

Balancing the Checks: Thailand's Paralyzed Politics Post-1997

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Since 1997, following the twin transformations of economic meltdown and comprehensive constitutional changes, practically every area of Thailand's public sphere has undergone significant reordering. New checks and balances have been created, new institutions established, old institutions abolished and merged, and new rules of the electoral game put into place. A major new political party has emerged that currently dominates the parliament, civil society is flourishing, and dozens of mass protests are thriving all over the country. Yet beneath this veneer of change, the old Thailand is recognizably intact. Politicians of doubtful integrity still flourish; social cleavages are as evident as before; corruption is endemic and accountability weak; election results are contested and contentious; and the military, though lying low, retains an inordinate number of privileges. Despite the reform process, the Thai political system remains in a feeble state; new institutions designed to improve the functioning of the parliamentary and party political orders have thus far failed to change the rules of the game.

Thailand's current predicament is not a life-or-death crisis threatening the survival of the nation-state; rather, it is a lingering malaise, a complex of anxieties surrounding the workings of the post-1997 institutions and processes of political reform. At heart, it centers on dysfunctional elections, an unsatisfactory parliamentary system, and the failure of newly created regulatory bodies substantially to improve matters. Thailand introduced a substantive political reform process in 1997, yet this process of institution-building has not yet alleviated the old structural problems of endemic money politics and low-caliber political leadership. These problems reflect fundamental socioeconomic divides. Thailand's process of democratic consolidation remains tantalizingly incomplete. The accountability of politicians is rather weak (corruption thrives at the highest lev-

els of government), and a flawed and manipulated electoral system undermines the basic principles of representation. Most important, because electoral outcomes are widely questioned by ordinary Thais themselves, the legitimacy of the elected representatives is often in doubt. Some of the new institutions created after 1997 to provide checks and balances—thus ensuring greater degrees of responsiveness, transparency, and capability—have been fatally compromised by politicization. In many respects, the 1997 reforms have failed to cure the problems that characterized the pre-reform political order in Thailand, and the introduction of new regulatory bodies has thus far complicated matters more than improved them. Underlying Thailand's political woes is a fundamental discrepancy between two different modes of legitimacy—a discrepancy that amounts almost to an ideological divide.

At the same time, vigorous public debate about the failings of the reform process testifies to an irrepressible civil society and, arguably, to a kind of democratic spirit beneath the murky meanderings of the formal political institutions. This article examines the complex disjunctures between procedural and substantive reform processes in Thailand, arguing that to date attempts to engineer liberal democracy in Thailand through the creation of rule-based systems—and new institutions to monitor and enforce new rules—have largely failed. At the same time, the picture is not a static one; Thai politics is in a dynamic state of flux. The reform process has generated heightened expectations and greater space for nonstate actors to challenge powerholders. Although Thailand's political troubles were seen by many of those who framed the 1997 reforms as institutional in origin, the outcome of the reforms was a new remedy and old results. The real political problem in Thailand is the discrepancy between two forms of legitimacy: electoral and technocratic. A socioeconomic dimension of this is the idea of Thailand as two countries: the electoral heartlands of the provinces, and the technocratic heartland of Bangkok.

Thai politics can perhaps best be understood in terms of a big interlocking paradox or puzzle: political dualism. This dualism reflects the coexistence of two competing realities: the rise of technocracy and the rise of money politics. Although Thais have long preferred highly qualified figures to run important areas of public policy, they have consistently elected numerous professional politicians with dubious backgrounds and reputations for corruption. This political dualism seems to testify to an underlying schizophrenia, an ability to live with a dysfunctional order. The latest manifestation of this dualism has been the rise of Thaksin Shi-

nawatra and his Thai Rak Thai Party (TRT), which has emerged despite the creation of new post-1997 institutions designed to curtail the influence of money in politics. Disguised as a party of new-look technocrats, TRT is in fact largely a collection of discredited opportunists, many of whom are unable to differentiate between their private interests and their public responsibilities. Making sense of this puzzle is the task here. At the core of the puzzle is a contrast and contradiction between two forms of legitimacy: electoral legitimacy and technocratic legitimacy. It will be argued that whereas electoral legitimacy is required to create a government in Thailand, the maintenance of technocratic legitimacy is a prerequisite to remain in power.

David Beetham—a persistent critic of minimalist definitions of democracy based on the establishment of institutions and the holding of elections—has argued that democracy is always a question of degree; the two crucial variables are what he terms “political equality” and “popular control.” It is argued here that despite the existence of formal democratic institutions and mechanisms, Thailand is characterized by significant political inequalities and a paucity of popular control (Beetham 1994: 159). David Potter differentiates between three broad approaches to democratization, which he terms the “modernization,” “transition,” and “structural” approaches (Potter 1997: 10–24). Here I employ an eclectic mixture of the transition and structural approaches, crediting Thailand’s elite actors with important roles in advancing or impeding democratic causes while also noting the underlying constraints imposed by a largely rural-based electorate.

The Road to “Reform”

In order to understand the origins of Thailand’s troubled politics and the competing claims of technocratic and electoral legitimacy that characterize that politics, I briefly review the country’s modern political history. Since the end of the absolute monarchy in 1932, Thailand has enjoyed a form of disorderly semipluralism: cliques of bureaucrats, military officers, and elected politicians have shared power severally or consecutively. There have been sixteen constitutions and a similar number of military coups or coup attempts; constitutional reform in Thailand is not a matter of tampering with sacred texts but a standard piece of political business as usual (McCargo 1998: 5). The military suffered major political setbacks in

the mass protests of 1973 and 1992 (despite a comeback in 1976) and has recently been unable to mount a substantial challenge to the civilian-dominated order. The 1980s and 1990s were broadly characterized by the rise of elected politicians, many linked to business interests—legal, semilegal, and illegal—and with power bases in the provinces, usually rural (McVey 2000). Soldiers and civilian bureaucrats were a traditional elite in Thailand, but the rise of provincial business was associated with attempts by local civilian politicians to gain the upper hand over elites. At the same time, by the 1980s, political space was opened up for a raft of civil society forces: nongovernmental organizations, environmental protestors, disgruntled farmers and members of the urban poor, critical journalists, and underpaid academics moonlighting as broadcasters, columnists, and public intellectuals. Although Thailand experienced very rapid economic development from around 1960 onward, growth was not without costs: sizeable socioeconomic cleavages opened up between the industrial and service sectors of greater Bangkok (the capital city and five adjoining provinces) and the largely agricultural areas of the country's other regions. By the 1970s, migrant labor, much of it from the impoverished northeastern region, swelled the population of the capital to twice the official number. Politicians needed rural votes to gain office, as 90 percent of parliamentary seats were in the provinces. Accordingly, they invested vast sums in abusing and manipulating the electoral process, mainly by buying votes and paying off election officials in the countryside (Callahan and McCargo 1996). Yet time after time, prime ministers were unseated when they lost favor with Bangkokians (Suchinda Kraprayoon in May 1992, Chuan Leekpai in May 1995, Banharn Silpa-archa in October 1996, and Chavalit Yongchaiyudh in November 1997). Governments came and went with predictable regularity: between February 1991 and February 2001, Thailand had nine different governments led by seven different prime ministers.

Even before the Asian economic crisis that began with the *de facto* devaluation of the Thai baht on July 2, 1997, there was a broad coalition of support for reforming the Thai political system. From 1994 onward, committees were actively preparing blueprints for constitutional change, and by mid-1997 the business of redrafting the constitution was practically complete. The politics underpinning the Thai reform process were complex: different actors supported reform for radically different reasons.¹ The main advocates of reform were conservatives with a bureaucratic background, many of whom traditionally disliked electoral politics

because they saw it as a threat to their own power and position. Although this group was by no means homogenous, its members shared a deep skepticism concerning the competence of politicians to manage economic and public policy. Conservative reformers were supported by more progressive groups that sought to make the state more accountable to the people. In other words, reformers were divided between a strong preference for benevolent technocracy—a leading reformer had described Thailand as suffering from “parliamentary dictatorship”—and a flirtation with enhancing democracy. Most proposals for political reform centered around crafting institutions and procedures rather than strengthening popular rights, reflecting the legalistic and institutional preoccupations of the elite drafters of the constitution.² Faced with enormous domestic and international pressures following the crisis, reluctant parliamentarians were forced to approve a constitution designed to reduce the influence of money in politics and make political careers more accessible to educated, experienced, and competent figures with the capability to serve as ministers.

The new constitution had three main novel components worthy of mention: articles that addressed reforms of the electoral system; articles establishing new bodies intended to check and balance the potential for abuse of the political process; and articles dealing with popular rights. The main reforms of the electoral system involved replacing an appointed senate with an elected one comprising 200 nonpartisan figures; the creation of 400 single-member parliamentary constituencies; and the establishment of 100 party-list members of parliament (MPs), from whom ministers were to be drawn. Switching parties was made much more difficult. New independent bodies included the Election Commission—with sweeping powers to disqualify alleged cheats and to rerun elections—the National Counter-Corruption Commission, the National Human Rights Commission, and the Constitutional Court to adjudicate all matters concerning the interpretation of the constitution. Constitution drafters clearly imagined these bodies as being largely populated by elite technocrats such as themselves. Several new provisions made it possible for citizens to challenge the actions of powerholders.

It is difficult to argue that the reform process to date has proved substantively successful. In 2000 and 2001, the Election Commission ordered repeated reruns for the supposedly apolitical Senate elections; numerous senators, including the Senate president, lost their seats as a result of alleged cheating. The January 2001 general election was charac-

terized by an unprecedented degree of fraud and saw a landslide victory by one of Thailand's richest men, Thaksin Shinawatra. Again, there were repeated election reruns in numerous districts. Thaksin was investigated by the National Counter-Corruption Commission for alleged irregularities in his assets declarations, but he was finally acquitted by the Constitutional Court in August 2001 by an 8-7 vote. He was cleared only because certain judges advanced the controversial argument that the relevant law did not apply to him at the time in question. According to a source quoted by the *Bangkok Post*, two of the judges changed their minds the day before the vote after lobbying by a senior figure in Thai society. One judge declared, "I was forced to swallow my blood while writing this" (*Bangkok Post*, August 4, 2001). The term of office of the five election commissioners expired in late 2001; none of the existing commissioners was retained, and the process of selecting replacements became highly politicized; most of those nominated had little credibility. The new chair of the commission had himself been ousted from the Senate by the old commissioners, on grounds of abusing the electoral system. During the first half of 2002, the chair of the Election Commission was ousted, and four of the judges who had acquitted Thaksin were suspended following a complaint to the National Counter-Corruption Commission brought by one of Thaksin's political rivals. The cumulative effect of these and other controversies was to erode the credibility of the new governing structures. The argument that legal mechanisms could really curtail the activities of businesspeople-turned-politicians became increasingly difficult to substantiate (see Table 1).

Elections and Political Legitimacy

Problems of electoral legitimacy have long plagued Thai politics; they lie at the heart both of the 1997 reforms and of subsequent problems with their successful implementation. Long before 1997, the outcomes of Thai elections had been little more than convenient fictions. Everyone cheated; everyone knew that everyone cheated; and everyone overlooked all but the most flagrant breaches of the rules. To cite but one example of successful shenanigans: when up-and-coming Chart Thai MP Anurak Juri-mak seemed on the verge of losing his Roi Et parliamentary seat during vote-counting in the 1996 general election, there was a mysterious power failure at the provincial hall. When the lights came back on, he had mirac-

Table 1 Thai Governments of the 1990s

Prime Minister	Dates	Source of Power	Technocratic Legitimacy	How Ousted
Chatichai Choonavan	1988–1991	election	low	military coup
Anand Panyarachun	1991–1992	military coup	high	limited term
Suchinda Kraprayoon	1992	manipulated election	low	mass street protests
Anand Panyarachun	1992	royal intervention	high	limited term
Chuan Leekpai	1992–1995	election	quite high	no-confidence debate
Banharn Silpa-archa	1995–1996	election	low	no-confidence debate
Chavalit Yongchaiyudh	1996–1997	election	low	no-confidence debate
Chuan Leekpai	1997–2001	elite pact	quite high	end of term

Source: Compiled by the author. For a narrative discussion see Pasuk Phongchaichit and Chris Baker, *Thailand: Economy and Politics*, 2d ed. (New York: Oxford University Press, 2002).

Note: Anand Panyarachun was twice appointed as an interim prime minister in 1991–1992, in each case to oversee the government prior to elections. In 1992, he was appointed to this position as a direct result of an intervention by the king.

ulously overtaken his main rival. He went on to become a deputy minister. Vote-buying was endemic; it was well known, for example, that a candidate needed to invest around U.S.\$1 million to be sure of gaining a seat in the Northeast, the main bellwether of success for any Thai coalition government. The very people who spoke most critically about electoral abuses in the provinces—representatives of the metropolitan business elite and the officials in charge of overseeing the elections—were those most centrally involved. Thailand's leading companies bankrolled much of the vote-buying, hoping to win concessions from whatever government gained office (Ukrist 1998: 69). Provincial governors and police chiefs, charged with ensuring fair elections, pocketed massive bribes. The media helped preserve the fiction of real elections, promoting discussions of policy debates as though they really mattered. For example, in the weeks leading up to the July 1995 elections, newspapers such as *Matichon* and *Siam Post* devoted considerable column inches to comparing the different policy platforms of the various parties; yet on the very night of the elec-

tion, seven parties immediately sank their supposed differences in their unseemly haste to form an unassailable coalition (McCargo 2000: 103–104).

The deficiencies of this system were readily apparent. It produced an unstable political order in which politicians constantly switched parties and factions in order to maximize their personal advantage. Party-switching was endemic and practiced by junior and senior politicians alike, usually on the basis of a calculation about the likely winner of the next election. Opportunistic MPs would rush to join the parties most likely to form the core of the new government: Chat Thai in 1995, New Aspiration in 1996, and Thai Rak Thai in 2000–2001. For example, when the newly created Thai Rak Thai Party formed the government in February 2001, it had 200 MPs, ninety of whom were veterans of other parties, with an average age of fifty-one.

From the perspective of the Thai voting public, there was little correlation between the electoral legitimacy of a government and the degree of legitimacy with which it was popularly accorded. For example, the military-installed government of Anand Panyarachun (Anand I, 1991–1992) was widely viewed as the best government Thailand had ever experienced. The short-lived Suchinda government of 1992 was backed by a strong parliamentary majority but was generally seen as illegitimate and authoritarian. The Anand II government of 1992 was established in clear violation of constitutional provisions, on the basis of the personal intervention of the king; again, it was seen as highly legitimate. The Banharn (1995–1996) and Chavalit (1996–1997) governments were founded on parliamentary majorities but were rapidly seen as incompetent. The Chuan II government (1997–2001) was widely praised by the international community but had no valid electoral mandate; it came to power without benefit of a general election, the result of a highly questionable realignment of one party faction, apparently sanctioned by the palace. As Table 1 shows, genuinely elected governments never completed their terms in the 1990s.

In other words, the “good” governments of the 1990s (Anand I and II, Chuan I and II) derived their virtue not from electoral success but from the perceived cleanliness of their leaders, the perceived competence of certain technocrat ministers, and the approbation of international institutions and investors—plus the apparent approval of the palace. The “bad” governments of the 1990s (Suchinda, Banharn, Chavalit) derived their lack of virtue not from lack of electoral success but from perceived shortcomings of their leaders and key ministers, along with international disapproval.

coupled with unease in the palace. Thus, it is necessary to distinguish between two types of legitimacy for Thai regimes: electoral legitimacy and technocratic legitimacy. Key criteria for assessing technocratic legitimacy in the Thai context would include the extent to which the prime minister—and key ministers such as the finance minister—are perceived as clean and competent, the extent to which the government meets with approval from international institutions and investors, and the extent to which the palace approves of the government.

A strong showing in the provinces could allow a government to win an election, creating electoral legitimacy. However, any government that could not quickly prove its credentials lacked technocratic legitimacy and so might soon fall from grace. Several mechanisms existed for toppling governments. Whereas in previous decades governments had typically ended in military coups, the Suchinda, Chuan I, Banharn, and Chavalit governments exited in rapid succession from 1992 to 1997 without military interventions. Rather, they fell as a result of various combinations of hostile no-confidence debates in parliament (Chuan I, Banharn, Chavalit), intense media scrutiny (Suchinda, Chuan I, Banharn, Chavalit), and mass demonstrations by disgruntled Bangkokians (Suchinda, Chavalit). These government collapses in the 1990s typically represented the outcome of tactical alliances between groups of opposition politicians, the media, and extraparliamentary forces. In three out of four cases (the exception was Chuan I in 1995), international institutions, investors, and media were generally hostile to the governments concerned.

At the core of Thailand's political problems by the 1990s was a structural tension between electoral legitimacy and technocratic legitimacy. Only one administration during the 1990s (the Chuan I government of 1992–1995) could be said broadly to possess both forms of legitimacy, and even then its technocratic credentials were rapidly eroded in the face of a major land-reform scandal that brought about its demise. Thailand was suffering from a governance stalemate: a government credible to the technocratic elite (and to international commentators) could not win elections, whereas a government that could win elections could not maintain credibility. To understand the prospects for bridging this structural tension between the two forms of legitimacy requires assessing the extent to which the 1997 reforms were likely to defuse or to exacerbate this standoff between technocratic and electoral support. An optimal package of reforms might be seen as one that made electoral and technocratic legitimacy synonymous, by maximizing the likelihood that any elected gov-

ernment would meet the criteria for technocratic credibility outlined above.

Subsequent developments tend to suggest that the 1997 reform process has led to a new form of governance stalemate, a cure that may yet prove worse than the original disease. The 1997 constitution and associated legislation represented a wholesale attempt to “engineer democracy” (Blaug 2002), to reduce the influence of money in elections through a set of legal and institutional mechanisms, and to increase the probability of well-qualified people gaining key ministerial posts. At the center of this engineering process resides the Election Commission, with its formidable array of powers to rerun flawed elections and issue “yellow cards” and “red cards” to candidates suspected of cheating. The original five commissioners adopted a vigorous and highly interventionist approach, ordering reruns whenever they felt that there was substantial evidence of irregularities. They had extensive discretionary powers to decide such matters. For the 200-member Senate, they ordered a total of six reruns of the 2000 elections, altogether covering seventy-eight candidates from thirty-five provinces. In other words, almost half of the senators originally elected had their initial victories invalidated. The sixth round of voting, held in April 2001, still involved ten seats—including that of the president of the Senate, who was ousted in the final round. Three reruns were held of constituency votes for the 2001 general elections, the first round covering sixty-two constituencies in twenty-nine provinces. Even after the fourth round of voting was completed on August 18, 2001, the Election Commission had yet to pass judgment on outstanding allegations of cheating against winning candidates in a further 275 constituencies. In other words, the results of the January 2001 general elections were formally challenged in 337 out of 400 constituencies (Nelson 2002).

On January 8, 2001, the night following the general election, TV news broadcasts showed protestors challenging election results the length and breadth of the country, making formal complaints, holding demonstrations, and even staging miniriots.³ It was simply impossible to gain much sense of how many of these challenges to election results reflected genuine discontent by groups of voters versus how many were orchestrated by parties and candidates who had lost. There was also considerable evidence that challenges were being mounted by gambling syndicates; creative gamblers did not confine their bets to the winners but also bet on margins of victory, turnout, and other variables, thus gaining important stakes in obscure aspects of the final outcome. This range of challenges would not

the country's political parties. Thai parties have been widely portrayed as ad hoc collections of factions, serving mainly to advance the interests of politicians. Nevertheless, successful parties have also presented an "electoral professional" façade that ill-masks their primary activities.⁵ Thai parties such as the Democrats and Thai Rak Thai enjoy a schizophrenic existence, presenting themselves as serious, policy-oriented parties in Bangkok and other urban areas, while simultaneously operating money-driven political machines to harvest votes in the provinces.

In many respects, Thai Rak Thai (literally, "Thais Love Thai") is the epitome of the electoral professional party. It derives virtually all its funding from business interests associated with its leader, Thaksin Shinawatra. Although it claims to have 8 million members, Pasuk Phongpaichit and Chris Baker have suggested that the TRT membership drive "used the principles of pyramid selling to try to sign up enough party members in each constituency to deliver an electoral victory" (Pasuk and Baker, forthcoming). In a way, then, this is the direct-marketing party: selling politics in the same manner as one's friends, relatives, and colleagues may be cajoled into buying an allegedly superior—if suspiciously pricey—dish soap. Membership of TRT was not about paying subscriptions but rather about signing up for a different way of consuming political participation. One of TRT's main strategies also reflected the business background of its leader: prior to the election, TRT bought up large numbers of MPs with strong electoral support machines in their home constituencies, effectively purchasing various political factions such as that of leading powerbroker Sanoh Tienthong and small parties such as Seritham (see Robertson 1996).

Other parties, though nominally still autonomous, received financial backing from TRT sources and became de facto "subsidiary companies" of the TRT parent (notably the New Aspiration Party of Chavalit Yongchaiyudh, which finally merged with TRT in early 2002). Although this was a tried-and-tested strategy for would-be coalition leaders, TRT was better funded and more effective than any previous party at playing the MP transfer market, takeover, merger, and de facto acquisitions games so central to successful coalition-building in Thai politics. It is tempting to suggest that TRT presaged the arrival of a new form of party politics in Thailand. Certainly, Thaksin emphasized various populist policies during the election campaign, notably a moratorium on farmers' debt, a village microcredit development fund, and a low-cost hospital treatment scheme—giving rise to the view that this was a more policy-based administration. Yet at its core, TRT closely resembled the Democrats: an elec-

toral professional party that allowed respectable frontmen to hold certain key ministries but that was substantially based upon old-fashioned money politics and factionalism. Its policy pledges could equally well be seen as populist, clientelist, or illustrative of machine politics.

The aim of the constitution drafters seems to have been to create institutional mechanisms to ensure that provincial wheeler-dealers played second fiddle to professional technocrats. Yet in this they achieved only limited success; legal engineering could do relatively little in the face of overwhelming political realities. Although the 1997 reformers appeared to have hoped for the emergence of sizeable parties dominated by technocrats, Thaksin's preference for a grand government coalition incorporating virtually all political groups—other than the Democrats—represented a break with the old rules of the game, under which each party took a turn to sit for a relatively short period on the opposition bench. Thus the electioneers and their political factions remained extremely salient players.

Social Cleavages: Thailand as "Two Countries"?

Underpinning the split between technocratic and electoral legitimacy that forms the basis of Thailand's political tensions is a fundamental geographical divide. In socioeconomic terms, Thailand comprises two countries: Bangkok and its five surrounding provinces, which monopolize most of the industrial capacity and receive the lion's share of national income, and the rest of Thailand, whose economy remains largely agricultural. More than 20 million people, roughly one-third of Thailand's population, are legally resident in the nineteen provinces of the Northeast, a drought-ridden region with a history of poverty and of resistance to Bangkok. The overwhelming majority of these people are of Lao ethnicity. Despite their nominal residence in the Northeast, perhaps half of the region's working adults actually spend most of the year in Bangkok or elsewhere, employed in factories, on construction sites, as domestic servants, or as taxi drivers. Hundreds of thousands are working abroad, notably in Taiwan (180,000 in 1995) and in Israel (see Keyes 2002: 65–71). Election laws make it impossible for most Northeasterners to register to vote in the places where they really reside, thereby massively distorting the political process. Absentee villagers who return home just a couple of times a year (often during elections) are prime targets for vote-buyers.

At the same time, the political reform process has generated heightened expectations from people in the regions that their voices will be heard in Bangkok. All over the country, protests over issues such as dams, gas pipelines, pollution, prices of farm produce, depletion of fish stocks, and access to farmland have been flourishing.⁶ By 2000, every major project concerning the appropriation of land, forest, or water was blocked by protestors (Pasuk and Baker, forthcoming). The largest section of the population had been marginalized from mainstream economic development and political participation, but groups of the urban and rural poor were proving extremely successful in agitating for their causes. Groups such as the Assembly of the Poor (which camped outside the Government House for ninety-nine days in 1997) and the Small Scale Farmers Federation of Isan emerged as highly effective protest organizations and sought to extract concessions from the state (see Somchai 2001). Although Northeastern farmers were key players in many protests, notably the Pak Moon Dam protests in Ubon Ratchathani, the discontented also included urban slum-dwellers, Malay fisherfolk in the southern region, tribal peoples up north, and a host of other displaced and marginalized communities (see Kanokrat 2002).

This urban-rural divide has considerable political implications. Most Thai governments in the 1990s were “made” in the countryside (through the machine harvesting of rural votes) yet subsequently “unmade” in the capital as a result of elite and middle-class dissatisfaction. This was clear in the case of two short-lived premierships: that of provincial businessman Banharn Silpa-archa (1995–1996), who was derided for his lack of sophistication; and former army chief Chavalit Yongchaiyudh (1996–1997), who was summarily ousted after the economic crisis. In a classic discussion of the two-countries idea, Samuel Huntington argues that “if urban elites identified with the political system are . . . able to bring the peasants into politics on their side, they are able to surround and contain the instability of the city” (1968: 77). This aptly describes the electoral strategies adopted by Banharn, Chavalit, and, most recently, Thaksin; yet this “containment” often proved short-lived. Anek Laothamatas pushed the argument further, suggesting that Thailand contains “two democracies”—one based on the urban middle class, the other on rural farmers (Anek 1996). However seductive these interpretations may seem, they are incompletely convincing. Middle-class approval for the 1991 military coup and the fickle Bangkok electorate’s unexpected enthusiasm for archconservative Samak Sundaravej’s successful 2000 city gubernatorial bid are just two illustrations that contradict Anek’s idealized view of the urban middle

class as a consistently rational political actor. Similarly, the countryside is a category that requires unpacking; in recent years, southern Thailand has voted practically en bloc for the Democratic Party (a rural area supporting a party often perceived in the 1990s as the natural voice of the urban middle class). In practice, the urban-rural distinction was often just a convenient way of branding the really salient divide—that between electoral legitimacy and the more stable and sustainable technocratic legitimacy. This cleavage was closely related to socioeconomic conflicts but did not always map them directly and explicitly. Middle-class attachment to technocratic ideals often masked a parallel lack of enthusiasm for representative democracy: witness, for example, the initial popularity of the 1991 junta and the praise heaped upon the wholly unelected Anand governments of 1991–1992 (see McCargo 1997a: 10–11). This stance mirrors the skeptical attitudes toward electoral democracy long evinced by soldiers and bureaucrats.

The Armed Forces: A Reluctant Return to the Barracks

Military attitudes toward democratic politics are extremely salient to Thailand's political problems. The Thai military was for many decades one of the world's most coup-hungry: it staged eighteen coups or coup attempts between 1932 and 1991, or almost one coup every three years. William A. Callahan explored the way in which the Thai military had consistently sought to exploit and manipulate the discourse of democracy: "Democracy is tied to the military's power and stability, at the expense of the people's participation" (Callahan 1993: 136). Elsewhere I have argued that there was no essential ideological difference between the various rival factions that dominated the military between 1976 and 1991: they were all driven primarily by self-interest, a contempt for electoral politics, and a desire to limit the available space for popular political participation (McCargo 1997a: 19–24). Jim Ockey argues that democratization from the late 1970s "was not occurring out of any military commitment to democratic principles. Democracy was a policy, a tool in a war" (Ockey 2001). In other words, the military had its own ways of understanding democracy, as well as its own agendas to pursue during processes of democratic change; military support for civilian dominance could not be blithely taken for granted.

Although many were willing to give the military the benefit of the doubt during the 1980s, the coup of February 23, 1991, marked a major turning point. The coup group created its own ad hoc political party, rigged the March 1992 general elections, and ensured that coup leader Suchinda Kraprayoon was appointed prime minister by the new parliament. Massive urban street protests followed, coupled with dreadful violence when the military opened fire on unarmed civilians on the night of May 17. Around 100 people were killed, and Suchinda was forced to resign. The military had suffered an enormous blow to its prestige; more than a decade later, that loss of face has taken on an air of permanence. In September 1992, a new government led by civilian politician Chuan Leekpai took office. The core of the coalition comprised three political parties—dubbed “angels” by the press—that had consistently opposed Suchinda, and there was a strong antimilitary mood among voters and commentators, especially in Bangkok.

If ever there was an opportunity for civilian forces to turn the tables on the military and strip it of an extraordinary range of privileges—including a culture of near-automatic promotion to major-general for officers and very limited civilian oversight in all areas—September 1992 offered that opportunity.⁷ The main area of privilege tackled by the first Chuan government concerned the removal of some military nominees from state enterprise boards. Little further progress was made during the Banharn and Chavalit governments, but during the second Chuan administration (1997–2001), the prime minister served as his own defense minister—an unusual step for a civilian—and some modest proposals for military reform were advanced. These included placing the supreme commander and chiefs of the three services under the permanent secretary of the defense ministry, an important symbolic change, and reducing military representation on the defense council—a government body overseeing defense issues—so that civilians outnumbered military members.⁸ These reforms encountered strong resistance and met with limited success.

Chuan and his army commander, Surayut Chulanont, also sought to rein in illegal business activities by mafia colonels, actions that apparently triggered a series of retaliatory bombing incidents in Bangkok and Chiang Mai. The postcrisis climate of reduced public expenditure led to some significant cuts in military budgets, including a reduction in the number of overseas military attachés and cuts in combat allowances (which had been liberally awarded to many soldiers despite the fact that the modern Thai

army has never fought a war). Under these circumstances, there could be no question of major new arms purchases, and service commanders were compelled to appear before the parliamentary budget scrutiny committee for the first time. Procurement procedures were streamlined, and a rapid-deployment force was developed and deployed for the first time in East Timor. Problems with personnel and promotions were difficult to overcome, however. The military agreed to reduce troop numbers from 236,000 to 190,000 by 2007 (*Bangkok Post*, May 17, 1999). Chuan tried to expand an early retirement scheme for senior officers, but there were few takers, and the trend of larger class sizes in the military academy meant that overproduction of generals looked set to continue apace. The military also clung fiercely to ownership of the airwaves, which generated enormous profits. Overall, Chuan's well-intentioned but cautious approach to military reform reaped few substantial dividends.

On taking office in 2001, Thaksin Shinawatra appointed former premier General Chavalit Yongchaiyudh as defense minister—a move that generated fears of a repoliticization of the military. Chavalit had been army commander in the 1980s and had been notorious for playing favorites instead of carefully balancing rival military factions. August 2001 saw a wave of military transfers and promotions initiated by Chavalit and Thaksin, which involved the promotion of numerous conservative officers with good political connections. An article in the *Far Eastern Economic Review* argued that this reshuffle was all about “loosening the reformers' grip on the chain of command and marking a return towards patronage-based military politics” (Crispin 2001). Chavalit was singled out for reversing the trend toward reform, seeking to defend and restore military privileges in a wide range of areas. Even Supreme Commander Sompao Chusri broke ranks to complain of last-minute political meddling in the reshuffling process. Notably, many former military precadet school classmates of Thaksin (an ex-police officer) received accelerated promotions: police and army officers enjoy a parallel career structure in the Thai system.

September 2002 saw reform-minded army commander Surayut Chulanont kicked upstairs to the mainly symbolic post of supreme commander, to be replaced by Thaksin loyalist Sombat Attanand. Two of Thaksin's cousins and numerous other classmates were promoted to senior posts.⁹ In early October, Chavalit was ousted from the defense ministry in favor of Thamarak Isarakura, a key figure in founding Thaksin's party.¹⁰ Thaksin's transparent efforts to gain personal control of the army

opened up the possibility of further politicization of the military in the near future.

At present, the role of the military in Thai politics remains severely curtailed; Chai-Anan Samudavanija (1997) has argued that the military has simply been "bypassed" by new forces outside its understanding or control, partly as a result of globalization and limited democratization. Yet the seeds of a potential reassertion of military power have already been sown. Typically, the military has been best placed to flex its political muscles when public confidence in civilian politicians and existing institutions declines. The current political logjams in Thailand have created some of the preconditions for a reassertion of military influence, and the trend toward repoliticizing military transfers and promotions is a dangerous one. This is to suggest not that direct military intervention in politics is imminent, but rather that the political isolation of the military since 1992 may be somewhat reduced.

Institutional Factors: The Palace

The military is only one alternative source of power and influence in Thailand. The biggest challenge to the dominance of elected politicians now comes not from the armed forces but from the royal palace. It is impossible to engage in a proper discussion of governance issues in the context of Thailand without mentioning the role of the monarchy, a topic largely off-limits to Thai scholars and where most foreign observers also tread cautiously. The basic facts are straightforward. As Kobkua Suwannathat-Pian has persuasively argued, since the early 1970s King Bhumiphol has assumed a wide range of constitutional and extraconstitutional powers that make him an important political player (Kobkua 2002). Major royal interventions in October 1973, October 1976, April 1981, and May 1992 have been crucial in determining the political direction of the country. Although the exact nature of each intervention is a matter of continuing debate, the king's 1973 actions supported democracy, his 1976 actions supported authoritarianism, and the 1981 and 1992 actions were broadly democratic yet characterized by troubling elements and apparent ambiguities. There is speculation that minor interventions take place on a regular basis, often through intermediaries such as former prime minister Prem Tinsulanond, who remains extremely influential because of his close relationship with the king. The distinctive place of the king in the Thai political order means

that formal elements of that order—such as the constitution and the Constitutional Court—are effectively subordinated to royal prerogatives. Some of the king's interventions are highly constructive ones, but others testify to simple frustration with aspects of the prevailing order. At times of political crisis, the king's own personal stance becomes a crucial factor in determining outcomes.

In practice, governments have generally required royal approval in order to enjoy lasting spells in office. Once the Suchinda, Banharn, and Chavalit governments appeared to lack the blessing of the palace, they did not endure. This was especially clear in the case of Banharn: immediately after the new prime minister took office, the king appeared on television almost nightly for several weeks, bemoaning the floods, traffic jams, and ministerial ineptitude besetting Bangkok (Tasker 1995). But until 2001, the king had never used the important occasion of his annual birthday speech (given on December 4, the day before his actual birthday) to dress down a serving prime minister. In December 2001, he gave over much of his speech to a barely disguised attack on the arrogance of Thaksin, talking about "double standards" and an unwillingness to listen to criticism. Looking directly at Thaksin, he declared that the prime minister might be happy on the outside but was inwardly displeased at what he was saying to him (*Matichon*, December 5, 2001). It was a rare moment of humiliation for the billionaire tycoon-turned-premier, a reminder that the king could still assert his public moral authority over a mere politician, even one elected by a huge popular landslide.

This standoff needs to be seen in light of several key points. The king has been seriously ill for many years; the crown prince, his likely successor, commands limited respect. Thaksin is said to have formed a close business relationship with the crown prince.¹¹ If Thaksin were to win his hoped-for second term as prime minister, he could be in power until 2009, by which time the king would be eighty-two. In other words, Thaksin has a good chance of presiding over the royal succession.

The political reform movement of the 1990s reflected attempts by the elite to shore up Thailand's political institutions and structures in readiness for the potentially critical juncture of the royal succession. If political reform peters out, and the current king is no longer on the throne, Thaksin and his Thai Rak Thai Party could be left in a very strong position. The king's uneasiness about this prospect could well underlie his tense relations with Thaksin. Given the diminishing salience of the new political institutions, Thailand's current difficulties may also be seen in

terms of a complex power struggle between the king and Thaksin. Thaksin seemed to acknowledge this in a bizarre interview with the *Far Eastern Economic Review*: "Someone is trying to make me clash ideologically with the people through the monarchy. That is very bad. I am wholeheartedly for the king and Thailand" (*Far Eastern Economic Review*, April 11, 2002). Despite the institutional focus of the 1997 reforms, technocratic rationality may be proving of less importance than a straight clash between moral monarchism and electoral tycoonery. The special position of the monarchy provides a third source of political legitimacy that can assume a life of its own, effectively overriding either technocratic credentials or an electoral mandate. No Thai prime minister since 1973 has survived long in the face of overt royal disapproval.

Conclusion

Nearly five years after the 1997 economic crisis and the new constitution that followed rapidly in its wake, the Thai political system is once again in trouble. New institutions such as the Election Commission, the National Counter-Corruption Commission, and the Constitutional Court have checked and balanced one another, leading to a collapse in the legitimacy of the already shaky electoral process and an associated further loss of faith in politicians and political structures. Key developments, such as the Thaksin acquittal and the appointment of some patently unqualified election commissioners in 2001, eroded public confidence in institutions: the useful fictions that previously underpinned the Thai political order can no longer stand up. The discontents included many urban dwellers who had earlier voted for Thaksin, as well as those technocrats and bureaucrats who had long viewed him with suspicion. Meanwhile, as people are emboldened by the new rights implied or specified in the "people's constitution," protests by the urban and rural poor are flourishing all over Thailand. Civil society is thriving, and the scope for enhanced popular political participation seems increasingly to be found outside the sphere of the state and beyond the capital city. Yet this civil society is based heavily upon the decidedly uncivil character of the economic and social cleavages that pervade the country; it is a civil society predicated upon a shopping list of grievances.

In terms of party politics, some argue that the remarkable rise of Thai Rak Thai to a dominant parliamentary position testifies to the emergence of stronger parties with more explicit policy platforms. Although Thaksin's party does reflect a growing trend toward electoral professional

parties, the technocratic professionals remain subordinate to electioneering political cliques and factions. Constitutional provisions designed to separate those of ministerial capability from mere constituency MPs have not worked properly. The landslide victory achieved by Thaksin masks structural problems in the new system, since the way in which election results are so easily challenged could quickly destabilize future administrations with a smaller initial majority. Despite the apparent civilianization of Thai politics, the military retains extraordinary privileges and is ripe for future repoliticization.

Thailand's political order now faces several immediate challenges. The first is how to restore public faith in crucial 1997 institutions, especially the Election Commission and the Constitutional Court. Another challenge is maintaining the momentum of sectoral reform in key areas such as decentralization, education, and health. Among these sectors, how can the government ensure that the military is firmly subordinated to civilian political control? A further challenge is dealing with proposals emerging for reforming the 1997 constitution. Finally, how will the currently tense relations between Government House and the palace play out over the life of the current parliament and beyond?

The answers to questions such as these will be crucial in determining the future direction of Thai politics. If the 1997 institutions remain tainted, sectoral reform slows or becomes bogged down, the military increases its capacity to resist civilian control, amendments successfully roll back some of the progressive elements of the 1997 constitution, and the palace and Government House remain at loggerheads, then Thailand will face mounting political difficulties.

Ultimately, assessing the current state of Thai politics involves returning to the agendas and objectives of the drafters of the 1997 constitution. Was their core aim to weaken electoral politics and ensure continuing technocratic dominance? Or was it to produce a cleaned-up electoral system that would function as a more effective basis for democratic politics? Was their intention to make politics more popularly representative—or less so? As I have argued elsewhere, the 1997 political reforms were animated by a confluence of competing agendas and did not reflect a coherent vision (McCargo 1998). The resulting tensions in the Thai political order illustrate the stalemates produced when powerful elected politicians vie for control with mainly technocratic appointees who occupy key positions in regulatory bodies such as the Election Commission. Thailand is characterized by intense political dualism, as electoral legitimacy competes directly with constitutional technocratic legitimacy for ascendancy

in the prevailing order, leaving the military marginalized, the monarchy serving as an extraconstitutional referee, and the voters waiting for the next round.

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Notes

Many thanks to my regular Thai politics discussion partners, who include: Chris Baker, Ricardo Blaug, Michael Connors, Shawn Crispin, Kevin Hewison, Michael Nelson, Naruemon Thabchumpon, Sombat Chantornvong, and Somchai Phatarathananunth. Thanks also to Byung-Kook Kim for his exceptionally meticulous editorial suggestions.

1. See numerous chapters in McCargo 2002.
2. On this idea, see Di Palma 1990.
3. Author's personal observations, Bangkok, January 8, 2002.
4. For a similar case, see McCargo 1997a: 133.
5. For a discussion of electoral professional parties in the Thai context, see McCargo 1997b. The notion of electoral professional parties comes from Angelo Panebianco, *Political Parties: Organisation and Power* (Cambridge: Cambridge University Press, 1993).
6. For details, see Naruemon 1999 and Crispin 2000.
7. For a discussion of the powers and privileges enjoyed by the Thai military, see Ockey 2001.
8. See Ockey 2001 and *Bangkok Post*, July 28 and 29, 1998.
9. "Prime Minister's Favourites to Get Top Military Jobs," *Associated Press*, September 28, 2002.
10. "Cabinet Reshuffle: The Good and the Bad," *The Nation*, October 4, 2002.
11. See "A Right Royal Headache," *Far Eastern Economic Review*, January 10, 2002. This issue of the magazine was banned in Thailand.

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