. g., the police) and local elites. This elite coalition builds its legitimacy through greater inclusion of the urban and rural poor. Within the »red« coalition, it makes sense to differentiate between the political party Phuea Thai and the social movement United Front for Democracy against Dictatorship (UDD). Phuea Thai is not a leftist party but a vehicle of the rich – for the rich – that struck a deal with the poor: »help for support«. Neither the programme nor the policies of Phuea Thai were aimed at structural changes in the political economy. Although the »help for self-help« policies of the first »red« government clearly reduced poverty in absolute terms, they were never intended to establish a welfare state, but rather to facilitate entrepreneurial self-initiative with a view to boosting employment and productivity. In contrast, the »red« movement 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<sup>7</sup> 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: protection for the middle class and help for the poor.

Without going into too much detail, it is safe to say that both coalitions reach into the palace. Therefore, it is wrong to speak of a conflict between a republican and a royalist camp.

#### The Conflict Escalates

The outcome of this first round of the conflict is widely known: after the first »yellow« mass demonstrations, the military staged a coup d'état in 2006. The governing parties were prohibited, their leaderships banned from politics. Thaksin's wealth was confiscated and he fled the country when he was about to be convicted for corruption charges. Although the constitution and the electoral law have been rewritten, the »red« coalition won yet another election in 2007, only to be overthrown again after »yellow« mass demonstrations, this time in

6. Traditionally, »Prai« refers to the underclass of subjects, opposed to the aristocracy of the »Amart«.

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

a silent coup by the judiciary. The game turned around after the »yellow« Abhisit administration was brokered by the military, according to Chumpol, under considerable pressure from the »invisible hand«. »Red« demonstrators attacked the ASEAN Summit in 2009; a series of bomb blasts rocked Bangkok and its surroundings. Starting in March 2010, »red« mass demonstrations paralysed Bangkok's business district for months. Prime Minister Abhisit was unable to avert the following tragedy. Under pressure from his political patrons, he cracked down on the demonstrations. Investigations determining who was responsible for the 92 dead, 2,000 injured, and the arson of several shopping malls continue to be suppressed. Under the state of emergency, security forces effectively had free reign for several months. The scale of the subsequent crackdown against the freedom of expression is unique, even in Thailand's long history of censorship. Leaders of the extra-parliamentary opposition were detained. Human rights groups reported cases of torture. »Red« media were banned and more than 100,000 web pages disabled. The number of critics convicted on account of *Lèse Majesté* exploded. As a result, Thailand's ranking in all democracy and human rights indexes declined steeply.<sup>8</sup> A climate of fear had Thailand in its grip.

#### Taking Stock: Smells Like Stalemate

Still, even after five years of fierce struggles, neither side has been able to decisively win the conflict. The complicated political situation following the widely expected win by Phuea Thai underlines this stalemate. Recently, some indications have shown that both sides are beginning to rethink their situations.

Thaksin seems to have realised that a return to political and economic life would be difficult without some sort of understanding with the traditional elites. First indications of an arrangement became visible at the start of 2011, when the government granted the former media tycoon access to the share of his billions that was not

confiscated by the courts. Ever since, Thaksin has not missed a chance to demonstrate his loyalty to the monarchy. Phuea Thai vigorously supported an initiative by Prime Minister Abhisit to ban any mentioning of the monarchy in the election campaign. From his self-imposed exile, the former Prime Minister repeatedly tried to reign in the overtly republican factions of the »red« shirts. Reconciliatory overtures were aimed at breaking up the phalanx of his adversaries. Former army chief Chaiyakit Shinawatra (Thaksin's cousin) and Phuea Thai frontrunner Yingluck Shinawatra signalled to the alarmed army leadership around General Prayuth Chan-Ocha that a »red« administration would keep them in office. The »reconciliation« platform of Phuea Thai, carefully chosen and pushed by Thaksin personally, has explicitly targeted his anxious opponents with the promise to relinquish any thoughts of revenge after an election victory. The proposed referendum over an amnesty bill to clear the way for his return immediately caused outrage in the »yellow« camp. Still, a broad amnesty scheme for political offences would include the leaders of the People's Alliance for Democracy, who are currently being prosecuted. Thaksin is pursuing a dual strategy: Phuea Thai is supposed to collect the necessary political capital with a victory in the elections, with a view to prepare a Grand Bargain with the traditional elites after the elections.

It is harder to determine a clear tendency in the heterogeneous »red« shirt movement. On the one side, the crackdown considerably amplified the republican tendencies of the »red« movement; the »Red Siam« group represents this side of the »red« spectrum. The »red« movement's provocative speaker, MoP Jatuporn Prompan, who engaged in a »war of words« with the security forces, was detained under *Lèse Majesté* allegations immediately after the resolution of Parliament in May. On the other side, the »Red Sunday« faction is struggling to find a moderate course. The Bangkok group of the UDD defied the ban on organised gatherings under the emergency decree and defined the public image of the »red« shirts for months with peaceful bi-weekly memorial marches that drew crowds of thousands. The democratic tenor of these marches did much to win the sympathies of many in civil society, academia, and labour unions. After their release on bail, the »red« shirt's leaders also tried to moderate the increasingly autonomous movement. The candidature of 22 UDD leaders on the Phuea Thai lists shows the commitment of the extra-parliamentary opposition to contribute to the parliamentary process inside a truly democratic constitutional framework.

8. The Economist Intelligence Unit, Democracy Index 2010: Flawed Democracy (Rank 57 of 167), [http://graphics.eiu.com/PDF/Democracy\\_Index\\_2010\\_web.pdf](http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf); Freedom House (FH), Freedom in the World 2011: Partly Free (Downward Trend), [http://www.freedomhouse.org/images/File/fiw/FIW\\_2011\\_Booklet.pdf](http://www.freedomhouse.org/images/File/fiw/FIW_2011_Booklet.pdf); FH, Freedom of the Press 2010, Partly Free (Rank 58), <http://www.freedomhouse.org/uploads/pfs/371.pdf>; Reporters without Borders, Worldwide Press Freedom Index 2010, Rank 153, Downward Trend, [http://www.rsf.org/IMG/CLASSEMENT\\_2011/GB/C\\_GENERAL\\_GB.pdf](http://www.rsf.org/IMG/CLASSEMENT_2011/GB/C_GENERAL_GB.pdf); Friedrich-Ebert-Stiftung Thailand, Asian Media Barometer 2010.

Traditional elites have begun to realise that, despite all efforts to regain power by all means necessary, the competing elite coalition has not been shattered. Even worse, the escalating conflict de-legitimises all institutions and undermines the traditional order. Both the direct seizure of power in 2006 and the indirect instalment of a proxy government in 2008 failed to break up the »red« coalition, or at least diminish its political clout. The army, which regained much of its traditional role in politics as well as access to considerable resources over the past years, fears retribution by Thaksin should Phuea Thai manage to win the elections. The endless rumours about a putsch – despite duty-bound vows by top military leaders to remain neutral and respect any outcome of the elections – bear testimony to these concerns. The military's show of force increasingly undermined the authority of the government. Whether through appointing top positions in the army, the unilateral lifting of the state-of-emergency, or the refusal to work together with Indonesian mediators in the border conflict with Cambodia, the security forces hardly missed a chance to dupe the Prime Minister and his cabinet.

After the establishment of the »yellow« government, little was heard of from PAD. However, two years later, the remaining nucleus of the anti-Thaksin movement feels betrayed by their »yellow« allies and has set out to regain influence by taking to the streets again. The allegations against their former allies are essentially the same as those against the »red« governments: corruption and the sell-out of Thai sovereignty. More worrisome is the increasingly aggressive stance of PAD's leadership against the system of parliamentary democracy, which it vows to defend in its name. The rationale to mobilise the masses by fuelling nationalist sentiments did not make sense. The self-proclaimed movement for the protection of the monarchy lost the favour of the traditional elites after a small group of »yellow« demonstrators occupied the streets in front of the government building to attack the government and later called for a boycott of the elections. In the run-up to the highly competitive elections, the »Vote No« campaign threatened to divide the beleaguered conservative camp. Suddenly, PAD leaders were being prosecuted for their role in the occupations of the government house and the airports in 2008. The stand-off between PAD leaders and their offspring – the New Politics Party – over the election boycott signalled the grand finale of »yellow« self-destruction. The once

proud people's movement for the defence of democracy degenerated into a handful of extremist nationalists fighting to suspend parliamentary democracy or abolish it altogether.

Thus, all central actors found themselves in a weakened position. Neither side seems strong enough to single-handedly win the conflict. The conflict has reached a stalemate.

#### Elections As a Way to Break the Impasse?

Apparently, Prime Minister Abhisit concluded that he would keep losing influence, and thus decided to take action. A victory in the elections would once and for all eliminate the shadow of illegitimacy that has hung over the government ever since its formation. The timing seemed right to catch the opposition on the wrong foot. Had the government served until the end of its term, the ban of several top »red« politicians would have ended. The difficult Phuea Thai had in settling its hierarchy became evident in its endless wrestling over issues concerning party leadership and its top candidate. The Democrat Party on the other hand seemed well equipped. With a big campaign budget and a popular front-runner, victory over the leaderless opposition seemed possible.

However, the »yellow« coalition did not seem quite as sure of victory. To be on the safe side, a second strategy has been implemented to prepare for the showdown with Thaksin: to dig in! The months after the crackdown were used to staff key institutions with a phalanx of loyal allies. The army and police are led by former officers of the palace guard. Governors and district heads in the »red« provinces in the north and north-east were replaced. The Senate was filled with Thaksin's opponents. The Constitutional Court and Election Commission were pressured to decide in favour of the interest of the traditional elites. The special powers of the Center for the Resolution of the Emergency Situation – quietly criticised by many as a parallel government – were by and large transferred to the Internal Security Operations Command after the state of emergency ended, which de facto continues to operate largely beyond Parliamentary control. The Department of Special Investigations, a special unit under the Ministry of Justice, is aggressively persecuting the leaders of the »red« movement.



## Deal? Or No Deal?

In this dead-end situation, the elections could at least open a window of opportunity for a rapprochement between the competing elite factions. Such a deal could include the Phuea Thai forgoing the position of the Prime Minister's office in exchange for the »yellow« camp approving amnesty for Thaksin. Smaller parties hope for this option, such as the Chat Thai Pattana party under Deputy Prime Minister Sanan Kachornprasart, who has been campaigning for himself as a compromise candidate with the help of conciliation initiatives.

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. This holds particular true for the hard core of PAD. Without Thaksin as the enemy, the fate of the »yellow« shirts is probably sealed. Should Phuea Thai go ahead and press for amnesty to clear the way for Thaksin's return, »yellow« rage could again hit the street. For sure, the military leadership will use its veto power to safeguard its interests. In case a »red« administration sidelines the officers involved in the coup of 2006 and the crackdown of 2010 or deny the army their say in staffing the Ministry of Defence, the military could decide to step in again. Under the pretext of »fighting drugs« or »vocational training projects«, legions of soldiers were deployed in »red«-leaning constituencies and promptly accused of intimidating villagers. The war of words between the army chief and Phuea Thai further fuelled concerns over the role of the military after the elections. The artificially inflamed border conflict with Cambodia could easily be exploited as a pretext for the self-styled »guardians of the nation« to intervene once again in the political process.

However, in the global context of the »Arab Spring«, tanks in the streets seem unlikely. A far more »elegant« solution would be another »silent coup« by the judiciary. Disbanding political parties and banning political leaders already proved to be an effective tool in bringing down the »red« administrations of Samak Sundaravej and Somchai Wongsawat in 2008. The dirty work of suppressing civilian dissent also seems to have been left to the judiciary, which has dutifully been convicting regime critics and shutting down media on an unprecedented scale. The extent to which the judiciary can be

exploited<sup>9</sup> was further demonstrated when it dropped corruption charges that could have led to a ban of the Democrat Party on flimsy procedural grounds. Accordingly, the military was allegedly collecting proof against the Phuea Thai candidates during the elections in order to pressure a »red« administration, or even avert it entirely.

Thaksin, too, is flexing his muscles. To counter the endless rumours about an imminent coup, he threatened that another putsch would end in bloodshed. This invokes memories of the bomb attacks that rocked Bangkok last year. Another wave of »red« shirt protests seems likely if Phuea Thai is denied to form a government after an electoral victory, or if another »red« government is taken down by the judiciary on flimsy pretexts.

## 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.

## 4. 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

9. Prasit Pivattapanich, *Kanmüang Thai lang pratpahan (...)* [Politics after the Coup: The Revival of Bureaucratic Power], Bangkok 2009, 24 40; Piyabutr Saengkanokkul, *The Judiciary and the Democracy*, 20.4.2008, <http://www.prachatai.com/english/node/601>.

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.

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

##### 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 per cent of GDP) indicates in fact how deeply the country is integrated in the global division of labor. 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 peo-

ple. In sum, the vertical and semi-authoritarian<sup>10</sup> 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.<sup>11</sup>

##### Expectations about the Performance of the State Are Growing

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.

##### Emancipated Citizens Have 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

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

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

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 support the basic principles of electoral democracy: »one man, one vote«.<sup>12</sup> 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.<sup>13</sup> 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.

## 4.2 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 being questioned where they stand against freedom of expression and the democratic modus of deliberation and decision-making.<sup>14</sup> 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.

### 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

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

13. Ibid.

14. Ibid., p. 16.

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<sup>15</sup> of the Kingdom has fuelled a long civil war in the Malay-Muslim provinces of 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. Correspondingly, 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.

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

### 4.3 In Sum: The Crisis Can Only Be Solved Through the Adaptation of Order

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.

## 5. How to Organise the Renegotiation of the Social Contract?

Most modern societies had to go through similar transformation crises before developing into prosperous democracies.<sup>16</sup> Accordingly, the 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 Solve the 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 deli-

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

beration 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<sup>17</sup> 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.

#### ■ **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.

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



### ■ 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.

## 6. Outlook

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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