The Languages of the Arab Revolutions
Abdou Filali-Ansary

The Freedom House Survey for 2011
Arch Puddington

Tunisia’s Transition and the Twin Tolerations
Alfred Stepan

Forrest D. Colburn & Arturo Cruz S. on Nicaragua
Ernesto Calvo & M. Victoria Murillo on Argentina’s Elections
Arthur Goldsmith on “Bottom-Billion” Elections
Ashutosh Varshney on “State-Nations”
Tsveta Petrova on Polish Democracy Promotion

Democracy and the State in Southeast Asia
Thitinan Pongsudhirak • Martin Gainsborough
Dan Slater • Donald K. Emmerson
THAILAND’S UNEASY PASSAGE

Thitinan Pongsudhirak

Few countries struggling to emerge as democracies have undergone bouts of “democratic rollback” as dramatic as those that Thailand has endured over the last several years. Since a September 2006 military coup deposed deeply flawed but popularly elected premier Thaksin Shinawatra and forced him into exile, the Thai body politic has been battered and torn as never before in its already tumultuous history. Street protests and violent faceoffs between red-shirted Thaksin backers and yellow-shirted Thaksin foes have continued year after year and show no sign of stopping. Although Thaksin himself was banned from actually appearing on the ballot in the 3 July 2011 parliamentary elections, he emerged as the big winner when a new electoral vehicle known as the Pheu Thai Party (PTP, or “For Thais”) gained a decisive victory with his younger sister Yingluck at its head.

As twilight settles over the 65-year reign of King Bhumibol Adulyadej (b. 1927), Thais find themselves caught in a national stalemate. Those who favor maintaining the monarchy-centered hierarchy as the ultimate source of political power are arrayed against others who want to reform the monarchy and reconcile it with a fuller and more mature form of democracy. With Cold War imperatives now obsolete, with international norms increasingly favoring democracy and human rights, and with new media technologies and demographic realities making themselves felt, Thailand’s monarchy-based establishment finds itself hard-pressed to maintain the status quo. Yet it has too much at stake to simply give way to the challenges that Thaksin (in his faulty and not-always-democratic way) spearheaded during a premiership that began with his election in 2001 and was cut off by the coup five years later.
The two imperative or pressing questions are: Can and will an entrenched monarchy reconcile itself with an irreversible trend toward democracy? And can that democracy be kept safe from the usurpations, manipulations, and abuses of power that marred the Thaksin years and put all Thais on notice that getting democracy is one thing, but getting it right is another?

The Rise of Thaksin

The last decade of Thai politics has featured volatility and contention in abundance. In the wake of the 1997–98 Asian financial crisis, Thaksin rode his Thai Rak Thai (TRT, or “Thais Love Thais”) party into office in the January 2001 election. He enacted unprecedented policy innovations and a broadly populist platform designed to appeal to the rural voters left behind by the long economic boom that ended in 1997. He suspended rural debts while offering microcredit schemes and cheap healthcare. He launched development projects and niche industries to promote food, fashion, tourism, healthcare, and automobiles. He revamped policy making to give elected politicians more sway than bureaucrats. He also tinkered with military promotions in order to elevate trusted associates (including a cousin) to the high command, and undermined the 1997 Constitution by politicizing and coopting its intended checks and balances. In August 2001, he was narrowly found not guilty of hiding assets in a trial marred by charges that Constitutional Court judges had been pressured or paid off.

Thaksin continued to enact policies that won majority support among voters, but accompanied these successes with corruption, conflicts of interest, human-rights violations, abuses of power, and displays of an authoritarian bent. When he was reelected by an overwhelming margin in February 2005, he came to feel virtually invincible. His problems with the palace date from this time. Already an outsider, with a vast fortune springing from a stock-market boom rather than from the traditional realm of protected state concessions, Thaksin further alienated himself from the establishment by deciding that he no longer needed to consult with General Prem Tinsulanond, the former premier and army chief who runs the Privy Council, the king’s nineteen-member advisory body. As a former officer in the police service, moreover, Thaksin favored it over the military and used the police to wage a war on drugs that claimed close to 2,300 lives, many by extrajudicial killings.

While Thaksin’s populism was winning at the polls, his abuses were rousing his foes. By mid-2005, they had formed a coalition that included the Democrat Party (DP), the military, senior bureaucrats, some private business elements, the urban middle class, and palace insiders as well
as royalists in society at large (yellow-shirts wear that color because of its association with the Thai monarchy). When Thaksin’s Shinawatra Corporation (Shin Corp) conglomerate was sold, tax-free, for US$1.9 billion to Singapore’s Temasek Holdings in January 2006, cries went up for his resignation. His response was to call a snap election (later nullified by the courts) for April 2006. The DP and two smaller allies boycotted the vote, setting up a constitutional crisis. The widening coalition against Thaksin kept up the pressure, eroding his legitimacy and filling the streets with protesters in the weeks leading up to the 19 September 2006 putsch.

Thaksin, out of the country on official business, decided to remain abroad. The coupmakers, who later styled themselves the Council for National Security, were meanwhile careful to publicize a photo that they had taken with the king and queen on the night of the putsch. But if the plotters thought that they had turned back once and for all the challenge to the established order represented by Thaksin and his redistributionist platform, they were mistaken.

The military installed a caretaker government under a retired general, saw to the judicial dissolution of Thaksin’s TRT, and arranged for the drafting of a new constitution that would elevate bureaucrats and judges at the expense of elected politicians, political parties, and parliament. Yet in the ensuing election, held in December 2007, the TRT’s successor, now called the People’s Power Party or PPP, thrashed the DP by 233 to 165 seats in the revised 480-member assembly. By January 2008, Thaksin was back on top through a proxy prime minister.

Thaksin’s adversaries, led by the yellow-shirted People’s Alliance for Democracy (PAD), replied with sit-ins, taking over Government House (which holds the prime minister’s office) in May 2008 and then Bangkok’s main international airport for a week in late November and early December. Thus a crisis of governability erupted even as the Constitutional Court was disbanding the PPP and two smaller allied parties after a vote-fraud conviction.4

With the weight and influence of the military behind it, the DP took power in early 2009 under the premiership of the Eton- and Oxford-educated Abhisit Vejjajiva. Then it became the pro-Thaksin red-shirts’ turn to hit the streets in protest. In April 2009, and then from March to May 2010, they staged demonstrations that the army dispersed. In 2010, the death toll from these confrontations reached 91. The strife partly set the stage for the early dissolution of parliament and the July 2011 elections, with the PTP as Thaksin’s third-time-around vehicle after the banning of his previous two. Yingluck—whom her brother has called his “clone”—and the PTP brought the pro-Thaksin forces even more success at the polls than they had experienced in December 2007, winning 265 of 500 seats and dwarfing the DP with its 159 seats. Once again, a clear majority of Thailand’s electorate has made its pro-Thaksin preferences clear.
The 44-year-old Yingluck allows her much-older brother (Thaksin is 62) to present as his proxy a youthful and attractive new figure with no baggage—she had previously worked in the family real-estate business and has no background in politics. Thaksin picked nearly her entire cabinet. As she began her mandate, she was greeted by a crisis not of human making: The worst flooding in decades swept large parts of Thailand starting with the monsoon season in July 2011. Her government emerged from the flood crisis in a much weaker position due to interagency conflicts and lack of policy coordination among cabinet members. But for Yingluck herself, the floods constituted a political baptism. Her day-to-day devotion to flood management and disaster relief earned her public sympathy and allowed her to emerge from the crisis with heightened stature and confidence.

In the wake of the disastrous floods, 2012 began in an atmosphere of stalemate. Yingluck’s government has been upholding the monarchy’s sanctity by strictly enforcing Article 112 of the Criminal Code, otherwise known as the lèse-majesté (LM) law, and its related Computer Crimes Act. In return, debilitating street protests, party dissolutions, and politician disqualifications have abated. Neither side seems capable of a decisive move. The government lacks the will to amend the repressive laws that stifle freedom of expression. Establishment forces, for their part, cannot muster the strength for more rounds of party dissolutions, street demonstrations, and changes of government, let alone a military coup. When the ban on former TRT politicians that accompanied the party’s dissolution expires in May 2012, Thaksin (acting through Yingluck) will have more political talent to pick from.

As long as the monarchy remains sacrosanct and the symbiotic relationship between it and the military remains untouched, Yingluck may be able to muddle along with a reheated populist agenda of higher wages and subsidies for the urban poor and upcountry farmers. Should the palace begin to perceive a clear and present danger, however, the Yingluck government and anyone who actively aspires to a basic reform of the monarchy will likely face stepped-up pressure and perhaps even the specter of violence from royalist and conservative quarters.

Contemporary Electoral Patterns

This brief narrative of Thailand’s political dynamics and Thaksin’s durable impact over the past decade is supported by a review of election results. Despite the 2006 coup and protracted political turmoil, elections have proceeded with substantial regularity since November 1996. Over that time, the party system has gravitated toward bigger parties. The introduction of party lists to fill a portion of seats in the legislature dates from the 1997 Constitution and has had the effect of weeding out smaller parties. The party-list system also provided the basis for a ger-
rymandering scheme—enacted as part of the military-backed postcoup constitution of 2007—that is meant to dilute the power of Thaksin’s movement. In the December 2007 balloting, the gerrymandering did help the DP to nearly match the PPP in party-list seats (with a final tally of 33 to 34), but otherwise it has not been the game-changer that its backers in the establishment had hoped that it would be.

Since 2001, Thaksin’s party (under whatever label) has won each of the four national elections by a large margin. During that time, the DP and the forces behind it have succeeded in engineering various systemic

### Table—Thai Election Results by Region, 2001–11

<table>
<thead>
<tr>
<th>Party</th>
<th>Total Seats¹</th>
<th>Constituency Seats</th>
<th>Bangkok</th>
<th>Central</th>
<th>Northeast</th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July 2011</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pheu Thai</td>
<td>265</td>
<td>204</td>
<td>10</td>
<td>41</td>
<td>104</td>
<td>49</td>
<td>0</td>
</tr>
<tr>
<td>Democrat</td>
<td>159</td>
<td>115</td>
<td>23</td>
<td>25</td>
<td>4</td>
<td>13</td>
<td>50</td>
</tr>
<tr>
<td>Others</td>
<td>76</td>
<td>56</td>
<td>0</td>
<td>30</td>
<td>18</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>500</td>
<td>375</td>
<td>33</td>
<td>96</td>
<td>126</td>
<td>67</td>
<td>53</td>
</tr>
<tr>
<td><strong>December 2007</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>People’s Power</td>
<td>233</td>
<td>199</td>
<td>9</td>
<td>39</td>
<td>102</td>
<td>47</td>
<td>2</td>
</tr>
<tr>
<td>Democrat</td>
<td>165</td>
<td>132</td>
<td>27</td>
<td>35</td>
<td>5</td>
<td>16</td>
<td>49</td>
</tr>
<tr>
<td>Others</td>
<td>82</td>
<td>69</td>
<td>0</td>
<td>24</td>
<td>28</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>480</td>
<td>400</td>
<td>36</td>
<td>98</td>
<td>135</td>
<td>75</td>
<td>56</td>
</tr>
<tr>
<td><strong>February 2005</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thai Rak Thai</td>
<td>377</td>
<td>310</td>
<td>32</td>
<td>80</td>
<td>126</td>
<td>71</td>
<td>1</td>
</tr>
<tr>
<td>Democrat</td>
<td>96</td>
<td>70</td>
<td>4</td>
<td>7</td>
<td>2</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Others</td>
<td>27</td>
<td>20</td>
<td>1</td>
<td>10</td>
<td>8</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>500</td>
<td>400</td>
<td>37</td>
<td>97</td>
<td>136</td>
<td>76</td>
<td>54</td>
</tr>
<tr>
<td><strong>January 2001</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thai Rak Thai</td>
<td>248</td>
<td>200</td>
<td>29</td>
<td>47</td>
<td>68</td>
<td>55</td>
<td>1</td>
</tr>
<tr>
<td>Democrat</td>
<td>128</td>
<td>97</td>
<td>8</td>
<td>19</td>
<td>6</td>
<td>16</td>
<td>48</td>
</tr>
<tr>
<td>Others</td>
<td>124</td>
<td>103</td>
<td>0</td>
<td>29</td>
<td>63</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>500</td>
<td>400</td>
<td>37</td>
<td>95</td>
<td>137</td>
<td>77</td>
<td>54</td>
</tr>
</tbody>
</table>

*Source: Election Commission of Thailand.

¹ “Total Seats” includes party-list as well as constituency seats. “Constituency Seats” equal the sum of all regional seats.

* Thaksin’s party.
changes—including party-list gerrymandering and a switch from single-
to multi-member constituencies—to improve DP chances, but none have
stripped Thaksin or his populist platform of their ability to win elections.
His biggest margin of victory came in February 2005, which makes it
puzzling that before the year was out he would face major street protests
in Bangkok that swelled into a broad-based movement by early 2006.

Part of the explanation lies in the capital’s status as a bastion of anticor-
rruption sentiment and its disproportionately prominent voice in national
politics. In February 2005, TRT nabbed 32 of Bangkok’s 37 lower-house
seats. But the shady Shin Corp sale and the rising tide of anti-Thaksin
protests in the capital throughout the period from 2005 to 2007 (years
punctuated by the coup and the new constitution) reversed this situation.
In December 2007, the DP won 27 Bangkok seats, leaving the PPP with a
mere 9 seats from the capital. In July 2011, the score was 23 seats for the
DP versus just 10 for the PTP.

Northern and Northeast Thailand, which together are home to slightly
more than half the electorate, show a very different pattern. Thaksin
(or his stand-in) swept those regions in 2005, 2007, and 2011. He saw
some shrinkage of support in 2007, after the protests and coup against
him and the passage of a new constitution, but his wide margin of vic-
tory returned in 2011. The DP has fared consistently poorly in these
two populous regions while Thaksin’s electoral appeal there has proven
highly resilient.

The South, however, has gone for the DP time and again. None of
Thaksin’s electoral vehicles has been able to penetrate the DP bastion
there, where Thailand’s territory extends down the northern neck of
the long Malay Peninsula. Yet this region, which has its own distinct
dialect and customs and has been the scene of a deadly Malay-Muslim
insurgency in the provinces bordering Malaysia, accounts for just 11
percent of the seats in parliament. Central Thailand has been more like
the North: It voted for TRT in 2005, saw the DP make up some ground
in 2007, and then witnessed the PTP reopen a lead on Thaksin’s behalf
in 2011. As about a quarter of parliament comes from the central region,
it is traditionally an area of fairly intense competition between the two
main parties, with smaller parties joining in as well. Although the DP
still ran well behind there in 2011, it has palpably expanded its presence
in the Central region.

These regional trends mirror the larger conflict. Rural folk from the
North and Northeast are the mainstays of the pro-Thaksin red-shirts.
They ran amok in the capital after the PPP was dissolved, rioting in
April 2009 and then staging a sustained sit-in at a major street intersec-
tion in Bangkok’s central business district. Thaksin has won all Thai
elections in the early twenty-first century by comfortable margins, yet
his parties have lost substantial support in Bangkok since the coup and
have never been able to penetrate the South. The DP has gained consid-
erable ground in Bangkok and the Central region since 2005, and has held its southern base over the entire past decade. But even after being hoisted into office with help from the military in December 2008 and holding power for thirty months, the DP could not solve the electoral challenge posed by Thaksin’s populism. Over this same period, parts of the country’s court system became politicized and, at times, willing to ban entire parties and large numbers of politicians. This added to the Thai party system’s already considerable institutional shortcomings and constitutes a thread of the story that warrants attention.

The Failure of “Judicialization”

Until recently, Thailand’s judiciary was rarely in the political spotlight. That began to change when the framers of the 1997 Constitution, seeking improved governmental stability, effectiveness, transparency, and accountability, mandated a clutch of agencies to oversee the Thai body politic. The new constitutional entities included the Election Commission, the National Anti-Corruption Commission (NACC), the Administrative Court, and the Constitutional Court.

Given this last court’s jurisdiction over all matters related to constitutional interpretation, it did not take long for it to become politicized. For the first few years after it opened its doors in 1998, the Court invariably endorsed corruption indictments brought to it by the NACC. In December 2000, the NACC handed down, by a vote of 8 to 1, an indictment of Thaksin for having hidden assets under the names of his housekeeper, maid, driver, security guard, and business colleague. Shortly thereafter, Thaksin emerged triumphant in the January 2001 election, nearly securing an outright majority in the lower house for his Thai Rak Thai party.

The pressure on the Court was immense, and intensified as the verdict drew near. Should Thaksin be convicted, his supporters swore, they would wreak havoc in the streets. On 3 August 2001, a divided Court narrowly acquitted him on a technicality by an 8-to-7 vote. Four judges ruled that the Court had no jurisdiction, while four more accepted jurisdiction but held Thaksin to have been “honestly negligent” regarding financial records that his wife had been handling. The seven minority judges, by contrast, were united in holding that Thaksin had deliberately hidden and falsely declared his assets in knowing contravention of constitutional stipulations. One dissenting jurist has said that senior figures including a four-star general and a former Supreme Court chief justice had lobbied the Constitutional Court on Thaksin’s behalf. Other heavy hitters such as Privy Council chairman Prem Tinsulanond had dropped public hints while the case was pending about the need for “giving [Thaksin] a chance.”

Plainly, Thaksin was no ordinary defendant. His party had just won eleven million votes plus the right to form a government, and his plat-
form of economic nationalism and new growth strategies seemed as if it might be suited to pulling the Thai economy out of the doldrums in which it had been languishing since the 1997–98 crisis. Indeed, many of those who would oppose Thaksin after the coup, including media tycoon and yellow-shirt leader Sondhi Limthongkul, lined up firmly behind him during his early legal troubles. Yet whatever might have been the merits of influencing the course of justice for the sake of democracy and prosperity, this episode hopelessly compromised the new Constitutional Court’s ability to build a reputation for independence and impartiality.

Before and after Thaksin’s overthrow in the 2006 coup, the Court’s politicization went from passive to active. Letting him off in 2001 had been a passive politicized decision because it maintained rather than changed the course of electoral politics: The winner of the election was allowed to take power, make policy, and build political momentum. In 2006, however, the Court turned activist and tried to set new political directions. The boycotted snap election of 2 April 2006 led to an impasse that the king exhorted the judiciary to resolve. As the monarch told the Administrative Court judges in a televised address on 26 April 2006:

You must find ways to solve the problem. . . . Should the election be nullified? You have the right to say what is appropriate or not. If it is not appropriate, it is not to say the government is not good. But as far as I am concerned, a one-party election is not normal. The one-candidate situation is undemocratic.8

In the ensuing weeks, the chiefs of the Supreme Court, the Administrative Court, and the Constitutional Court met and agreed to adjudicate “in the same direction.” The key ruling came from the Constitutional Court, which annulled the April balloting. Later, the chiefs of the three courts would demand that the Election Commission’s three remaining members (two members had already stepped down) resign to make way for the naming of a new commission. When the three commissioners refused, they were ignominiously jailed for a night before bail was granted. A public intellectual described this at the time as the “judicialization” of Thai politics, implying that the judiciary was Thailand’s way out of crisis.9 Judicial decisions, in other words, aspired to actively set political directions in view of the prevailing impasse.

Among the lessons of 2011 is judicialization’s failure. Put in motion by the king’s 26 April 2006 speech, it was seen by some analysts as royal interference in politics.10 After the coup, the Constitutional Court was disbanded and replaced by a smaller, nine-judge Constitutional Tribunal. The DP and TRT charged each other before this body with having resorted to illegal electoral practices. On 30 May 2007, the Constitutional Tribunal absolved the DP and found TRT guilty. The penalties included dissolution and a five-year ban on officeholding by any of its 111 executive-board members, including Thaksin and many of those
who had served in his cabinets. But by election time in December 2007, the TRT remnant had managed to regroup under the PPP label, and came out on top in the voting. In September 2008, the Constitutional Tribunal ousted PPP prime minister Samak Sundaravej on a technicality—his acceptance of an honorarium for hosting a televised cooking show, the Tribunal ruled, made him a private-sector “employee” and hence disqualified him from holding the premiership. Samak, aged 73 at the time, left politics for good and died of cancer a year later. Thaksin’s brother-in-law, Somchai Wongsawat, stepped in as premier and came under immediate pressure from yellow-shirt protests. On 7 October 2008, police were ordered to disperse demonstrators who had surrounded Parliament House, where Somchai was slated to announce his policy agenda. (The army chief had earlier refused to obey government instructions and had gone on television to urge Somchai’s resignation.) In the clashes that ensued between police officers and yellow-shirts, several hundred were injured and two protesters died. In an unusual step, the queen presided over the funeral of one of those killed.11

As December began, yellow-shirts were in the midst of their week-long occupation of Bangkok’s largest airport while the Constitutional Tribunal was convicting the PPP and two smaller allied parties of vote fraud and banning their leading figures from running for or holding office. These bans are set to expire later in 2012, an event that will probably give a broad boost to the Yingluck government and may be a boon to Thai politics in general. (Whatever talent Thai politicians have to offer, much of it has been systematically kept off the playing field for the past half-decade.)

Looking back over the last few years, it is obvious that judicialization has come to nought. The TRT party was shuttered but reorganized itself as first the PPP and then the PTP, which secured a thumping majority in the July 2011 election. Thaksin remains in charge from abroad. His sister rules in his name, and his TRT lieutenants are to be reinstated on 30 May 2012, with his banned PPP supporters to follow in December 2013. The failure of judicialization carries far-reaching implications.

**Challenge and Pushback**

The monarchy is associated with the launch of the judicialization strategy, and that strategy’s failure appears to have compromised the monarchy up to a point. If the bans and dissolutions, the postcoup seizure or freezing of Thaksin’s assets, and his 2010 Supreme Court conviction *in absentia* on “policy corruption” charges had succeeded in ending the challenge that he represented, then perhaps Thai politics might have stabilized and returned to something like its pre-Thaksin form, led by a weak party system and a strong military-monarchy-bureaucracy triumvirate. But Thaksin with all his strengths and weaknesses—the innova-
tive efforts to increase economic competitiveness, the offer of greater upward mobility to those on society’s bottom rungs, and also the corruption, the conflicts of interest, and the human-rights violations of the war on drugs—became “indestructible.”12 The failure of judicialization marked the monarchy’s failure to extinguish the political awakening and the runaway expectations that Thaksin’s TRT years had ignited. Moreover, when a senior general left the Privy Council to head the coup-appointed government, then rejoined the king’s advisory body after the December 2007 poll, it reinforced the popular perception that the putsch had been carried out to protect and promote the crown (and the military-bureaucratic establishment long associated with it) at the expense of a democratically elected government.

That perception gained force when Chanchai Likitjitta, justice minister for the coup government, was named to the Privy Council on 8 April 2008. Similarly, Air Chief Marshal Chalit Pookpasuk, a core coupmaker who had headed the Council for National Security after September 2007, was appointed to the Privy Council on 18 May 2011. Many also noted the queen’s conspicuous attendance at the October 2008 funeral of the yellow-shirt protester. The lèse-majesté law may deter public discussion, but it cannot prevent people from taking private notice.13 Then there were the televised comments in which top army general Prayuth Chan-ocha effectively endorsed the DP just weeks before the 2011 election, urging viewers not to vote for the same politicians but to elect “good people” who would defend the monarchy. This could not help but tarnish the revered institution when Pheu Thai won handily.14

Unsurprisingly, challenges to the established order have grown since the military coup. According to a letter that eight royal descendants sent to Prime Minister Yingluck urging amendment of the lèse-majesté law, cases involving Article 112 went from zero in 2002 to 165 in 2009.15 They have ranged from the convictions of an Australian writer and a Thai-American who translated an unauthorized biography of the king16 to the twenty-year sentence handed to a 61-year-old man who was charged with sending four SMS messages deemed in violation of Article 112.17

Many studies of Thailand’s state and society published since the coup have reflected this challenge to established centers of power. Although it was greeted with mixed reactions when it came out, journalist Paul M. Handley’s controversial royal biography The King Never Smiles eventually reverberated far and wide, and is now a staple for anyone intent on understanding contemporary Thailand.18 Prior to Handley’s work, scholarly scrutiny of the Thai establishment was scant and not widely available,19 especially during the Cold War. But since the military coup, what used to be droplets have swelled into a steady flow of critical expositions. Less than a year before Handley’s account of the
king was published, Duncan McCargo’s analysis of the Malay-Muslim insurgency taking place in southernmost Thailand identified a “network monarchy” that revolved around Privy Council chairman and army general Prem Tinsulanond. In early 2008, the Journal of Contemporary Asia offered a special issue on Thai politics that challenged much of what had been the conventional wisdom regarding the putsch and its backers. An influential international weekly followed suit the same year. Other critiques focused on the king’s deification through propaganda and popular culture. In 2010, two major edited volumes further challenged the establishment’s political role, economic interests, and popular image. In terms of the scholarly literature on Thai politics, the genie was irreversibly out of the bottle.

As intimidation, coercion, and suppression through the lèse-majesté and Computer Crimes laws began to draw increasing attention at home and abroad, the establishment pushed back with the publication of a new and more positive scholarly biography of the king, King Bhumibol Adulyadej: A Life’s Work, which comes across as an implicit antidote and indirect rebuttal to Handley’s The King Never Smiles. Other manifestations of the royalist pushback have been available online and all across the state-owned airwaves, including some vigilante threats against dissenters. When a set of Thammasat University law professors known as the Nitirat Group tried to suggest amendments to the lèse-majesté law, a broad array of royalist groups castigated them.

Reconciling Monarchy and Democracy

As of early 2012, no other reformist groups or individuals had appeared on the scene possessing anything like what it will take to reconcile monarchy and democracy in Thailand. All the same, however, it appears that Thailand cannot escape the challenge of reaching a new consensus that will root the monarchy more squarely within the constitution of an emerging democracy, but in a way that reconciles conservative royalists. The desire of the rural lower classes to have their voices heard and their numbers felt is legitimate, but so is the desire for a government that does not simply replace the lack of accountability that characterized the old military-bureaucratic power centers with a similarly unaccountable populist strongman.

Yingluck Shinawatra may head the new government, but her brother continues to bestride Thailand’s political landscape like a colossus. Currently, his adversaries’ shortcomings loom larger in the public eye than do his own glaring defects and wrongdoings. The intellectual hegemony of a hierarchical social and political order centered on the monarchy is no longer tenable and offers no path to a viable future. The superstructure of this old order can sense the ground shifting beneath it and is maneuvering hard to maintain the status quo. Its maneuvers will not al-
ways be pretty to watch, and they must all take place in the long shadow
cast by Thaksin, who even after being deposed by a coup, convicted of
corruption, and banned from office keeps winning at the polls, with no
serious challenger in sight.

Thaksin’s name is synonymous with divisiveness. In deeply polar-
ized Thailand, mentioning him seems to rouse either love or hate; few
are lukewarm. His supporters may outnumber his detractors in the vot-
ing booth, but in the public square the voices crying out against him are
louder and more potent than those that speak in his defense. In bygone
eras, elections and coups came and went. Voters sold their votes like
commodities, and legislators went to Bangkok seeking pork and pa-
tronage via graft and corruption, hardly bothering even to acknowledge
(much less consult) their constituents. Elected officials, not surpris-
ingly, enjoyed scant legitimacy, thereby making coups more thinkable
and more feasible. Coups sometimes issued in new constitutions, but these
were just more turns of the wheel, not true departures pointing the way
to sounder models of governance.

While the Cold War imposed its exigencies, the pillars of the Thai
state—the nation, its Buddhist religion, and its hereditary monar-
chy—kept communism at bay, brought unity, and underwrote stabil-
ity. Challenges to the order represented by the army, the monarchy,
and the bureaucracy were invariably put down, as left-wing students
discovered in the 1970s. Thai schoolchildren sang martial songs and
the national anthem each morning. Thais knew what to expect and
where their places lay in their country’s sociopolitical hierarchy,
thanks to socialization via the classroom and the living room, where
the state-run media were ever-present to drive home the lesson. Dis-
senting views of what it meant to be Thai gained little traction.

All this undergirded rapid development. Yet this economic growth
and the benefits that it brought became distributed in increasingly
uneven ways, and thus set the stage for Thaksin’s rise as a tribune of
populism and the less well-off. The rise of TRT put an end to the old
clubby-yet-distant world of Thai politics. The party pursued a scientific
approach to electioneering complete with expensive polling carried out
by foreign experts, clear and deliverable platforms, and strong leader-
ship. Judicial bans notwithstanding, TRT and its successors became
household names. Thaksin’s was the first post–Cold War party to cap-
ture the collective imagination. The voices of once-marginalized voters
began to count. Vote-buying, long a staple of Thai politics, remained
necessary but was no longer sufficient. Whatever else can be said about
it, TRT did introduce to Thailand the idea of close ties between a party,
its policies, and its voter base.

By 2001, the Cold War was long over. Political leaders dissent-
ing from the status quo could not so easily be jailed on communism-
related charges. The Internet and new media were making it harder for
official sources to mold minds uncontested. Information became more widely diffused and media outlets multiplied even as state propaganda continued to make its influence felt. New international norms came to the fore. Foreign powers that had once turned a blind eye to coups and repression now put more emphasis on democracy and human rights. The passage of time, meanwhile, has ensured that most university students today cannot even recall the Cold War, for it ended before they were born.

Thaksin was well positioned by circumstance and insight to take advantage of this new and more open political environment. Given an opportunity, he overhauled the bureaucracy, delivered on his populist pledges to do more for poorer Thais, mapped out plans to upgrade the country’s industrial base, and even pursued an ambitious foreign-policy agenda in pursuit of Thai regional leadership. Yet there was to all this an underside of corruption, conflicts of interest, cronyism, human-rights violations, abuses of power, and other sins of misrule. Such is Thaksin’s mixed legacy. The wider opportunities that he opened for the downtrodden and his ambitious plans for Thailand’s future were inextricably entangled with his self-dealing, his penchant for corruption, and his habit of abusing the powers of his office. Thaksin Incorporated went hand-in-hand with Thailand Incorporated.

Yet Thaksin’s enemies have shown their own limits in refusing to admit that there is more to him and what he stands for than graft and corruption. They should have weighed his policy innovations and put forward their own ideas for assisting the impoverished and marginalized. In the end, they came up with the Abhisit government and its programs for “welfare” and fostering a “sufficiency economy” that most voters find insufficient. For Thaksin’s establishment foes, conceding to his spectacularly successful populism would have been tantamount to admitting that most people in the hospitable, smiling, conspicuously tourist-friendly Kingdom of Thailand have been—and have been kept—poor. Wittingly or not, Thaksin has been the catalyst for propelling Thailand into the twenty-first century while his adversaries have stayed stuck in Cold War times. Although he committed many infractions, Thaksin’s most egregious crime and gravest sin were that he changed the way Thais see themselves and their country. Some see this change as usurpation and manipulation by Thaksin and his cronies. Others see it as Thailand’s overdue deliverance from the Cold War era. Those who have ruled in the past must accept this new reality, just as those who are atop the polls now must accept the legacy of the past.

NOTES


5. Author’s interview with a Pheu Thai adviser on condition of anonymity, 11 August 2011.


7. Author’s interview with former Constitutional Court judge Suchit Bunbongkarn, 23 January 2012.

8. “H.M. the King’s April 26 speeches (unofficial translation),” *Nation* (Bangkok), 27 April 2006.


13. Part of the law states: “Whoever defames, insults or threatens the King, Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.”


17. Ampon Tangnoppakul, an unemployed grandfather whose only occupation was tending to his grandchildren after school hours, sent the four SMS messages to an assistant of Prime Minister Abhisit Vejjajiva during the May 2010 army crackdown on red-shirt protesters. Ampon’s case became a *cause célèbre* as an instance of authority running wild and lashing out at an obviously harmless citizen. See “Ampon Gets 20 Years for Lèse-Majesté Text Messages,” *Bangkok Post*, 24 November 2011.


21. See the essays by Thongchai Winichakul, Michael K. Connors, Kevin Hewison, and others that appeared in the special issue on Thailand which was the first of Volume 38 of the *Journal of Contemporary Asia* in 2008.


