

**Evaluation of Thailand's Democracy:  
Steps to Consolidation**

**Von der Fakultät Wirtschafts- und Sozialwissenschaften  
der Universität Stuttgart  
zur Erlangung der Würde eines Doktors der Wirtschafts- und  
Sozialwissenschaften (Dr. rer. pol.) genehmigte Abhandlung**

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**Tag der mündlichen Prüfung: 18. Mai 2015**

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**2015**



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## Abbreviations

PDRC	The People’s Democratic Reform Committee
PAD	The People’s Alliance for Democracy
UDD	The United Front for Democracy against Dictatorship or the red shirt group
NACC	The National Anti-Corruption Commission
EC	The Election Commission
TRT	Thai Rak Thai
PPP	People’s Power Party
PT	Pheu Thai Party
DP	The Democrat Party
The conservative power group	This term in this thesis refers to royalists, the military, bureaucrats, the Democrat Party, some major business group, intellectuals, independent government agencies, middle class people from Bangkok and people who support the PDRC, despite living in the upper south
The democratic support group	This term in this thesis refers to  1. The United Front for Democracy against Dictatorship or the red shirt group  2. The democratic support group composed of various networks supporting democracy that have come into being amidst the political crisis since late 2013. Normally, these are formed by ordinary people, intellectuals, and students. Examples include The Defense of Democracy of AFDD, The Third Polar Group, The Enlightened Jurists

## **Zusammenfassung**

Obwohl Thailand sein politisches System von der absoluten Monarchie zur konstitutionellen Monarchie bereits vor 82 Jahren im Zuge der Revolution von 1932 geändert hat, kämpft das Land immer noch mit der Demokratie und ihrer Konsolidierung.

Bei dem bedeutendsten Problem, das in der Untersuchung behandelt wird, geht es um die unvollständige demokratische Transition, welche sich in der politische Kultur und den politischen Institutionen niederschlägt, damit diese als Unterstützer der Demokratie wirken können.

Auch die anhaltende Krise, die seit Ende 2013 das Land beschäftigt, ist ein Resultat einer unvollständigen Konsolidierung. Diese Vorgänge haben dazu geführt, dass sich das Land nicht von seinen alten Machtstrukturen lösen kann. Nichtsdestotrotz führte der politische Aufstieg neuer Parteien mit Thaksin in der Hauptrolle dazu, dass die konservativen Königstreuen, das Militär und die älteste politische Partei, die Democrat Party, an Popularität verloren haben. Diese Entwicklung hat Thailand nun an den Rand des Zusammenbruchs gebracht beziehungsweise zur innerlichen Spaltung des Landes geführt.

Die weitere Entwicklung der Demokratie in Thailand wird stark davon abhängen, ob das Problem mit demokratischen Mitteln gelöst werden kann, oder ob ein militärischer Putsch, eine Kompetenzüberschreitung der Judikativen oder eine ungewählte Regierung. Denkbar ist gar ein Bürgerkrieg.

Diese Arbeit stellt positive Strategien und Schritte zur Konsolidierung vor, wie Thailand trotz seiner defekten Demokratie die Konsolidierung der Demokratie in Bezug auf Verhalten, Einstellung und Verfassung erreichen kann.

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## **Abstract**

Even though Thailand transformed its political system from an absolute monarchy to a constitutional monarchy as early as 82 years ago after the revolution of 1932, the country is still struggling with its democracy and consolidation. The most significant problem found in this research lies in its incomplete democratic transition that affects political culture and political institutions, precluding them from functioning as a support for democracy in Thailand. Furthermore, the ongoing crisis since late 2013 is one of the results of this imperfect consolidation, keeping Thailand in the grasp of the old circle of power. Nevertheless, the rise of a new political group (Thaksin and his party) has managed to win tremendous popularity, diminishing in turn the conservative power group, including the royalists, the military, and the nation's oldest political party, the Democrat Party. A negative aspect of this is that Thailand has to confront a conflict that can lead to the country's collapse or the stateness problem. Therefore, democracy in Thailand is in great peril if the country cannot solve the problem through democratic regimes, as the alternatives encompass such unpleasant possibilities as a coup d'état, a judicial coup, an unelected government, the people's council or even a civil war. However, this research also presents such positive strategies that offer even as defective a democratic country as Thailand options for consolidating its democracy in terms of behavior, attitude, and constitution. Important here is the knowledge of all parties about their respective consolidation tasks.

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## Chapter I Introduction

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### Research Question

**Main Questions:**                    **Is Thailand a consolidated democratic country?  
How far has Thailand's democracy evolved right now?**

**Specific Questions:** **What are the possible defects in Thailand's democracy?  
To what degree is Thailand's consolidation established?**

### Research Problem

This research concentrates to a great extent on the evaluation of Thailand's democracy in accordance with the three main methods of its study: empirical, quantitative, and comparative.

Each of the three methods used in this research highlight different aspects from other works on a similar topic, none of which focus on a historical analysis. It should be noted that the author fully accepts that understanding the political history of a country's democracy is important in forming a whole picture of how democracy in a country is transformed and democratized. The present research significantly concentrates on a theoretical systematic analysis working with a number of statistics and indexes with regard to the two main theoretical frameworks: "defective democracy theory" by Wolfgang Merkel and "consolidation democracy theory," dealing with the concept of democratic political culture by Linz and Stepan as well as Edeltraud Roller, Dieter Fuchs, and Krzysztof Zagorski. Furthermore, a comparative study will be undertaken, positioning Great Britain and Germany as counter examples of countries which do not doubt their democracy.

The topic of an "Evaluation of Thailand's Democracy" is of particular interest because of its close relation to the Thai people's understanding of what democracy is. More and more, that emerges as a major problem of Thailand's democracy. When asked whether Thailand is a democratic country, is it too easy to answer, "Yes, it is"? Indeed, Thailand has legally been a democratic country for the past 82 years. In 1932, Thailand converted its political system from absolute monarchy into a constitutional monarchy. On the outside, its institutions and procedures already present the trappings of democracy. Then, what is the problem?

The problem is that democracy means more than just the transformation itself, along with implementing democratic institutions and procedures; instead, an important aspect of a democracy's quality lies in the so-called "consolidation." Diamond (1999, pp.18-19.) and Merkel et al. (2002, pp. 59-91.) define a defective democracy as follows

*“The transformation with the implementation of democratic institutions and procedures is not a complete process of consolidation because if the stage of consolidation begins with the institutionalization of a liberal democracy, then the political systems that are in front of this threshold were no longer autocracies but they were not democracies either. These hybrid systems are called ‘Defective Democracies.’”*

The current political crisis shows even more that the Thai people are more and more confused about the definition and the content of democracy. The demonstrators from the People's Democratic Reform Committee or PDRC show a particular disdain for democracy. An example for such negative attitudes toward democracy from the PDRC is provided by its slogan, “Elections bring bad politicians into Thai politics.” This conviction is behind the PDRC's attempts to prevent the election on 2<sup>nd</sup> February 2014. On the opposite side of the political divide, the situation is not much better. Among groups such as the United Front for Democracy against Dictatorship (UDD) or the so-called red shirts, the meaning of democracy equally unclear. In many respects, this attitude is born from the fact that they are connected only to persons such as Thaksin, Yingluck, and the Shinnawatra family rather than parties or political sides. Moreover, they understand democracy simply as majority rule, with no respect paid to the minority.

Therefore, it is interesting to apply the theories of defective democracy, consolidation democracy, and political culture to evaluating and analyzing Thailand's democracy. This will also help us get a clearer understanding of the true nature of democracy. Is it just elections? To what degree has Thailand's democracy evolved right now? Why is democracy important? What are the possible defects of Thailand's democracy? How can democracy in Thailand be rescued or consolidated, especially amidst the current political crisis?

## **Research Period**

Thailand's political crisis since late 2013 up to the moment before the military's coup on 22<sup>nd</sup> May 2014

## **Hypothesis**

- H#1** Thailand, led by political elites since 1932, supports democratic regimes as an ideal form of government.
- H#2** Thailand favors a constitutional monarchy model of democracy whereby the Prime Minister is the head of government and a hereditary monarch is head of state.
- H#3** During the period following the democratic revolution in 1932 up to the present, there has still not been any systematic change even though the country has not yet instituted a consolidated democracy.
- H#4** However, its political situation at present is showing some doubts which might lead the country to revert to an authoritarian system. Such an outcome would be the result of the defects in its democratic regime.

- H#4.1** The partial regimes of Thailand's democracy are not mutually embedded and do not support each others' functions.
- H#4.2** The stateness problem is not yet resolved and continues to become more and more difficult.
- H#4.3** Thailand's political culture is not congruent with a democratic political regime, neither in terms of behavior, attitude, or constitution.
- H#4.4** There are a number of problems in the design and value system of Thailand's political institutions.
- H#5** Reconciliation and improving the law and justice in Thailand are fundamental ways to rescue its democracy from regression. Democracy becoming "the only game in town" for the nation's political actors should be the primary long-term plan.

## **Theoretical Framework**

As already described in the beginning, this research is going to investigate the following two main theories:

- 1. Theory of defective democracy by Wolfgang Merkel**
- 2. Theory of consolidation democracy: concerning the concept of democratic political culture theory by Linz and Stepan as well as by Edeltraud Roller, Dieter Fuchs, and Krzysztof Zagorski**

### ***Why should these two concepts be so important?***

This research will first analyze whether Thailand's democracy is indeed defective and investigate in more detail pursuant to the following questions: Why is Thailand only a so-called "electoral democracy" and why is it not a so-called "consolidated democratic country"? What defects does it present? In this case, the concept of "defective democracy theory" can be precisely described with the 4 types of defective democracies as well as the related causes of a defective democracy, considered from three perspectives.

Secondly, as the goal of this work lies in a profound investigation of Thailand's democracy and its possible defectiveness, more in-depth consideration has to be given to the understanding of consolidation and its transition. Important in this regard are the definition of consolidated democracy as well as the five arenas of consolidated democracy and the four additional regimes types, as provided by Linz and Stepan (1996). They are significant in the attempt to explain the problems of Thailand's democracy. Also included are the positive strategies by Linz and Stepan, based on the belief that any defective democratic country may transform itself into a consolidated democracy with the right approach. This is of obvious interest for a study of Thailand, especially in the current political crisis.

Besides applying the concept of consolidation democracy theory by Linz and Stepan, this paper will also look at the concept of “democratic political culture” by Roller, Fuchs, and Zagorski in this research to provide the main definition of the word “consolidation.” This definition will help significantly in measuring the “democratic political culture” in Thailand because it allows the analysis of this research to go beyond the framework of merely determining the system as defective or consolidated. That is because this concept significantly supports the explanation by Linz and Stepan on the definition of a consolidated democracy according to behavioral, attitudinal, and constitutional dimensions. Attitude and behavior function as the main factors in a maturing political culture are seen as valuable here, as well as the aggregation of political attitudes through socialization processes in order to create a profound and enduring nature of democratic political culture. Furthermore, the definitions of “public support” or “support for democracy” can also be found in the explanation of this concept, allowing the support for democracy to also be measured.

Concluding the methodological and theoretical framework of this thesis, the first part of the research in chapters IV, V, and VI are concerned with evaluating and analyzing Thailand's democracy on whether it is defective and, if so, what the defects in its democratic regime are (such as partial regimes, the stateness problem, political culture and institutions). This refers back to hypothesis 4 by using the defective democracy theory and the consolidation democracy theory. In the second part of the analysis, this thesis will continue to apply the consolidation theory, focusing on the democratic political culture theory to analyze and further explain why Thailand's democracy is not consolidated and how far Thailand's democracy has developed up to now. Chapter VI deals with these aspects. Chapter VII will provide the conclusion as well as a future outlook for Thailand's democracy, with an analysis of which actions may be best suited to institute consolidation in Thailand, with respect to hypothesis 5.

Aide from the methods of empirical and quantitative studies, this research contributes an innovative aspect in undertaking a comparative study about democratic development and political attitudes in Great Britain and Germany as two countries without any doubt in their democracy.

### **Purpose of the Research:**

There are 3 main purposes of this research.

The first purpose is answering the 4 main research questions: (1) Is Thailand a consolidated democratic country? (2) What are the possible defects in Thailand's democracy? (3) How far has Thailand's democracy developed? And (4) To what degree is Thailand's consolidation established? Thailand's democracy is evaluated and analyzed according to the theoretical frameworks of defective democracy and consolidation democracy theory.

The second purpose is to find out which steps are suited to establishing consolidation in Thailand.

The third purpose is to consider future outlooks for Thailand's democracy.

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## **Chapter II      Political history and the structure of political regimes in Thailand**

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This chapter will open the investigation with a clear picture of Thailand's politics in both its political history and the structure of its political regimes.

Political history and political structure are relevant to each other as both influence political developments and designs in a country. Hence, to evaluate Thailand's democracy, a clear understanding of its transition, democratization, and institutionalization is necessary.

### **I.      Thailand's Political History**

The particular goal of this part is to focus on the main transitions of Thailand's politics and its democratization. There are, of course, many outstanding factors that influence any transition and any period of politics. These can, for example, be roughly classified into internal and external factors. Also, any period of change has its own instances of transition and institutionalization, leading to respective characteristics of a country's democracy.

On the other hand, when we want to evaluate the presence of defects in a nation's democracy, there are also many outstanding factors of concern, as Merkel and colleagues conclude (Merkel et al., 2003, pp. 187-238.)

*“[N]o single outstanding factor can be sorted out as the primary cause of the formation of these severe defects in young democracies. Rather, specific combinations of causes that lend themselves to special opportunities for certain actors to usurp power, suspend constitutional norms or circumvent checks limiting power are ultimately responsible for the emergence of defects.”*

The author of this paper has identified 7 outstanding periods which are characterized by specific qualities that have clearly effected Thailand's transitions and institutionalizations (cf. Table 1).

**Table 1:**  
**The 7 outstanding transitions and institutionalizations of Thailand's democracy**

#	Periods: Transitions and Institutionalizations	Characteristics of Democracy
1	<p>1932 The revolution (only encompassing a small group of political elites) for a democratic regime</p> <ul style="list-style-type: none"> <li>- Although the revolution has transformed Thailand's political landscape, it has fallen short of establishing a consolidated democracy. As such, it is called an "incomplete democratic transition" in this thesis.</li> <li>- At the beginning of this period, a civilian government was briefly in place after the transition. Later on, the country frequently fell under the rule of junta regimes joining powers and interests with political elites and royalists.</li> </ul>	↓
2	<p>1980s (Defective) democratic period</p> <ul style="list-style-type: none"> <li>- Student uprisings were supported by a wave of modernization and economic growth.</li> <li>- Governments had a chance to educate people about democracy but chose to ignore this opportunity.</li> </ul>	↑ - - -
3	<p>1990s People power and silent coups</p> <ul style="list-style-type: none"> <li>- The military still influenced the country but could not do so directly because of the world changing towards democracy.</li> <li>- Civilian governments were steadily garnering more strength and authority.</li> <li>- "Corruption" is one of main political problems in Thailand.</li> </ul>	↑ - - -
4	<p>1997 Applying the concept of "good governance" after the country's economic crisis in 1997</p> <ul style="list-style-type: none"> <li>- The country was forced by the International Monetary Fund or IMF to use the principles of good governance in administrating</li> </ul>	↑ - - -

		<p>the country.</p> <ul style="list-style-type: none"> <li>- The People's Constitution of 1997 was created during this period, yielding benefits for democracy</li> <li>- It was the first time in Thailand's political history that the senators and the House of Representatives were fully elected.</li> </ul>	
5	2001	<p>The rising of Thaksin and his populist policies</p> <ul style="list-style-type: none"> <li>- Political policies have been of monumental importance in Thai politics since this period, benefitting especially people in rural areas</li> <li>- Nevertheless, corruption continues to be a major problem in Thai politics. This is due to Thaksin and his circles still broadly sharing political interests among themselves. Also, some policies under his administration, such as the "Drug War," led to a deplorable human rights situation in Thailand. Further problems for democracy were created by his majority in the parliament, to the detriment of opposition voices.</li> </ul>	↑ - - -
6	2006	<p>Regressive democracy</p> <ul style="list-style-type: none"> <li>- This period saw a return of junta regimes and a polarized society.</li> <li>- The coup deposed Thaksin while abroad and set up the junta government.</li> <li>- Nevertheless, Thaksin's faction still won elections and led the government after the Junta permitted elections.</li> <li>- The People's Constitution of 1997 was abrogated and replaced by the new constitution of 2007</li> <li>- The yellow shirt group appeared again after Thaksin was ousted by the coup in 2006. In demonstrations, they demanded the resignation of the former Prime Minister Somchai Wongsawat.</li> <li>- The leader of the Democrat Party, Abhisit Vejjajiva, was elected by the parliament to be the next Prime Minister, giving in to the powerful demands of the yellow shirt group and its supporters (the conservative power group)</li> </ul>	↓

	<ul style="list-style-type: none"> <li>- The government of Abhisit tried to amend the constitution of 2007 to suit his and his party's interests.</li> <li>- This led to the emergence of the red shirts group, in turn demonstrating and demanding that Abhisit dissolve parliament and hold general elections.</li> <li>- Violent clashes between the government of Abhisit and the red shirts group followed, resulting in the deaths of 99 unarmed people.</li> <li>- Yingluck Shinawatra won the election with a landslide victory and became the first female Prime Minister of Thailand.</li> <li>- The stateness problem between the conservative power group and the democratic support group became more critical in Thailand.</li> </ul>	
7	<p>2013 April 2014      The ongoing crisis further regressing Thailand's democracy and the break down process of the stateness problem</p> <ul style="list-style-type: none"> <li>- The Amnesty Bill that allowed Thaksin to come back home was the start of the demonstrations led by the so-called People's Democratic Reform Committee or PDRC, a movement formed by the same networks as the yellow shirts group; but they are stronger and better able to control the media as well as its propaganda.</li> <li>- The situation seems to get more difficult because the PDRC clearly announced that it will not compromise or reconcile unless the caretaker Yingluck resigns from her position (before the request for a talk with Yingluck at the end of February 2014).</li> <li>- Democracy has seemed to worsen because of the PDRC's goal to set up its own unelected government or a people's council headed by an appointed Prime Minister.</li> <li>- Human rights in Thailand are ignored in discussions, as are violent clashes instigated by both sides, especially through lesser known sub-groups.</li> <li>- The country is deeply entrenched in the break down process of the stateness problem.</li> </ul>	



## 1.2 1980s: Defective democratic period

After the Indochina War, there was tremendous support for consolidating democracy in Thailand as well as other Asian countries, as this was believed to provide a boost to economic growth. Large scale foreign investments poured into Thailand during the 1980s, strengthening the middle class, particularly in Bangkok and other large cities. Thailand's economy continued to rally and, after a while, was termed the fifth Asian Tiger.

Such economic benefits could have easily been parlayed into improving more than just the economy, in particular Thailand's democracy. The nation's socio-economic level could have been improved with more equal distribution, along with better education about democracy. Instead, the governments of this period only concerned themselves with making more money. Selfishness ruled, such as when middle-class city folk ignored any hardships suffered by rural people. Corruption was common, among media representatives as well as bureaucrats and politicians who considered bribes an ordinary business practice. Numerous social problems occurred during this time. Yet, all in all, no efforts were made to consolidate Thailand's democracy, as had been true for the nation's history since 1932; as Merkel and colleagues (Merkel et al., 2003, pp. 200-213.) mention about the effect of modernization and economics on democratization:

*“The probability of the emergence of a defective democracy is higher, the lower the socio-economic level of development and the more unequal the distribution of societal resources in a society. An asymmetrical distribution of economic, cultural and intellectual resources promotes acute inequality of political resources of action and power among political actors.”*

## 1.3 1990s: People's power and stagnation of coups

The Black May Uprising in 1992, a popular protest in Bangkok, represented another political movement in Thailand, this time seeking to unseat the government of General Suchinda Kraprayoon, Prime Minister in a military government. That uprising showed that the Thai people had grown wary of the military dominating a government again. When General Suchinda tried to seize political power, the Thai people accordingly protested for democracy.

This led to up to 200,000 people demonstrating in central Bangkok at the height of the protests. The subsequent military crackdown resulted in 52 officially confirmed deaths, many disappearances, hundreds of injuries, and over 3,500 arrested. (David van Praagh, 1996) Many of those arrested were allegedly tortured. At the end of this political conflict, the King and his royalists intervened again, demanding that General Suchinda Kraprayoon and the leader of the popular protest, Chamlong Srimuang, put an end to their confrontation and work together through parliamentary procedures. As a result, Suchinda released Chamlong from prison and announced an amnesty for protesters. He also agreed to support an amendment requiring the prime minister to be elected. Chamlong asked the demonstrators to disperse, which they did. On 24<sup>th</sup> of May 1992, Suchinda resigned as prime minister of Thailand.

After these events, Thailand had its first prime minister who came to power without either aristocratic or military backing. Chuan Leekpai, leader of the Democrat Party, won the election in 1992 and formed a government from a 5 party coalition, consisting of the Democrat, New Aspiration, Palang Dhamma, Social Action and Social Unity Parties. After his electoral defeat in 1995, the two following governments, led by Banharn Silpa-archa (1995-1996) and General Chavalit Yongchaiyudh (1996-1997), were from the election and the parliamentary system.

These years are noteworthy in that they represented long years of uninterrupted elected civilian governments in Thailand. As Croissant (Croissant, 2004, p. 162.) refers to James Ockey (Ockey, 2002), saying that:

*“Since the 1930s, the Thai military had exerted a decisive influence upon politics in Thailand. Today, soldiers are still influential in domestic politics; but they cannot control the political process as they used to do.”*

#### **1.4 1997: Good governance under the economic crisis**

However, while Thailand had seemed to move away from military interventions in politics, another important area continued to hinder Thailand from consolidating its democracy, namely the issue of “corruption.”

In Chavalit Yongchaiyudh's administration, numerous cases of corruption, economic mismanagement and poor decisions during the Thai baht crisis led to the country's situation deteriorating. Furthermore, his government contributed to triggering the Asian financial crisis by failing to defend the baht from international speculators. Then Thailand had to suffer the economic crisis and finally had to ask for help from such international organizations as the International Monetary Fund (IMF). Subsequently, General Chavalit Yongchaiyud was forced to resign by many political actors and did so on November 6<sup>th</sup>, 1997, in the midst of the Asian financial crisis. The government following this failed administration was led by Chuan Leekpai (1997-2001).

The Asian financial crisis became a significant factor in making Thailand apply the concept of “Good Governance,” as demanded by IMF programs, so that the country could render its ineffective economies and political bodies more viable. These developments also contributed to the writing of a new constitution, the 1997 constitution, which proved a landmark in democratic political reform because it was the first constitution drafted by an elected assembly, and it was popularly called the “People's Constitution.” For the first time in Thai history, both houses were directly elected. Many human rights were explicitly acknowledged, and measures were established to increase the stability of elected governments. It can be said that the new constitution of 1997 improved the institutional framework for an effective rule of law and for the guarantee of civil liberties, as stated by Borwornsak and Burns (1998, pp. 227-249.) in the acclaimed work on the subject.

However, the economic crisis continued to be a nightmare for the Thai people. They had expected fast improvement from the IMF's bail-out program, but reality turned out to be less rewarding. Therefore, many alternative economic ideas came to

be discussed in Thai society, such as King's "the philosophy of Sufficiency Economy." Moreover, the Thai people were dissatisfied with the Chuan Leekpai administration, as Thailand's economics was still suffering, and he had proved slow to react to numerous corruptions scandals, even permitting them. As a result, the country's factions raised their heads again, publicizing their demands and dissatisfaction, culminating in the rise of a new choice through the newly formed party called the Thai Rak Thai (TRT) party, led by Thaksin Shinawatra.

### **1.5 2001: The rising of Thaksin Shinawatra and his populist policies**

Thaksin Shinawatra, a telecommunications multimillionaire, won the election in January 2001 on a populist platform of economic growth and development. He introduced many of his populist policies with the particular promise of helping people in rural areas to break free from their poverty. The universal healthcare program and the 30 baht scheme are examples of his populist policies. The fresh new alternative of economic choice provided by Thaksin and his party, together with much propaganda on solving the problems of rural poverty, combined to lead to a historic landslide election in 2001, allowing the TRT to set up a stable government on a wide electoral footing.

Merkel (Billen, 2007, pp. 1-9.) emphasizes that, after 2001, Thaksin created a Thailand unlike what it had been before. But developments in terms of democracy went in two directions, both positive and negative.

Some positive results of his government were that democracy in Thailand was blossoming more than it had in the past. People especially from rural areas and poor people were able to learn about and choose in-between policies instead of just following political parties sticking to the traditional approach rather than offering alternatives. Rural people in Thailand could raise issues necessary for them, leading to such developments as the 30 baht scheme which proved to be quite useful for ordinary people with little money to spend on medicine or hospital stays. Therefore, it can be reasonably concluded that Thaksin succeeded in planting and nurturing seeds of democracy in the country.

However, aside from his political deeds and positive feedback, his personal rule has been far more vociferous and vindictive towards his opposition. (We can see the analysis of this phenomenon later, especially in chapters IV, V and VI) Of course, no one is perfect, certainly no political leader. Previous prime ministers also received both positive and negative critiques regarding their work and behavior, yet the figure of Thaksin has raised these regards to unprecedented levels. What did he do to influence Thai politics and society? Subsequently, some of the events after the landslide victory in 2010 are considered.

One indication is that he gathered too much power in his own person, citing his style as that of a "Chief Executive Officer (CEO)," i.e. a company rather than a state leader. Representative of this was the "Drug War," a campaign that saw thousands of deaths within its first year. (Wheeler, 2003, pp. 4-12.) Not only were these deaths disproportionately high, some could be traced back directly to faults in Thaksin's policies. Furthermore, his attempts at settling the problem in the south of Thailand (Yala, Narathiwat and Pattaani) did not pass without violence. Such developments led to Amnesty International criticizing the human rights situation in Thailand.

The above selection hardly exhausts the gubernatorial areas with problems regarding democratic principles at the time. Billen (2007, pp. 10-25.) lists the following problem areas:

- Thaksin used investment money to purchase political cooperation from other parties such as Chart Pattana and Chart Thai and also later on Seritham and the New Aspiration Party (NAP). This cooperation led to the multi-party coalition under Thaksin and thus his absolute domination in the parliament. Accordingly, there was little to no parliamentary opposition left.
- Equal rights for some minorities in Thailand were still lacking, such as the Muslim people in southern Thailand or the hill tribes northern Thailand.
- Under Thaksin's government, the media and information were controlled by the military and the Shin Corporation. Therefore, they formed a propaganda instrument for the government, as evidenced by laws forbidding the programs from criticizing the government.
- The Thaksin government demonstrated a growing reluctance to listen to critical views from civil society bodies. Starting in 2001, the government no longer cooperated with NGOs or the civil society, as described in detail by McCargo (2006, p. 155-171). Accordingly, NGOs or the civil society in Thailand in this period were weak.
- The problem of corruption in Thaksin's era kept mounting and mounting. Corporations were intermingled with the bureaucracy, businesses interwoven with the government. They worked together, and no legal institutions had any power to distance them again. This led to the collapse of the system of "checks and balance," and the country was, according to Billen, "Ruled through Cabinet decisions and executive decrees."
- Not only did Thaksin try to appoint members of his family or business friends as members of parliament, but he also deeply involved himself with elements of the annual budget (e.g. the secret fund). He also interfered with issues such as promotions and reshuffles in the military, issues regarded as exclusive to the military domain. (Bünthe, 2001, p. 206.)

In addition, Thaksin was also criticized for many dubious proceedings in his private life: For instance, he was charged by the Board of Anti-Corruption of hiding shares worth hundreds of millions of baht with several of his employees. In general, levels of corruption under his administration kept rising, such as Transparency International's Corruption Perception Index going from 3.2 to 3.8 between 2001 and 2005 (Transparency International's Corruption Perception Index, 2006).

However, despite the loud criticism Thaksin had to face, he still won the next election in 2005, with the highest voter turnout ever in Thailand's history. His second turn in office was marred by numerous protests on the continuing problems, as described above, but joined by the new problem of the *lèse majesté* law after insulting the king.

The most relevant demonstrations in 2006 were led by Sonthi Limthongkul of the People's Alliance for Democracy (PAD). On 19<sup>th</sup> of September of the same year, Thailand's democracy was pushed aside once more by the first junta regime after 14 years of civilian governments.

### **1.6 2006: Regressive democracy with a junta regime and a polarized society**

On 19<sup>th</sup> September 2006, a military junta – later to call itself the Council for National Security (CNS) – overthrew Thaksin's government in a coup while he was abroad. General Sonthi Boonyaratglin was appointed *de facto* head of state through the Council for Democratic Reform under Constitutional Monarchy or CDRM. Political activities were banned by the junta after its coup. The 1997 constitution was abrogated, although most of the institutions of government remained intact. Yet another new constitution was drafted and promulgated in late 2007.

Following these events, Thailand's democracy has been struggling more and more up to the present day. There was fighting between the yellow shirts or PAD group, led by Sonthi Limthongkul, and the red shirts group which demands the return of democracy as well as Thaksin himself to Thailand. During 2006 and 2007, organized underground terrorist activities took place, burning numerous schools in rural areas of the north and the northeast of Thailand; bombs were planted in ten locations in Bangkok, killing and injuring several people on New Year's Day 2006. At any rate, the governments following the junta government were still led by Thaksin's nominees through the parliamentary system. This added flames to the political situation in Thailand, leading to more civil disobedience and unrest led by the PAD.

However, in 2008-2011, Abhisit Vejjajiva, the head of the Democrat Party, supported by the PAD or the yellow shirts group, finally became the 27<sup>th</sup> prime minister of Thailand by appointment after the Constitutional Court of Thailand removed Prime Minister Somchai Wongsawat. Nonetheless, the fighting and political turmoil in Thailand still continued. His government was controversial and opposed from the beginning by the anti-government protesters known as the red shirts. In April 2009, they began their huge demonstration aimed at forcing the prime minister's resignation and a fresh election. The situation was centered on Bangkok. The violence worsened when the red shirts' leaders were arrested. To end this conflict, Abhisit announced an election for 14<sup>th</sup> November so he asked the red shirts to accept this offer. The red shirts' leaders were indeed satisfied: They left the occupied parts of Bangkok to return for the election on the scheduled date.

Since 2011, Yingluck Shinawatra, a sister of Thaksin Shinawatra's, and the Pheu Thai Party have been in power after winning a landslide victory in the general election. They won as many as 310 seats in the 500 seat parliament. It was only the 2<sup>nd</sup> time in Thai political history that a single party won more than half of the seats in parliament; the first time had been Thaksin and his Thai Rak Thai Party (TRT) in 2005.

### **1.7 2013 – April 2014: The ongoing crisis regressing Thailand's democracy and the breaking down process of the stateness problem**

The start of the present political turmoil in Thailand began with the “Amnesty Bill” in late 2013. People from Bangkok most of all had no desire to see Thaksin benefit from this bill who could come back home without any charges leveled at him. As a matter of fact, the demonstrations should have been stopped after the government, led by Prime Minister Yingluck Shinawatra, announced that they had already withdrawn the Amnesty Bill from parliament. However, the protestors, driven by the PDRC, switched immediately to other campaign goals, in particular the supposed corruption in the Thaksin family. The goal of deposing Prime Minister Yingluck remained intact. The demonstrations continued apace even when parliament was dissolved on 9<sup>th</sup> December 2013, with a snap election set for 2<sup>nd</sup> February 2014. In fact, the demonstrations gained the additional goal of preventing these elections from taking place since, in their claims, reforms were needed before elections could be held. Accordingly, the only way forward in the demonstrators’ view, was for the Yingluck caretaker government to resign, only to be replaced by an unelected PDRC government, with a new prime minister to be appointed by the king. Violence between the factions continued, adding to the turmoil and confusion. However, the election on 2<sup>nd</sup> February proved successful, even though the PDRC had some *agents provocateurs* try to keep people from voting. Nonetheless, 20 million votes were cast that day. Yet electoral problems persisted, caused by the ongoing political crisis. The Election Committee (EC), directly responsible for solving such problems, refused to address these, offering such dubious reasons as a completion of the election throughout the country not being possible. This can be seen as dereliction of its duty. The situation worsened even more when the PDRC along with the conservative power group pushed not only for an unelected government or the people’s council of the PDRC taking over but also demanded that the military step in. Military coups have been commonplace in Thailand, even without one or the other group calling for them. Moreover, the PDRC also opted to use the law courts through a so-called “judicial coup” to remove Yingluck from her position through charges of corruption, regarding e.g. the rice subsidy.

No matter the attacks, Yingluck has clearly stated that she will stay in power, not because that would be in her interest but, as she proclaims, that she wants to stand for democracy in the country. (Please see more details about and analysis of this topic in Chapters IV, V and VI)

## **II. The structure of Thailand's political regimes**

### **1. General understanding**

The framework of a *Constitutional Monarchy under a Parliamentary Democratic System* has currently been in place in Thailand since 1932. The term constitutional monarchy clearly stipulates that the sovereignty of the state belongs to the people. The king’s power is limited under the constitution. He must exercise his power through the three branches; executive power, legislative power and the judiciary. The judiciary is independent of the executive and legislative branches.

## 2. In detail

### 2.1 The monarchy as head of state

According to the constitution, a hereditary monarch is the head of state; he has only limited power when compared with a ruler in the preceding political system in Thailand, "Absolute Monarchy."

However, as head of state, the monarch is also able to perform several state functions as follow (Bunbongkarn, 14 May 2014.)

- All legislative, executive and judicial functions are conducted in the King's name.
- He signs bills passed by the legislature, appoints the Prime Minister on the advice of the legislature.
- He appoints cabinet ministers and high ranking government and military officers on the advice of the prime minister.
- He appoints the Buddhist supreme patriarch and high ranking Buddhist monks.
- As the patron of Buddhism, he is responsible for important Buddhist religious ceremonies. He is also the patron of other religions which have followers in the country.
- He confers honors on officials and other citizens and may grant pardon to those convicted of crimes.
- He is also the honorary supreme commander of the armed forces.

The King is aided in his all duties by the Privy Council of Thailand<sup>1</sup>.

Aside from all of these functions, he is a figurehead or symbol of Thailand. The present King enjoys a great deal of popular respect and moral authority, which has been used at times to resolve political crises. In addition, the *lèse majesté* laws<sup>2</sup> or the crime of violating the monarch's dignity is still applied in Thailand to a significant degree despite criticism that it is misused to target a political opponent.

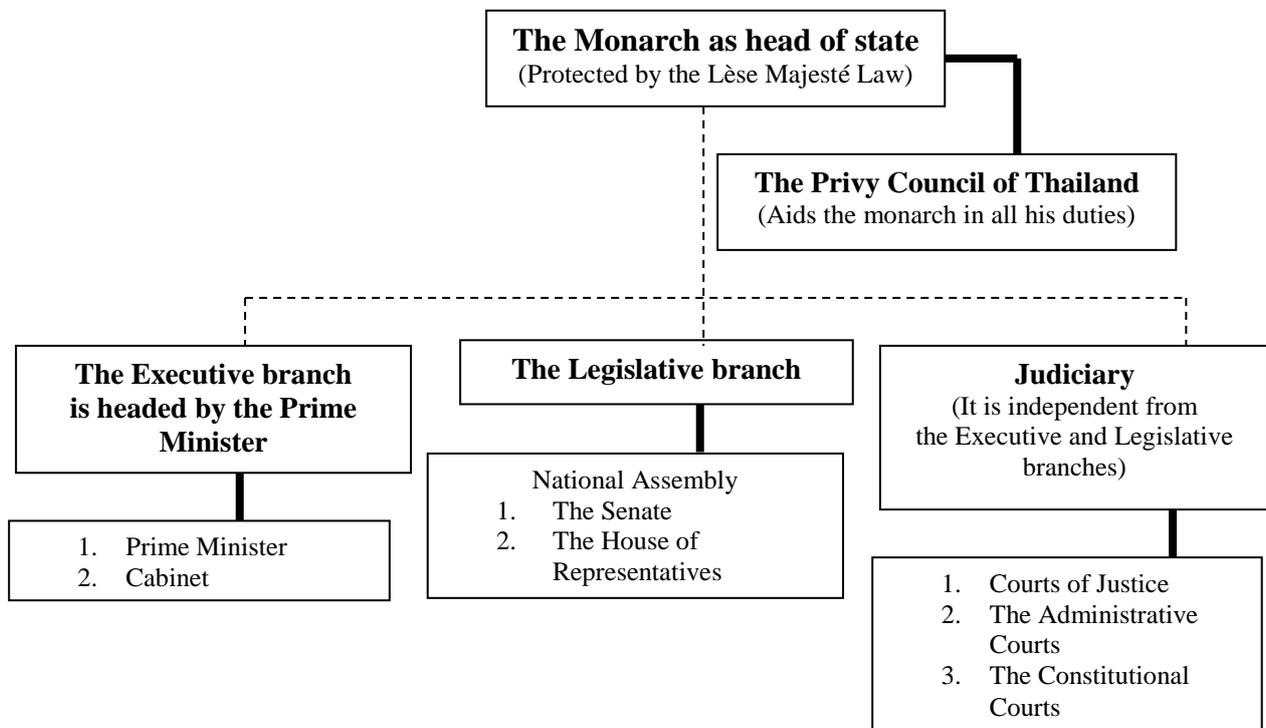
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<sup>1</sup> The Privy Council of Thailand is a body of appointed advisors to the monarch of Thailand. The king alone appoints all members of the Council. During 2006, the council and its president in particular, were accused of interfering in politics, specifically the 2006 Thai coup d'état. The Council has close ties to the military. Under the 2007 Constitution of Thailand, the Council was given many powers and responsibilities, all with regard to the Monarchy of Thailand and the House of Chakri.

<sup>2</sup> The 2007 Constitution of Thailand, and all seventeen versions since 1932, contain the clause, "The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action." The Thai Criminal Code elaborates in Article 112: "Whoever defames, insults or threatens the King, Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years." Foreign Law Bureau Office of the Council of State (2007) Constitution of the Kingdom of Thailand, B.E. 2550 (2007) [Online] Foreign Law Bureau Office of the Council of State. Available from: <http://www.asianlii.org/th/legis/const/2007/1.html> [Accessed: 27th February 2012].

For making a clear picture of Thailand's political structure that has the king as head of state under the Constitutional Monarchy system, the author of this thesis presents the structure 1 for explaining how the structure of Thailand's state looks like.

**The structure 1: The structure of Thailand's state**



**Source:** Constitution of the Kingdom of Thailand B.E, 2550 (2007)

**2.2 The Executive branch**

**2.2.1 The Prime Minister: The head of government and the chairman of the cabinet of Thailand**

The prime minister is the head of government and has the authority to appoint or remove any ministers in his or her government, the cabinet of Thailand.

Normally, the prime minister is first selected by a vote in the Thai House Representatives and then officially appointed by the king. In accordance with the constitution, the prime minister can only be appointed twice and is therefore limited to a maximum of two consecutive terms. Since 1932, the prime minister of Thailand has been the leader of the largest party or the largest coalition party in the lower house of parliament.

## **2.2.2 The Cabinet of Thailand or the Council of Ministers of Thailand**

The cabinet of Thailand, collectively called “the government” or the “royal Thai government” is the primary executive branch of the Thai government led by the prime minister.

The body is composed of 35 ministers of state and deputy ministers. There are currently 20 cabinet ministries, comprising the majority of state employees. Members of the cabinet are nominated by the prime minister and formally appointed by the king. Most members are heads of government departments and have the title of “Minister of State.” Members of the cabinet do not necessarily need to be members of the lower house, as in other countries, but they most often are. The cabinet is responsible for the formulation and execution of the government’s policies. (Constitution of the Kingdom of Thailand B.E, 2550 (2007), pp. 116-119.)

## **2.3 The Legislative Branch**

The legislative branch is represented by the National Assembly of Thailand or the Parliament of Thailand.

In Thailand, a bicameral body is used for the National Assembly of Thailand. It consists of 2 chambers. The first chamber is the upper house or the senate of Thailand, and the second chamber is the lower house or the House of Representatives of Thailand. The National Assembly currently, since the adoption of the 2007 Constitution of Thailand, is composed of 650 members Representatives (MPs). (Constitution of the Kingdom of Thailand B.E, 2550 (2007), pp. 53-89.)

### **2.3.1 The Senate**

The Senate is the upper house of the National Assembly of Thailand. In accordance with the 2007 Constitution of Thailand, the Senate at the present time has 150 members. These are put into office in two ways:

- The first 76 members are elected one per province from the 75 provinces of Thailand and 1 from the Bangkok metropolitan area.
- The other 74 members are selected by the Senate selection commission, made up of both elected and appointed officials. This must be a strictly non-partisan chamber, and members must not have been members of a partisan organization, the House of Representatives, the judiciary and the Cabinet for five years.

The function of the Senate is to provide scrutiny and advice on the appointment of the judiciary and independent government agencies.

The Senate operates for six years as a nonrenewable term, and it cannot be dissolved. The Senate must elect, by ballot, three presiding officers, one president and two vice presidents. After the election, the names of the three presiding officers must be submitted to the King. The president of the Senate is also the president of The National Assembly of Thailand.

### **2.3.2 The House of Representatives**

The House of Representatives of Thailand is the lower house of the National Assembly of Thailand.

The House of Representatives of Thailand is the primary legislative branch of the government of Thailand. It consists of 500 members enrolled in two ways:

- The first 375 MPs must be directly elected from single-seat constituencies around the country.
- The other 125 members must be selected by using the “proportional representation” through a party list. There are 8 electoral areas from which the proportionally representative votes are taken and 375 constituencies.

Such a system is called a “Mixed Member Majoritarian” in which a voter has two votes each, one for the constituency MP and the other for a party in the voter’s electoral area. The House of Representatives is powerful because they have the right to remove both the prime minister and cabinet ministers through a vote of no confidence. The House operates for a term of four years. However, a dissolution of the House can happen any time before the expiration of said term. The House is led by the Speaker of the House of Representatives, who is also the President of the National Assembly. He is assisted by two Deputy Speakers.

The leader of the largest party or largest coalition party will most likely become prime minister, while the leader of the largest party with no members holding any ministerial positions will become the leader of the opposition. Leadership of the opposition is a powerful position with considerable influence; he is assisted by a shadow cabinet.

## **2.4 Judiciary**

In accordance with the constitution, the judiciary of Thailand is independent from the executive and legislative branches. There are 3 systems of the judiciary of Thailand. (Constitution of the Kingdom of Thailand B.E, 2550 (2007), pp. 130-149.)

### **2.4.1 The Court of Justice System**

The Court of Justice System is the largest court system in Thailand. The Courts as mandated in the Constitution are made up of three tiers:

- The Court of First Instance
- The Court of Appeals
- The Supreme Court of Justice of Thailand

### **2.4.2 The Administrative Court System**

The Administrative Court was created in 1997 to settle any litigation between the state or an organ of the state (government ministries, departments and independent agencies) on the one hand and private citizens on the other. This court system has 2 tiers:

- The Administrative Courts of First Instance
- The Supreme Administrative Court.

### **2.4.3 The Constitutional Court of Thailand**

The Constitutional Court of Thailand was also created only in 1997 as a high court for settling or considering changes to the constitution.

## **2.5 Local governance system**

Thailand currently has 76 provinces. The government's authority to govern all provinces is executed via 2 systems.

2.5.1 The system of election for the metropolis of greater Bangkok and the city of Pattaya. It means that the governor in 2 potential provinces must be elected by popular vote.

2.5.2 The system of sending the 74 governors appointed by the Ministry of the Interior to the remaining 74 provinces.

## Election system in Thailand

There are 5 democratic processes in Thailand:

1. The House of Representatives of Thailand
2. The Senate of Thailand (combined to create the National Assembly of Thailand)
3. The local administrations
4. The Governorship of Bangkok
5. The national referendums.

All elections in Thailand are regulated by the Election Commission of Thailand, and voting in elections in Thailand is compulsory.

Elections are held under universal suffrage in accordance with the 2007 constitution (p.35.); however, certain restrictions apply: (Office of the Election Commission of Thailand, 2013)

- The voter must be a national of Thailand; if not by birth then by having been a citizen for 5 years.
- Must be over 18 years of age before the year the election is held.
- The voter must have also registered 90 days before the election at his constituency.
- Those barred from voting in House elections are: members of the sangha or clergy, those suspended from the privilege (for various reasons), detainees under legal or court orders and being of unsound mind or of mental infirmity.
- Voting in elections is also mandatory; missing an election will result in minor tax penalties and other penalties.

## The party system in Thailand

Extreme Pluralism<sup>3</sup> was defined as the party system in Thailand until 2001. After that year, the parliament of Thailand was controlled by only a single party as the Thai Rak Thai Party, the People's Power Party as well as the Pheu Thai Party won more than half the parliamentary seats in the respective elections. Moreover, the opposition since then has also largely consisted of a single large political party, the Democrat Party.

In addition, Croissant and Merkel (no date) define Thailand's party type and government system as clientelistic<sup>4</sup>, charismatic<sup>5</sup> and parliamentary<sup>6</sup>. (Please see Table 2 of this chapter below.)

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<sup>3</sup> *Extreme Pluralism* is roughly the system that resembles limited pluralism, with the important difference that it involves more than five relevant parties, according to the much acclaimed work on the subject by Croissant and Merkel (2004).

<sup>4</sup> *Clientelistic parties* violate fundamental democratic principles and thus hamper the legitimization of any democratic regime. Officially, they act as if they abide by and have respect for the rules of the game. During electoral campaigns, for instance, they purport to champion the production of collective goods. In fact, however, they provide personal favors, partisan benefits and services for their loyal clientele. "Moreover, in countries where clientelistic parties cooperate in dividing up state revenue and jobs as the booty disbursed to their followers, voting appears as superfluous exercise. Clientelistic parties work around rather than through the stated rules of democratic competition." (Kitschelt 1995, p. 450). Hence their behavior gives rise to cynicism and undermines the citizens' trust in democratic institutions. Croissant and Merkel (2004).

<sup>5</sup> *Charismatic parties* are defined by the leadership of a charismatic person. They deprive their constituency of any programmatic choices. Politics are reduced to the personal dimension, and programmatic choice is downgraded to a mere acclamation of the charismatic leader. Neither can the voters foresee nor influence the political outcomes of their decision. Undoubtedly, such acclamation devoid of programmatic

**Table 2: Party Types and Government System in 30 New Democracies (1990s)**

<i>Region/Country</i>	<i>Government System</i>	<i>Dominant Party Type</i>
<i>South Europe</i>		
Greece	Parliamentary	programmatic-clientelistic
Portugal	Parliamentary	programmatic
Spain	Parliamentary	programmatic
<i>South America</i>		
Bulgaria	Premier-presidential	programmatic-clientelistic
Poland	Premier-presidential	programmatic
Rumania	Premier-presidential	programmatic-clientelistic
Russia	Premier-presidential	programmatic-clientelistic
Slovakia	Parliamentary	charismatic-programmatic
Slovenia	Parliamentary	programmatic
Czech Republic	Parliamentary	programmatic
Hungary	Parliamentary	programmatic
<i>South America</i>		
Argentina	Presidential	charismatic-programmatic
Brasil	Presidential	clientelistic-programmatic
Chile	Presidential	programmatic-clientelistic
Uruguay	Presidential	clientelistic-programmatic
<i>Central America</i>		
El Salvador	Presidential	clientelistic-programmatic
Honduras	Presidential	clientelistic-programmatic
Guatemala	Presidential	clientelistic-programmatic
Nicaragua	Presidential	clientelistic-programmatic
Mexico	Presidential	clientelistic-programmatic
<i>Africa</i>		
Benin	Presidential	charismatic-clientelistic
Mali	Premier-presidential	clientelistic
Mali	Premier-presidential	clientelistic
Namibia	Presidential	charismatic-clientelistic
South Africa	Parliamentary	programmatic-charismatic
<i>Asia</i>		
Bangladesh	Parliamentary	charismatic-clientelistic
Nepal	Parliamentary	clientelistic-programmatic

choice is incompatible with democratic principles. Another, related problem with charismatic authority is its inherent instability, stemming from the fact that the regime's persistence hinges on the (political) survival of one single individual, the charismatic leader. Croissant and Merkel (2004).

<sup>6</sup>A *parliamentary system* is a system of government in which the ministers of the executive branch obtain their democratic legitimacy from the legislature and are accountable to that body, in such a way that the executive and legislative branches are intertwined.

Philippines	Presidential	clientelistic-charismatic
South Korea	Presidential-parliamentary	charismatic-clientelistic
Thailand	Parliamentary	clientelistic-charismatic
Taiwan	Presidential-parliamentary	programmatic-clientelistic

This typology is imprecise for reasons of methodology. It is based on the main integration and mobilization mode of the parties in a party system. Each party mobilizes in different ways. Here, only the predominant pattern is indicated for the whole party system. Clientelistic or charismatic modes of integration and mobilization can be oriented by different social cleavages (ethnic, religious, language, regional, right-left).

**Source:** Qualitative estimation of the author, compiled according to information in Merkel (Ed.) 1997; Croissant 2001b, 2001c and complementary estimations.

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## Chapter III Theoretical Framework

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This research employs two main theoretical frameworks for the evaluation and analysis of democracy in Thailand, specifically to consider whether it is consolidated and why that is the case, including an investigation into the possible defects in Thailand's democracy as well as speculation about the future outlook of Thailand's democracy.

**These two main theoretical frameworks are:**

- 1. Defective democracy theory by Wolfgang Merkel**
- 2. Consolidated democracy theory: Concerning the concept of democratic political culture by Linz and Stepan as well as by Edeltraud Roller, Dieter Fuchs, and Krzysztof Zagorski**

Both theories are relevant and support each other in developing the present research pursuing the topic of "Evaluation of Thailand's Democracy: Steps to Consolidation." The reason for this mutual support lies in their reflection of both aspects considered here.

According to the first theory, "Defective Democracy," it is clear that this theory was designed and developed for classifying a country as a "Liberal Constitutional Democracy" or an entity Merkel calls a "Defective Democratic Country." Therefore, Thailand will be analytically categorized in order to explain if its democracy is defective and for what reasons.

The second theory, developed from a school of thought by Linz and Stepan as well as by Edeltraud Roller, Dieter Fuchs, and Krzysztof Zagorski, "Consolidating Democracy Theory," will help clarify whether Thailand is consolidated and also assist in answering why and how its democratic transition has taken place and what its consolidation tasks are. In this way, a significant focus should also be placed on the concept of political culture.

### **I. Defective democracy theory by Wolfgang Merkel**

The concept of defective democracy theory was raised by Wolfgang Merkel and his colleagues (Hans-Jürgen Puhe and Aurel Croissant). Before a more in-depth investigation, it be noted how Merkel's observations led him to the idea that there should be a more detailed theory for clearly classifying democracy in details, going beyond the classical distinctions in political science: totalitarian, authoritarian, and democracy.

- 1. Merkel observes the changing wave of political concepts in the world**

In their much acclaimed work on the subject by Croissant and Merkel (2004), they state that since 1974, the third wave of democratization has encompassed southern Europe and Latin America, eventually including Eastern Europe, Asia, and Africa as well. Their main focus was on "transitologists" from the 1970s and 1980s,

investigating the conditions and modes of transition from dictatorship to democracy. In the 1990s, the “consolidologists” concentrated on inquiring into the causes, conditions, and models of the consolidation of young democracies. Most recently, the questions of whether democracy is working, how “good” or “bad” a democracy is, and of the conceptual issue of diminished sub-types of democracy (illiberal democracies, defective democracies, and so on) have begun to become the new predominant trend in democracy theory and democratization studies.

## **2. Merkel criticizes the term “Electoral Democracy”**

In his view, the term “Electoral Democracy” is theoretically incomplete and analytically not very useful. The minimal requirements for a state to be listed as democratic by Freedom House, according to its “Electoral Democracy,” are insufficient for any in-depth comparative analysis of democracy. Such an analysis demands more normative and analytical criteria than those provided by Freedom House. (Merkel, 2004)

Furthermore, Merkel and Croissant (2004) criticize concepts by Schumpeter, Dahl, and Przeworski in their work “Conclusion: Good and Defective,” stating that these political thinkers reduced democracy to the question of free and general electoral competition, vertical accountability and the fact that the most powerful political and social actors were playing the political game according to democratically institutionalized rules. But their considerations not only neglect the external “embedding” of democracy, but also the “internal” embeddedness of the democratic electoral regime. The rule of law, civil rights and horizontal accountability were excluded from these concepts of democracy.

Wolfgang Merkel also takes up the question of the quality of a democracy. In explicit contrast to the “electoralist minimalists” in democratic theory and empirical research on democracy, he challenges the normative substance and the analytical potential of the notion of electoral democracy.

Due to these reasons, Merkel develops the notion of a defective democracy based on the concept of an “Embedded Democracy.” A defective democracy develops as a diminished sub-type of a (liberal) democracy, regarding to embedded democracy functions as the analytical root concept.

To understand the definition and the concept “Embedded Democracy,” it should first be clarified what “Embedded Democracy” is and what its types are.

The embedded democracy concept is the process of thinking and classifying democracy as minimalist from the definition of a constitutional liberal democracy. Since any such country does fulfill the minimum of defining characteristic for a democracy (open access to rulership and legitimization of rulership through the sovereignty of the people), defective democracies are still classified per se as (electoral) democracies. However, defective democracies exhibit severe shortcomings with regard to the rule of law, horizontal accountability or the effectiveness of powers to govern, or what may be called a partial regime. (Merkel, 2004)

Extending these conceptual reflections, Merkel (2004) also discusses the external embeddedness of democracy in different contexts (socio-economic factors, civil

society, and international integration). Most likely, there is not just a single outstanding factor which can be singled out as the primary cause. Rather, different combinations of causes provide special opportunities for certain actors to usurp power, suspend constitutional norms, or circumvent the checks limiting power.

The concept of embedded democracy follows the idea that stable constitutional democracies are embedded in two ways. (Merkel, 2004)

1. Internally, the specific interdependence and independence of the different partial regimes of a democracy secure its normative and functional existence.

Such partial regimes can only function effectively in a democracy if they are mutually embedded. Mutual embeddedness means that some partial regimes support the functioning of another partial regime; for instance, the partial regimes B (political rights) and C (civil rights) support partial regime A (democratic election).

On the other hand, a partial regime may keep from infringing on other partial regime.

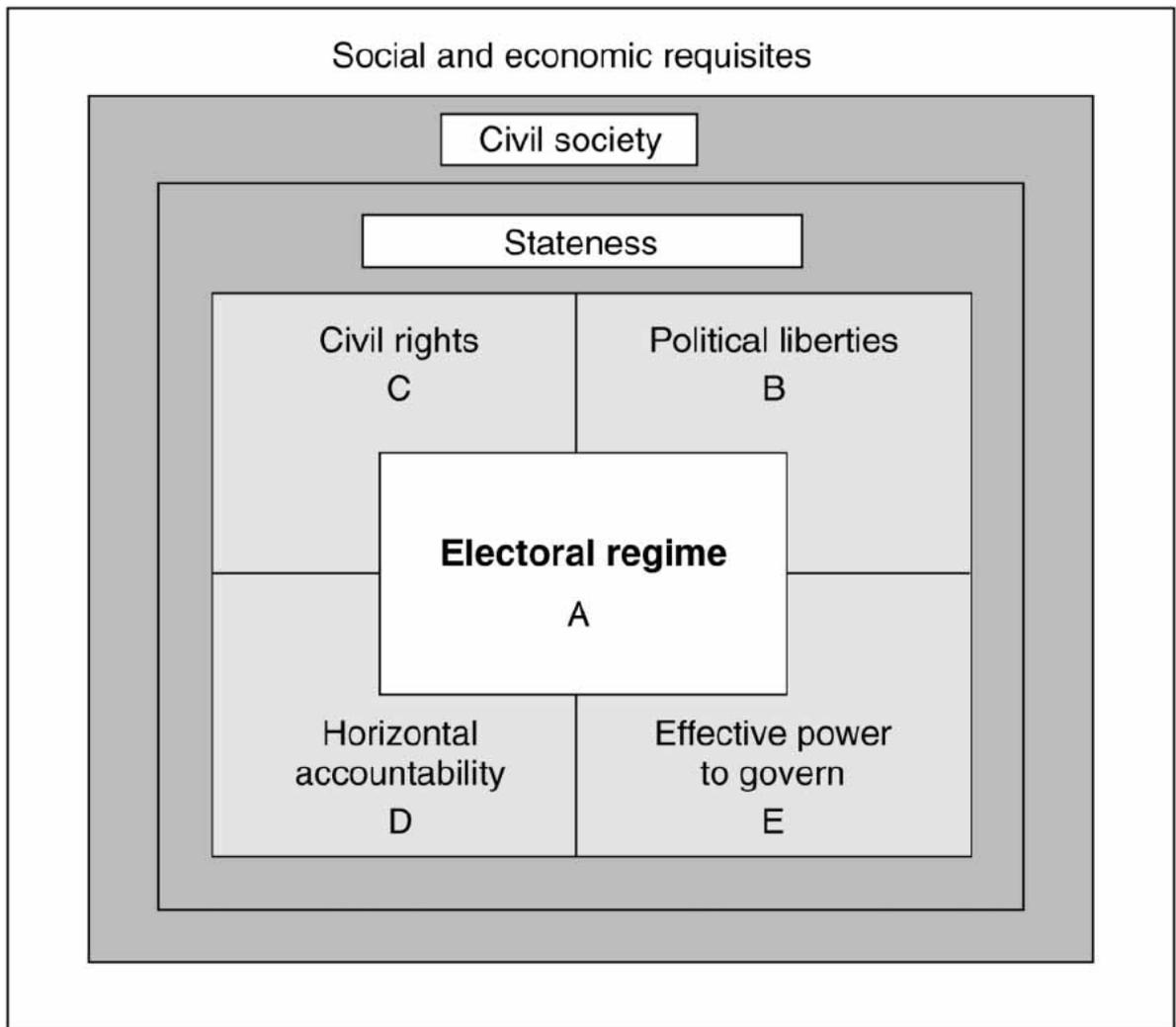
2. Externally, these partial regimes are embedded in spheres of enabling conditions of democracy that protect it from exterior as well as interior shocks and destabilizing tendencies.

Every democracy as a whole is embedded in an environment which is surrounding, enabling, and stabilizing the democratic regime. Damage to this environment often results in defects and destabilization of the democracy itself, but the environments do not define the democratic regimes themselves.

The most important of these externally embedded rings are socioeconomic context, civil society, and international integration.

Merkel also concludes that an embedded, constitutional democracy consists of five partial regimes, as shown in Fig. 1.

**Figure 1: The Concept of Embedded Democracy**



**Source:** Merkel, W. (2004), Embedded and Defective Democracies, In: Croissant, A. and Merkel, W. (Eds.). *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change*, 11 (5), pp. 33-58.

**(A) Democratic electoral regime**

The electoral regime which was described in detail by Dahl (1989, p. 221.) concludes that it has four supporting elements: universal active suffrage, universal passive right to vote, free and fair elections, and elected representatives. It occupies the central position among the five partial regimes of embedded democracy as it is the most obvious expression of the sovereignty of the people, the participation of citizens and gives equal weight to their individual preferences. Also, it serves the function of making the access to public power positions in the state dependent on the results of open, competitive elections. Moreover, open pluralistic competition over central power positions is the primary difference between democracy and autocracy.

Equal political rights (partial regime B) are the minimal requirements for a democratic electoral regime (regular, free, general, equal, and fair elections). (Hadenius, 1992) The two closely interconnected partial regimes mentioned, therefore, embody the essence of vertical accountability in a democracy. (Merkel, 1999)

However, this does not guarantee the emergence of democracies or constitutional governing, as many examples of young democracies of the third wave show. (Merkel/Puhle, Hans-Joachim et al., 2003) Therefore, a democratic electoral regime is a necessary but not sufficient condition for democratic governing.

### **(B) Political right of participation**

Merkel (2004) says that the political rights of participation are preconditions for elections. They go beyond the right to vote because they complete the vertical dimension of democracy, turning the public arena into an independent political sphere of action where organizational and communicative power is developed.

The institutional core of political rights is the right to political communication and organization, both vital parts of a complete democratic regime (Dahl 1971; 1989, p. 221.). They are embodied in the unlimited validity of the right to freedom of speech and opinion and the right to association, demonstration, and petition. Aside from public media, private media must have considerable influence. Citizens must have the opportunity to form interest groups freely and interdependently from the state and be able to act within those groups (Hadenius, 1992, p. 51.)

These rights constitute an independent sphere of democracy and can therefore be regarded as the backbone of a partial regime of its own (Beetham, 1994; Bollen, 1993, p. 6.)

Habermas (1992, p. 161.) describes that in the public arena, social and communicative power must have the ability to organize in advance and without the formalized processes of the development of political opinion and demand. This kind of public arena allows the complete development of political and civil society, which again promotes the sensitivity of state institutions to the interests of society.

From this point of view, the two partial regimes A and B can only secure the functional logic of democratic elections when they are mutually connected.

### **(C) Civil rights**

As concluded, partial regimes A and B have to be supplemented by civil rights. Civil rights are central to the rule of law in an "embedded democracy," and the rule of law is important for protecting civil rights.

The rule of law is the principle that the state is bound to the effective law and acts according to clearly defined prerogatives. The rule of law, therefore, is understood as containment and limitation of the exercise of state power (Elster, 1988, p. 1–18, esp. p.2–3.). The actual core of a liberal rule of law lies in basic constitutional rights.

The rights protect the individual against the state executive and against acts of the electoral legislator which infringe on an individual's freedom.

Nonetheless, in a constitutional democracy, these rights have to be put out of reach of majority decisions. Otherwise majoritarian democracies could devolve into "despotism" of the majority. The executive and legislative branches need barriers that prevent individuals, groups, or the political opposition from being oppressed by a democratic (majority) decision. The threefold meanings of Locke's term of property as individual rights of protection grant the protection of life, freedom, and property. Equal access to the law and equal treatment by the law are basic civil rights

#### **(D) Horizontal accountability**

Horizontal accountability of power concerns the structure of power. Horizontal autonomy rather means that the three bodies check each other reciprocally, without dominating or interfering with the functional sphere power.

By horizontal accountability, Merkel and his group are in accordance with O'Donnell (1994, p. 61.) who describes elected authorities as surveyed by a network of relatively autonomous institutions and that they can be pinned down to constitutionally defined, lawful action.

The term includes lawful government action that is checked by a division of power between mutually independent and autonomous legislative, executive, and judiciary bodies. The exercise of executive power is especially limited (Beetham/Boyle, 1995). This requires an independent and functional judiciary that can review executive and legislative acts.

#### **(E) Effective Power to Govern**

It is crucial for the concept of embedded democracy that effective power to govern lies in the hands of democratically elected representatives.

This criterion prevents extra-constitutional actors which are not subject to democratic accountability, such as the military or other powerful actors, from holding (final) decision-making power in certain policy fields.

Merkel also notes on these five regimes that this concept of democracy goes beyond the definitions put forth by Downs (1968), Huntington (1991), Przeworski (1991), and even Robert Dahl's concept of Polyarchy (1971).

In Merkel's analysis, he concludes that damages occur most frequently to the partial regimes C (civil rights) and D (horizontal accountability). In contrast to the evolutionary process of democratization of the Western world in the 19<sup>th</sup> century, young democracies of the third wave seem to have more difficulties in establishing constitutional guarantees and the rule of law rather than in institutionalizing general and free elections. However, elections lose their democratic meaning when the liberal rights of freedom and checks and balances are marred by severe defects.

Elections also lose their democratic meaning when elected representatives do not govern according to the laws which were the basis for their own election. Beyond this, the "rights of freedom" are a fundamental value in themselves. Democracy means in the first place that a people is self-governing.

This is also a reason why political regimes cannot be simply called a democracy (without an adjective), just because on election day, the electoral procedure is organized and executed in accordance with the norms of democratic elections.

In addition, the five partial regimes also have their own respectively most important elements.

Please see Table 1 as follows:

**Table 1: Dimensions, Partial Regimes and Criteria of Embedded Democracy**

<p><b>I. Dimension of vertical legitimacy and control</b></p> <p><b>A. Electoral regime</b></p> <ul style="list-style-type: none"> <li>(1) Elected officials</li> <li>(2) Inclusive suffrage</li> <li>(3) Right to candidacy</li> <li>(4) Correctly organized, free and fair election</li> </ul> <p><b>B. Political rights</b></p> <ul style="list-style-type: none"> <li>(5) Press freedom</li> <li>(6) Freedom of Association</li> </ul>
<p><b>II. Dimension of constitutionalism and rule of law</b></p> <p><b>C. Civil Rights</b></p> <ul style="list-style-type: none"> <li>(7) Individual liberties from violations of own rights by state/private agents</li> <li>(8) Equality before the law</li> </ul> <p><b>D. Horizontal accountability</b></p> <ul style="list-style-type: none"> <li>(9) Horizontal separation of powers</li> </ul>
<p><b>III. Dimension of effective agenda control</b></p> <p><b>E. Effective power to rule</b></p> <ul style="list-style-type: none"> <li>(10) Elected officials with the effective right to rule</li> </ul>

**Source:** Merkel, W. (2004), Embedded and Defective Democracies, In: Croissant, A. and Merkel, W. (Eds.). *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change*, 11 (5), pp. 33-58.

## What is the “Defective Democracy Theory”?

### 1. The definition of the concept of a “Defective Democracy”

In accordance with the concept of an embedded democracy and its criteria, defective democracy means and refers to

*“Those regimes in transformation which have not achieved the consolidation of a liberal democracy in the sense of the 10 criteria for ‘Embedded Democracy’, but which, at the same time, should no longer be considered as autocratic regimes for the simple reason that they have established an electoral regime which essentially functions along democratic lines (free and fair elections)”. This implies that the outcomes of the elections are respected as a rule. (Puhle, 2005, p.11.)*

### 2. The 4 Types of the Defective Democracy Theory

Merkel (2004) concludes that depending on which of the partial regimes of an embedded democracy is damaged, certain types of defective democracy will be in place.

From this perspective, defective democracies are democracies in which the partial regimes are no longer mutually embedded, and the logic of a constitutional democracy is disrupted.

#### (1) Exclusive democracy (choice of regime, political partner-genuine, election system, political participation)

The sovereignty of the people is the basic concept of democracy and has to be guaranteed by universal electoral rights and their fair execution. This is not the case if one or more segments of all adult citizens are excluded from the civil right of universal suffrage. Except for these rules, all are considered an exclusive democracy.

#### (2) Enclave (or domain) democracy (effectiveness of the elected government)

If “veto powers” – such as the military, guerrillas, militia, entrepreneurs, landlords, or multi-national corporations – take certain political domains out of the hands of democratically elected representatives, the result is a domain democracy. The creation of such political domains can occur by constitutional and extra-constitutional means. Although the latter has to be seen as inflicting more severe damage to a constitutional democracy, the former also represents

a type of defective democracy. Domain democracy is a regionally specific type occurring in Latin America and Southeast Asia, where the military often takes over a political (veto) role. In Eastern Europe or Central Asia, domain democracies are rare.

**(3) Illiberal democracy  
(civil liberty rights, freedoms and rights of its citizens)**

In intact democracies, legitimate representatives are bound to constitutional principles. In an illiberal democracy, with its incomplete and damaged constitutional state, the executive and legislative control of the state is only weakly limited by the judiciary. Additionally, constitutional norms have little binding impact on government actions, and individual civil rights are either partially suspended or not yet established. In illiberal democracies, the principle of the rule of law is damaged, affecting the actual core of liberal self-understanding, namely the equal freedom of all individuals.

This is the most common type of “defective democracy,” and it can be found all over the world.

**(4) Delegative democracy  
(force control or violence control)**

In a delegative democracy, the legislature and the judiciary have only limited control over the executive branch. Actions of government seldom follow constitutional norms. The checks and balances that functioning democracies need in order to maintain a balanced political representation are undermined. Governments, usually led by charismatic presidents, circumvent parliament, influence the judiciary, damage the principle of legality, and shift the equilibrium of the balance of power unilaterally in favor of the (presidential) executive.<sup>1</sup>

### **3. Causes of defective democracy**

Merkel and Puhle's (2003, pp. 187-233.) important work on this topic has shown that no single outstanding factor can be singled out as the primary cause for the formation of grave defects in young democracies. Rather, it is specific combinations of causes that shape special opportunities for certain actors to usurp power, suspend constitutional norms, or circumvent checks limiting power.

#### **3.1 Path of modernization**

The probability for the occurrence of a defective democracy increases, if the socio-economic modernization of a country proceeds along a semi-modern path producing acute imbalances of power and if the property-owning classes regard democracy as a threat to their economic and political interests.

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<sup>1</sup> This understanding of the term ‘delegative democracy’ is close to the definition used by O'Donnell, G. (1994). *Delegative Democracy*, in: *Journal of Democracy*, 15 (1), pp.55–69.

### **3.2 Level of modernization**

The probability of the emergence of a defective democracy is higher, the lower the socio-economic level of development and the more unequal the distribution of societal resources in a society. An asymmetrical distribution of economic, cultural, and intellectual resources promotes an acute inequality of political resources of action and power among political actors.

### **3.3 Economic trend**

Economic crises offer situational incentives to institutionalize defects in an unconsolidated democracy. Governing by decree is often expanded beyond its constitutional limits, and the decrees stay in place after the acute state of emergency has passed.

### **3.4 Social capital**

The occurrence of defective democracies is closely related to the type and extent of historically accumulated social capital in a society. An emergence of (ethnically) exclusive and illiberal democracies is more probable if social capital is accumulated along ethnic and religious lines. The Toquevillian version of social capital, however, works against exclusive or illiberal tendencies.

### **3.5 Civil society**

A lack of interpersonal trust in a society makes the formation of a well institutionalized system of political parties, interest groups, and associations in civil society more difficult. Without these institutions, important intermediary pillars for the exercise of the political rights and the protection of civil rights are absent. The more civil society is organized along ethnic cleavages, the more it contributes to the intensification of political polarization. This makes the acceptance or enforcement of the limitation of the political rights of minorities in multi-ethnic or multi-religious societies easier.

### **3.6 State and Nation Building**

Conditions for the development of a liberal democracy without grave defects are especially unfavorable if unsolved identity or stateness crises in the political community burden the transformation. Efforts to secede or discrimination against minorities will damage the indispensable civil rights to freedom and political rights of participation.

### **3.7 Type of authoritarian predecessor regime**

The longer totalitarian, post-totalitarian, sultanistic, or neo-patrimonial regimes have been institutionalized in a country and had the chance to influence the political culture of a society, the more probable are defects in the subsequent democracy. Such a society tends to reward the circumvention

of checks and balances and the application of “delegative” ruling practices with electoral rewards.

### **3.8 Transition mode**

The more inclusive the elite will be immediately after the system change, the more relevant actors will accept and protect the new democracy's rules of the game. The more the elite will follow the new democratic institutions, the faster broad popular support legitimizing the system will grow. Therefore, negotiated transitions better avoid severe democratic defects than system changes steered from above or forced from below.

### **3.9 Political institutions**

The more informal authoritarian inheritance (e.g. clientilism, patrimonialism<sup>7</sup>) shapes the patterns of interaction between elites and the population at large, the more difficult it is for the new formal institutions to be validated and standardized.

### **3.10. International and regime context**

If regional mechanisms (e.g. EU, European Council) securing liberal democratic institutions are weak or absent, governments have a broader range of options to violate the rules of these institutions because the opportunity costs for such actions are considerably reduced.

Merkel adds that integration into international and especially regional, economic, or politically democratic organizations has considerable implications for the stability and quality of a democracy. However, military alliances or foreign policy security structures cannot develop the same democratic effect even if they are dominated by democratic states, like NATO is.

Historically, the European Union, and its precursor organizations, the ECCS, EEC, and EC respectively, have proven the most successful at internationally embedding democracies, due to the EU's emphasis on economic and democratic reforms. The combination of a market economy-oriented community based on common interests and democratic values makes the EU a unique model in the world. Neither ASEAN nor MERCOSUR nor NATO have comparable effects because they are not committed to the principle of democratic values in the same way.

As stated above, the denser, more consolidated and more resilient this external embeddedness of democracy is, the less vulnerable the internal partial regimes are to external threats. On the other hand, the more densely interdependence between the partial regimes is institutionalized, the stronger the cooperation is between

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<sup>2</sup> A form of governance in which all power flows directly from the leader. This constitutes essentially the blending of the public and private sector. These regimes are autocratic or oligarchic and exclude the upper and middle classes from power. The leaders of these countries typically enjoy absolute personal power. Usually, the armies of these countries are loyal to the leader, not the nation.

the actors of these regimes. And the higher the acceptance and respect towards mutual independence, the more democratic is the whole regime.

Croissant (Croissant, 2004, pp. 156-179.) also bases his idea about the 4 categories of potential causes accounting for defects of democracy on the same agreement with Merkel that no single primary cause can be held responsible for defects of democracy.

His inquiry seems to support a more structural view of democratic development. While cultural background, colonial experience, and ethnic diversity may have a negative impact on democracy, the level of economic development, the dispersion of economic and cultural power resources, income distribution, as well as politico-institutional structures seem to be the most important primary causes, in Asia at least. The experiences with defective and fragile democracies in Latin America also seem to support this conclusion.

Furthermore, Croissant (2004) supports Merkel's idea in that he also sees the influence of international factors as an explanatory variable. His analysis focuses on 4 categories of potential causes accounting for defects of democracy:

### **1. Social and economic determinants**

Croissant refers to Clague's quantitative research (1997, pp. 16-42.) that a comparatively high level of socio-economic modernization, the broad dispersion of "power resources," and a low ethnic, linguistic, or religious fragmentation positively correlate with the effectiveness of political rights and civil liberties. In other words, where cultural resources and economic wealth are dispersed so broadly that no single group within a society can suppress other groups economically by monopolizing cognitive resources or by centralizing economic power in their own hands, then we are more likely to see a cardinal consensus on democracy. In this situation, the prospects for the effective use of political and civil rights granted by the constitution will be good. Thus, socio-economic obstacles seem to be an important cause for defects regarding the rule of law and "low intensity citizenship" in south and south-east Asian societies. However, this does not mean that a high GDP per capita necessarily leads to liberal democracy; equally, societies with low socio-economic modernization are not doomed to autocratic rule or democratic instability.

### **2. Political culture and colonial history**

Croissant explains that the capacity of civil societies and political parties to force autocratic regimes towards democratization or to pressure a democratically elected government to adhere to the principles of democracy and the rule of law depends significantly on the society's political culture and its legacies of political history. Colonial history, for example, has been claimed "to be a significant determinant of democracy in the Third World." (Weiner 1987, p. 19.) Colonialism may affect a country's prospects for democracy and democratic consolidation in different ways.

### **3. Stateness and nation-building**

Liberal democracy is a form of governance for modern states. Thus, the more weakly “stateness” is established and the less the integrity of a state’s territory, people, and power, the more endangered are democracies and the less likely it is that liberal democracies will develop and consolidate themselves. In their important work, Linz and Stepan (1996, pp. 16-37.) they say that strong “stateness” requires that the state’s authority *de facto* covers the entire territory, that a sufficient bureaucratic capacity exists to implement regulations, and that a fundamental agreement is reached that the people under its rule are citizens of the state. The last requirement has also been labeled as that of “national unity,” which implies “that the vast majority of citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to.” (Rustow, 1970, p. 350.)

### **4. Political institutions**

Numerous publications on democratic consolidation suggest that the survival and consolidation of liberal democracy depend not only on economic and social conditions, but also on the design of political institutions. Further information can be found in the respective work by March, J.G. and Olsen, J.P. (1984, p. 738.). In particular Juan Linz (1994) argues that presidential governments in young democracies tend to provoke conflicts between parliament and the (presidential) executive, leading to a constitutional breakdown and a vicious circle of crisis in governability. On the one hand, this seems to support the negative opinion about presidentialism as an “obstacle” to the development of liberal democratic constitutionalism. On the other hand, consensual democratic institutions potentially offer a necessary precondition for democratic consolidation. (Lewis 1999, pp. 301-302.)

### **4. What are the prospects?**

#### **Consolidated or defective democracies according to Merkel**

In their work, Merkel and Croissant (2004) conclude that three distinct scenarios can be outlined, and they can already be observed in reality.

#### **1. The regression scenario**

Caught in a “cycle of political crises,” the maintenance of democratic norms and structures through liberalism and the rule of law diminish in defective democracies. At the same time, there is an increased concentration of political power in the executive, damaging the principle of the rule of law and leading to further “informalization” of political procedures and decisions. A formally democratic shell remains but important political decisions are made outside of it; Belarus fits this description.

## 2. The stability scenario

The defects of democracy prove to be more effective than open authoritarian rule in securing the system's stability, with respect to the government's problem-solving ability and based on the underdeveloped nature of the civic culture and the "decisionism" of relevant political elites. It is stable as long as the specific defects of the democracy contribute to strengthening the elites and satisfying the interests of those sections of the population who support the system. The Philippines, Thailand, Ukraine, Russia (a border case), and most Central American countries serve as examples. We can expect to see neither a trajectory towards a consolidated democracy in the near future nor a regression to an open, autocratic regime, as long as the old oligarchic elites can protect their economic interests and dominant political position. (in case of the Philippines)

## 3. The progression scenario

The democracy's informal structures turn out to be incompatible with the formal democratic structures and are a hindrance to the fulfillment of the demands of society. Learning processes set in among the relevant elites, resulting in increased resistance to the informal arrangements that restrict democracy and thus to increasing compliance with the constitutional rules of decision making. In this best-case scenario, the "defects" are transformed into a consolidated democracy based on the rule of law. Taiwan, Chile, and the Slovak Republic may serve as examples. In addition to the international and socio-economic factors, the institutional design of the political system and elite behavior prove to be important.

## II. Consolidated democracy theory

*: concerning the concept of a democratic political culture by Linz and Stepan as well as by Roller, Fuchs, and Zagorski*

To the author's thinking, the concept of consolidating democracy theory seems to exceed the first concept as far as explaining the presumed defective nature of Thailand's democracy.

While the concept of a "Defective Democracy" is outstanding in evaluating, distinguishing, and explaining the types of defective democracy and its causes, the concept of "Consolidating Democracy," especially as given by Linz and Stepan (1996, pp. 3-15.), tries to define the consolidation of a country's democracy since its transition, i.e. how a country becomes democracy and what transitional arenas should be present. Moreover, they point out that democratization and liberalization are different from each other. While democratization entails liberalization, it is also a wider and more specifically political concept. In addition, Linz and Stepan include the 4 types of regimes that can be present before a country makes a transition to democracy in detail: Authoritarianism, Totalitarianism, Post-Totalitarianism, and Sultanism.

Therefore, considering the concept of consolidated democracy theory together with the concept of defective democracy theory to evaluate Thailand's democracy is apt to provide greater benefits to this research. Further precision is added to the analysis by investigating the concept of democratic political culture by Roller, Fuchs and Zagorski as well.

First, the logic and main ideas of the concept of “Consolidating Democracy Theory” by Linz and Stepan will be presented. This chapter will end with the concept of democratic political culture by Roller, Fuchs, and Zagorski.

## 1. The concept of consolidated democracy by Linz and Stepan (1996)

Linz and Stepan define the meaning of “a democratic transition” as:

*“A democratic transition is complete when ‘sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies, and when the executive, legislative, and judicial power generated by the new democracy does not have to share power with other bodies de jure.’”*  
(Linz and Stepan, 1996, p. 3.)

**By this, they indicate the following two aspects:**

- (1) Linz and Stepan consider a transition as completed after the first elections if these are regarded to be free and fair. This is called a narrow definition of a transition and stems from their study. It excludes the consolidation phase.

Linz wrote that the main actors regard winning free elections as the only means to achieve power in a consolidated democracy. “To put it simply, democracy must be seen as the only game in town.”  
(Linz, 1990, p. 38.)

- (2) Their study defines a transition as the process that is initiated with signs of liberalization and relaxation in the authoritarian regime and concluded with free elections that have produced a government.

However, after a democratic transition has been completed, there are still many tasks that need to be accomplished, conditions that must be established, and attitudes and habits that must be cultivated before democracy could be considered to be consolidated (in most cases).

This point supports the author’s previous statement that the concept of consolidated democracy theory goes beyond the concept of defective democracy theory concerning the explanation of why Thailand’s democracy has become defective. In addition, that statement is also supported by the concept of democratic political culture theory, describing that in fact, political attitudes are significantly important for consolidating democracy in a country. In conclusion, the three concepts support each other in broadening the scope of evaluating and analyzing democracy in Thailand.

A democratic transition is complete when the following conditions hold:

- (1) A sufficient agreement has been reached about political procedures to produce an elected government.

- (2) A government comes to power that is the direct result of a free and popular vote.
- (3) This aforementioned government *de facto* has the authority to generate new policies.
- (4) The executive, legislative, and judicial power generated by the new democracy does not have to share power with other bodies *de jure*.

According to Linz and Stepan, the best chance for a transition to democracy in this case occurs if internationally supported, democratically inclined leaders supervise the process. It is in relevant agreement with Merkel's idea regarding the concept of "Defective Democracy Theory" which considers a democratic international environment generated by international regimes or institutions as useful in helping to consolidate democracy in a country.

Therefore, the definition of "Democratic Consolidation" by Linz and Stepan in this case must combine behavioral, attitudinal and constitutional dimensions. They view a democracy as consolidated when a political situation has come into being where, in their own words, democracy has become "the only game in town." With consolidation, democracy becomes routinized and deeply internalized in social, institutional, and even psychological life, as well as in considerations of how to achieve success. Hence, consolidation in a country should be completed through the attitudes and behaviors inculcated by the implementation of democratic institutions and procedures. At the same time, civil and political society has to grow more autonomous and independent; this needs to go hand in hand with further development of the rule of law.

*"It suggested that the transformation process is not complete with the implement action of democratic institutions and procedures. Beyond this implementation, the democratic regime has to take root in the attitude and behavior of the political actors so that democracy becomes 'the only game in town.'" And "To achieve a consolidated democracy, the necessary degree of autonomy and independence of civil and political society must further be embedded and supported by the rule of law."* (Linz and Stepan, 1996, p. 10.)

As a conclusion, democratic consolidation occurs when...  
(Linz and Stepan, 1996, pp. 16-37.)

- (1) No significant political groups seriously attempt to overthrow the democratic regime or secede from the state.
- (2) Even in the face of severe political and economic crises, an overwhelming majority of the people believe that any further political change must emerge from the parameters of democratic formulas.
- (3) All the other actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms (specific laws, procedures, and institutions) and that violations of these norms are likely to be both ineffective and costly.

- (4) Democracy becomes routinized and deeply internalized in social, institutional, and even psychological life; they also become part of plans for successful actions or behavior.

**Therefore, the definitions of a consolidated democracy are as follows**

(Linz and Stepan, 1996, pp. 5-7.)

### **1. Behavior**

A democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or turning to violence or foreign intervention to secede from the state.

### **2. Attitude**

A democratic regime is consolidated when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life in a society such as theirs and when the support for anti-system alternatives is quite small or more or less isolated from the pro-democratic forces.

### **3. Constitution**

A democratic regime is consolidated when governmental and nongovernmental forces alike, throughout the territory of the state, become subject to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.

These definitions show that democracy is far more than just holding elections.

**Note:** There is an additional factor involved: Because the “stateness” problems are so basic, Linz and Stepan argue that without the existence of a state, there cannot be a consolidated modern democratic regime.

As a consequence, Linz and Stepan considered 2 of the main ideas of the concept of “Democratic Consolidation” as the primary focus of their book “Problems of Democratic Consolidation. Southern Europe, South America, and Post-Communist Europe.”

### **First: The five arenas of consolidated democracy**

(Linz and Stepan, 1996, pp. 7-15.)

Linz and Stepan believe that consolidated democracies need to have established five interacting arenas to reinforce one another in order for such a consolidation to exist.

#### **(1) A free and lively civil society**

Civil society refers to the arena of a polity where self-organizing groups, movement, and individuals relatively autonomous from the state attempt to

articulate values, create associations and solidarities, and advance their interests.

**(2) An autonomous and valued political society (or party)**

Political society is the arena in which the polity specifically arranges itself to contest the legitimate right to exercise control over public power and the state apparatus.

**(3) Rule of law to ensure legal guarantees for citizens' freedoms and independent associational life**

To achieve a consolidated democracy, the necessary degree of autonomy and independence of civil and political society must further be embedded in and supported by the rule of law. All significant actors must respect and uphold the rule of law.

**(4) A usable state bureaucracy**

To protect the rights of its citizens and to deliver the other basic services that citizens demand, a democratic government needs the effective capacity to command, regulate, and extract. This includes the ability to exercise effectively its claim to the monopoly of the legitimate use of force in the territory. For this it requires a functioning state and a state bureaucracy considered usable by the new democratic government.

**(5) An institutionalized economic society**

The final supportive condition concerns the economic society, which consists of a set of socio-politically crafted and socio-politically accepted norms, institutions, and regulations that mediates between state and market.

Linz and Stepan assume that at least a nontrivial degree of market autonomy and ownership diversity in the economy is necessary to produce the required independence and liveliness of civil society so that it can make its contribution to a democracy. However, their observation is that completely free markets do not coexist with modern consolidated democracies because the state is necessary to perform certain functions. Linz and Stepan give three reasons for this and conclude that democratic consolidation requires the institutionalization of a socially and politically regulated market. This requires an economic society, which in turn requires an effective state (e.g. to carry out privatization, etc.). (Linz and Stepan, 1996, pp. 12-13.) It can certainly be stated that no consolidated democracy has a purely free market economy or command economy; regulations are necessary to protect the interests of the public, but a pure command economy would deprive the society of the relative autonomy necessary in a consolidated democracy.

In conclusion, Linz and Stepan point out that no single arena in such a system function properly without some support from one another, or often all of the other arenas because democracy is more than just a regime. It is an interacting system. For example, civil society needs the support of

a rule of law that guarantees the right of association and also requires a state apparatus to maintain its validity.

**Second: 4 additional regime types**

(Linz and Stepan, 1996, pp. 38-65.)

Linz and Stepan find that it useful to distinguish 4 additional regime types as follows:

- (1) Authoritarianism
- (2) Totalitarianism
- (3) Post-Totalitarianism
- (4) Sultanism

These legacy regime types influence the prospects for each of the five arenas. Of the four non-democratic regime types, authoritarianism offers the best chance of having a tradition of rule of law to build upon. In terms of building a political society, all share certain weaknesses. Converting totalitarian and post-totalitarian regimes requires the dismantling of the dominant party's position while in sultanistic and authoritarian situations, trust and institutions frequently have to be re-built. Although constitutions have often existed in these contexts, they typically have negative connotations for the public. Accordingly, such constitutions have to be significantly overhauled if not fully abandoned. In the case of authoritarian regimes, by contrast, there may be a pre-authoritarian constitution that could be revived, or frequently, the constitution from the authoritarian period is modified. By comparison, bureaucracies held over from authoritarian regimes may provide a sufficient foundation to build upon. In totalitarian and post-totalitarian contexts, however, the intertwining of party and bureaucracy necessitates significant reform. Under sultanism, the bureaucracy is likely riddled with corruption. Finally, under authoritarianism, there may be a reasonable amount of autonomy for economic actors that can allow for pluralism in the civic, political, and economic societies. By contrast, the command economy and patrimonialism in totalitarian and sultanistic regimes require much more dramatic reforms.

**Remarks:**

Post-totalitarianism characterized a number of parts of the former Soviet bloc after Stalin and became more common towards the fall of the Soviet Union. Under this type of regime, political pluralism remains virtually non-existent, but some limited opening occurs in the social, economic, and institutional realms. The guiding ideology under the prior totalitarian system remains, but faith in it is largely lost. Leaders abandon their enthusiasm for the system and its ends, and they focus more on their own personal well-being.

Sultanism characterizes highly personalist, paternalistic regimes. There is little distinction between public and private, institutions are weak, and the rule of law is applied inconsistently. There is little coherent ideology other than adoration of the ruler. Mobilization is frowned upon except to provide demonstrations of support for the head of state. Family and close associates have privileged access and often accede to power.

These different regime types have consequences for the paths of democratic transition that are possible. One common path of democratization has been through path transitions. This is a common path for authoritarian and post-totalitarian regimes. However, totalitarian or sultanistic systems place such severe restraints on political and social space that it is unlikely an opposition could develop that would be significant enough to compel the regime to negotiate. Similarly, in both of these contexts, losing a war is unlikely to provide a democratic opening unless outside powers invest heavily in building a democracy. If elections are not held quickly, interim governments may be tempted to remain in power in the aftermath of sultanism or authoritarianism. Former authoritarian governments that were composed of a hierarchical military organization may be more willing to extricate themselves from power peacefully if the institution of the military is respected. In a non-hierarchical military, by contrast, infighting may make it easier to realize civilian oversight, but different factions may have different agendas and destabilize the situation.

**Table 2: The Inter-relationship between State, Nation(s) and Democratization**

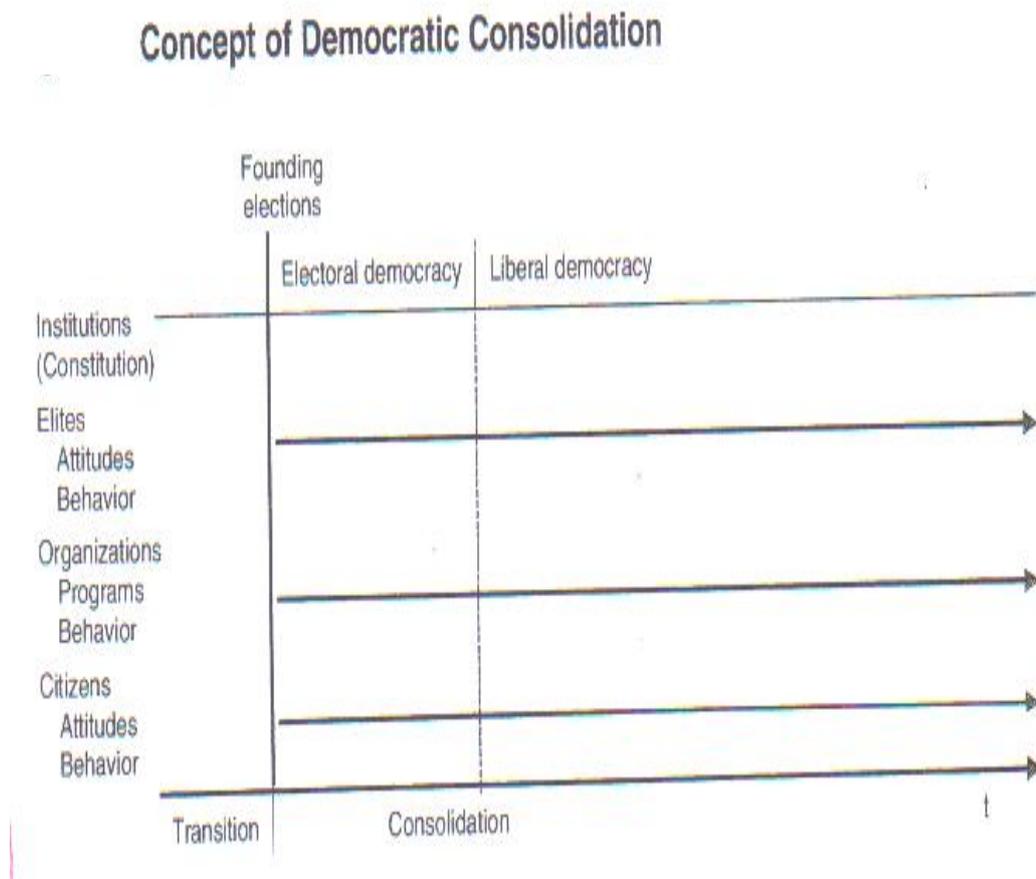
Degree of presence of other nations besides titular nation in state territory	Policies and Actions of State-leaders of 'Titular Nation'				
	Drives toward Goal of Nation-State	Extends Some Recognition to Legitimacy of Cultural Diversity	Crafts some Federal or Quasi federal Institutions and/or Quasi-consociational Practices	Accepts in Principle Possibility of Peaceful and Democratic Negotiated Secession	No Clear, or Extremely Weak State Leaders
No other nation exists and there is little cultural/ethnic differentiation	Democratic nation-state can easily consolidate and be strong		Mononational democratic state can easily exist		
No other nation but extensive cultural diversity		Democratic state nation can easily exist	Mononational democratic state can easily exist		
Other nation(s) present but not awakened	Democratic nation state possible				
Other nation(s) present and awakened	Generates conflict, making democracy difficult but not impossible	Democratic state-nation can exist but will be under pressure to move toward _____	Multinational state is only democratic possibility. If crafted carefully, democracy can be consolidated.	If a clearly demarcated territorial base exists, peaceful secession is possible with democracy in both new States.	
Other nations present and militant	Generates so much conflict or repression that democratic consolidation is highly implausible	Democratic state-nation can exist but to be consolidated should move toward _____	Multinational state is only democratic possibility but prospect for consolid.dif ficult. Pressures toward _____	If no territorial base exists, 'velvet divorce' is impossible and if militancy persists democracy cannot be consolidate	
No group has sufficient cohesion and identity to be a nation-builder					No State is possible so democracy is impossible

**Source:** Linz, J. and Stepan, A. (1996). Problems of Democratic Consolidation. *Southern Europe, South America, and Post-Communist Europe*. Baltimore, MD: Johns Hopkins University Press, p.36.

**2. The concept of democratic political culture theory by Roller, Fuchs, and Zagorski**

The concept of democratic political culture theory overlaps with the concept of consolidation democracy in the way that the attitudes of citizens are the most important stage when determining if a country has not only transformed from autocracy to democracy but whether it is already fully consolidated. (Di Palma, 1990; O'Donnell et al., 1986; Merkel, 1999)

**Figure 2: Concept of Democratic Consolidation**



**Source:** Fuchs, D. and Roller, E. (2006). Learned Democracy? Support of Democracy in Central and Eastern Europe, in: Fuchs (D.), Roller (E.) and Zagórski (K.). *The State of Democracy in Central and Eastern Europe a Decade After the Breakdown of Communism (II)*, *International Journal of Sociology*, 36 (3), pp. 70 -96.

In accordance with Figure 2, the transformation through implementing democratic institutions and procedures is not a complete process of consolidation. If the stage of consolidation begins with the institutionalization of a liberal democracy, then the political systems preceding this threshold cannot have been full autocracies, but they were not democracies either. These hybrid systems are called “defective democracies.” Beyond this assumption, the democratic regime has to take root in the attitudes and behaviors of the political actors so that democracy becomes “the only game in town” as Linz and Stepan (1996, pp. 5-7.) conclude.

Therefore, “attitude” and “behavior” are the central premise of the political culture concept (Almond, 1980; Almond and Verba, 1963) as well as the political system (Easton, 1965). Furthermore, the concept assumes that the question of “When is consolidation completed?” has been answered as follows:

*“The more the attitudes and the behavior of political elites, organizations, and citizens comply with the normative expectations of democracy, the more democracy is consolidated, and then other criteria need to be taken into account.”* (Fuchs and Roller, 2006, p.73.)

Accordingly, “democratic political culture” is the most important matter when it comes to sustainably install a democracy.

To ensure a persistence of democracy in a country, other factors are also important, such as political elites and their roles, as Przeworski (1991) emphasizes. Przeworski concludes that because of the powerful positions and the effect of their actions on citizens, the political elites play an important role in the functioning of democracy and for developing a democratic culture. Whatever cause or development they support will garner acceptance from citizens. Hence, political elites can help consolidate democracy in a country, in that they can teach the populace about the advantages and the essence of democracy. Surely, though, it is noteworthy that the primary effect of political elites here is targeted on the citizens, eliciting their “acceptance” or “public support.” So, at the core of the argument is again political culture as embedded in the public, rendering it the most significant factor in ensuring that the consolidation persists in a country. Fuchs and Roller (2006) state as much:

*“A Democracy can be regarded as Consolidated only if it is supported by the majority of its citizens.”* (Fuchs and Roller 2006, p. 70.)

Also, regarding the quality of “public support,” this should be considered by the majority principle. In this case, the more rigid variant should be employed, requiring a qualified majority, defined as a 2/3 majority. (Fuchs and Roller 2006, p. 91.)

Generating such “public support” requires a long term effort and quality of its aggregation. Fuchs and Zittle (2007) share the assumptions of political culture paradigms that have been formulated in the introduction and the conclusion of “the Civic Culture.” (Almond, 1980) Fuchs relates these to the persistence of democratic regimes. The paradigms are as follows:

1. A crucial factor for the persistence of a democratic regime is a political culture that is in congruence with the regime structure. Formulating casual-analytical, democratic culture uses a determinant for the persistence of democratic regimes.
2. The political culture of a country essentially derives from the attitudes of the citizens.
3. The attitudes that are relevant for the political culture are those that have been internalized through a socialization process and are of a profound and enduring nature. Usually such attitudes are referred to as value orientations. (Kluckhohn 1951; Van Deth and Scarbrough 1995; Gerhard 2005)
4. Political culture is a macro-phenomenon. Only as such can it feasibly influence the other macro-phenomenon of regime persistence.
5. The political culture of a country must be construed by aggregation of micro-data. The distribution of important attitudes of the citizens describes the operationalization of political culture as a macro-phenomenon.
6. The civic norms and values underlying the cooperation of the citizens are significant determinants for the functioning of democracy. The normative criteria for its functioning are the responsiveness and effectiveness of the political institutions on the demand of the citizens. (from Civic Community; Putnam)

A regime that wants to remain persistent in the long run requires a political culture that is in congruency with the institutional structure. This can be generally applied to the regime type.

The second and third assumptions postulate that the political culture of a country is essentially based on the attitudes of its citizens.

Since the previously mentioned “public support” regarding the democratic political culture is crucial to consolidating democracy in a country, the next step is to better understand how the support for democracy in each country can be measured. Only such yardsticks allow an evaluation of whether a country is already consolidated which determines the next steps in continually consolidating the democracy.

Therefore, this question will be considered in more detail, “How do you measure support for democracy?”

According to the concept of support for democracy by Fuchs and Roller (2006, pp. 80 – 81.), they assume that citizens have differentiated attitudes toward democracy and the regime of their country. With regard to democracy, two aspects are distinguished:

(1) Democracy in general or democracy as a value

Support for democracy in general is measured by the following question:

*“Do you believe that democracy is the best form of government or is another form of government better?”*

By phrasing this question as thus, democratic government will be confronted by possible “stronger” alternatives than would be the case if only the past type of regime is mentioned.

(2) Democracy in one's own country

Support for democracy in one's own country is measured in 2 ways:

(2.1) The respondents are asked whether democracy in their own country is the best form of government or whether another form of government is better. (To be sure, this question should be distinct from the general question on democracy. That is necessary since here, the specific type of democracy in one's own country is of interest, with all the respective emotions attached rather than the – by comparison – less emotionally charged general inquiry.)

(2.2) Referring to the reality of democracy in one's own country aims to find out about the “citizens' experience.” This experience includes such aspects as the exchange between government and the opposition, or experience with the factual guarantee of democratic norms such as liberal freedoms.

Furthermore, (3), the national government or the government operating within the national institutional framework can be added as the third object.

Fuchs and Roller (2006, pp. 83-84.) state that:

*“In all countries, support for democracy in general is stronger than support for democracy in one's own country.”* and

*“Support for both democracy in general and democracy in one's own country is significantly lower in countries with defective democracies than in countries with liberal democracies.”*

Another useful question is, *“What is the meaning of democracy for you?”* This can serve as a tool to evaluate the attitudes of citizens in a country. Most answers would likely reveal a central characteristic of the concept of liberal democracy. (Diamond, 1999)

In addition, there are some other questions useful to evaluate democracy such as:

- (1) Do the people have an idea of what democracy is?
- (2) Do they have an idea of what it should be?

- (3) Can they judge whether their new regime is democratic?
- (4) Can they distinguish between a regime and a government?

These questions can function as the distinctions of an analysis toward democracy. In addition, the three aspects of a new regime, as listed above, should be mentioned, too. (Fuchs, 1999 and 2002)

**Remark:** From these points, Fuchs assumes that citizens have differentiated attitudes toward democracy and the regime of their country and that attitudes toward democracy are not measured without any contextual or institutional reference. (Rose et al., 1998, p. 9.)

Beyond “How to measure support for democracy,” Fuchs and Rollers (2006, pp. 81-82.) also talk about “The Level of Support for Democracy” in their work. Their consideration can be concluded as below:

- (1) Support development (SD  $t_0$ )

$$SD\ t_0 = b_1 RC + b_2 CT$$

Support development = history of transformation and information + cultural tradition of a particular country

- (2) Support function (SF)

$$SF = b_1 EI\ t_1 + b_2 EP\ t_1$$

Support function = experience refers to the functioning of institutional mechanisms + the performance of democracy in one's own country

- (3) Support for democracy (SD  $t_1$ )

$$SD\ t_1 = b_1 SD\ t_0 + b_2 SF\ t_1 + b_3 SE\ t_1$$

Support for democracy = support development + support function + secondary socialization efforts

**Remarks:** Socialization efforts (SE  $t_1$ ) depend on:

- (1) The success of the primary socialization of adolescents that depends on major socialization agencies (parents and teachers) and their strength of commitment to democratic values.
- (2) The success of the secondary socialization of adults that depends on the consensus of the political elites and the absence of anti-democratic parties.

- (4) Institutional structure (SS  $t_1$ )

$$SS\ t_1 = b_1 SDt_1 + b_2 SF\ t_1$$

Institutional structure = support for democracy + support function

Moreover, Fuchs and Roller also add mass media and communication techniques as the two important factors for fostering a diffusion of information, including them as sources for evaluating democracy. Regarding this point, they also criticize Mishler and Rose's (1996, p. 557) "A limited history of new regimes," in that their work is limited because the authors assume that an evaluation can only be based either on "socialization" or "direct personal experience." It is here that "information" as a source for the evaluation is neglected. The collapse of the communist system may serve as an example as it was driven, to a large extent, by information about Western democracies flooding the communist societies in Eastern Europe through media such as, initially, radio and later television. This allowed the populations of these nations to draw comparisons between their practical experience, the regime's propaganda, and the apparent reality provided by external information. (Fuchs and Roller 2006, p. 76.)

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## Chapter IV                      Analyzing the partial regimes as defects of Thailand's democracy

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This chapter will attempt to answer the first two main questions of this thesis.

- 1. Is Thailand a consolidated democratic country?**
- 2. Where are the possible defects in Thailand's democracy?**

In order to find the best answers for these two main questions, this work will first consider the definitions of "consolidated democracy," "defective democracy," and "a transition of democracy"

- 1. The definition of a "consolidated democracy" and a "defective democracy" show that Thailand has never been consolidated**

*"Democratic consolidation is the process by which a new democracy matures, in a way that means it is unlikely to revert to authoritarianism without an external shock."* (O'Donnell, 1996, pp.34-51.)

*"The transformation with the implementation of democratic institutions and procedures is not a complete process of consolidation because if the stage of consolidation begins with the institutionalization of a liberal democracy, then the political systems that are in front of this threshold were no longer autocracies but they were not democracies either. These hybrid systems are called 'Defective Democracies.'" (Diamond, 1999, pp. 18-19.) and Merkel et al. (2002, pp. 59-91)*

Despite Thailand having constituted and implemented democratic institutions and procedures since the Revolution of 1932, the hypotheses 1, 2, and 3 state the following:

- H#1** Thailand, led by political elites since 1932, supports democratic regimes as an ideal form of government.
- H#2** Thailand favors a constitutional monarchy model of democracy whereby the Prime Minister is the head of government and a hereditary monarch is head of state.
- H#3** During the period following the democratic revolution in 1932 up to the present, there has still not been any systematic change even though the country has not yet instituted a consolidated democracy.

Thailand's democracy has never been consolidated although its threshold is no longer that of an autocracy. Furthermore, the present political situation in Thailand, with the stateness problem playing a major role in establishing democracy in Thailand, is headed more towards a regression. As such, that indicates that Thailand's

democracy is still damaged and shaken. This may lead to a return to authoritarianism, as stated in hypothesis 4:

**H#4** However, its political situation at present is showing some doubts which might lead the country to revert to an authoritarian system. Such an outcome would be the result of the defects in its democratic regime.

In the last 7 years since the coup on 19<sup>th</sup> September 2006, the Thai society has had to distinctly confront the stateness problem, especially between the aforementioned “conservative power group” – royalists, military, political elites, the Democrat party and middle-class people particularly in Bangkok and the south of Thailand – versus the “democratic support group” comprising rural and poor people especially in the northern and northeastern parts of Thailand as well as urban lower classes from Bangkok and a number of intellectuals. Of particular concern is “The People’s Democratic Reform Committee” (PDRC) that is clearly supported by the conservative power group which has grown out of the yellow shirts group or People’s Alliance for Democracy (PAD) or the protest against Prime Minister Thaksin Shinawatra in 2006. How this happened along with further details about their development will be more presented later on in Chapter V. Of note is that “the democratic support group,” which manifested during the current crisis, is comprised of different groups rather than just representing The United Front for Democracy against Dictatorship (UDD) or the red shirts group. This seems to be a good sign of democracy in Thailand because they have tried to present their political attitudes for supporting democracy through the political crisis. Some of the groups represented here are “the light candle vigil group,” “Enlighten Jurists or นิติราษฎร์,” “the third polar group,” and “Assembly for the Defense of Democracy (AFDD).”

In evaluating the present political crisis in Thailand, the most significant problem is central to the stateness problem. That is because the conflict between “the conservative power group” and “the democratic support group” has turned into hatred since the state has not been able to enforce its authority in the country. Moreover, this failure has negatively affected the democratic political attitudes of the Thai people. (Please see more details in Chapter V.)

Before evaluating and analyzing the partial regimes of Thailand’s democracy, during political crisis from late 2013 to April 2014 or before the coup on 22<sup>nd</sup> May 2014, a short conclusion will be offered here concerning the essence of what and why actually happens in Thailand’s politics and its democracy. In the author’s analysis, this significantly affects the current political crisis in Thailand.

**At this point, the stateness problem in Thailand can lead to the following analyses:**

- (1) The center of the stateness problem in the current situation of Thailand concerns the “power struggle” of “the conservative power group”. Further complications are raised by several factions: the invisible hand, Ammart<sup>1</sup>; some independent

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<sup>1</sup> Ammart is a group composed of senior government civil and military officers nurtured under the patronage system of the previous authority. These officers take turns being in power, sharing wealth and privilege. They sometimes compete and even fight among themselves. (Walker, 2009)

government agencies including the constitutional court, the election committee, or judges; some media groups; the military; and the oldest political party, the Democrat Party. Their representative, the PDRC, published their demands on 17<sup>th</sup> December 2013 via the general secretary of the group, Suthep Thaugsuban. They requested reforms before any elections and the immediate resignation of Yingluck and the cabinet; moreover, they announced a boycott of the election on 2<sup>nd</sup> February 2014 with the goal of establishing a non-elected people's council. (For more details, see Chapter V.)

- (2) "Thaksin and his cronies," as the PDRC see their opposition, are seen by them as the country's primary problem. As the PDRC's "*bête noir*," no measure of compromise would likely be sufficient. Therefore, even the dissolution of parliament and the announcement of new elections on 2<sup>nd</sup> of February 2014 did not satisfy the PDRC who launched fresh demonstrations demanding that Yingluck's caretaker government should resign postpone the election. Especially in the later respect, they were casually ignoring the law according to which an election must take place, once it has been issued a date by royal decree.
  - (3) The accusation of "corruption" is one of the heftiest criticisms which the PDRC lob at Thaksin's group and the Yingluck government. The PDRC also bemoans their aggressive populist policies to lock up votes and win a series of elections as well as a number of intransparent government projects, such as a multi-billion dollar subsidy for rice farmers, tax rebates for first-time car and home buyers, and borrowing 2.2 trillion dollars. Hence, because of such the reasons, PDRC stand for the country against them.
  - (4) What sparked street protests and increased the support for the PDRC was the "Amnesty Bill." Their fear was that the amnesty bill would cover people accused of wrongdoing after the 2006 coup, which would posit Thaksin as the chief beneficiary of the Amnesty Bill and allow his return to the country. (Newsinfo.inquirer, 2013) While the Yingluck government later withdrew all draft bills related to the amnesty bill, the PDRC continues to pursue its goal with a new list of demands.
  - (5) As observed from the PDRC's demands and behavior, it can be found and concluded that (1) the real goal of PDRC is not only getting rid of the Thaksin and his clan or even the Yingluck government, but it is also related to conservative power group's fight for power . Their representative in the political game clearly appeared in the name of the PDRC, as they had earlier appropriated the name of the yellow shirts or the PAD in 2005. The PDRC tries to agitate for a dissolution of parliament and a boycott of the election on 2<sup>nd</sup> February 2014. The main reason it is not just because the election would be unfair (as they claim it would be), but because they fear once more losing political power to Thaksin and his group, as the Democrat Party, one of their political representatives, has never won a general election for more than two decades.
  - (6) Therefore, in this ongoing crisis, the PDRC's fight represents the conservative power group attempting to wrest political power back from Thaksin and his people
-

who, in the conservatives' opinion, have already swayed the minds of a majority of Thai people. This assumption is strengthened if not proved outright in that if the PDRC only desired a new government instead of specifically opposing a government from the Shinawatra family, it would accept the snap election after Yingluck's dissolution of parliament. It would instantly cease its political movement and rather join the newly elected government in a search for a democratic solution for the country. As this does not appear to be their goal, the PDRC continues in its ways even though their behavior is nudging the democracy in Thailand towards a regression.

## 2. **Considering "A Democratic Transition" by Linz & Stepan (1996) as an explanation of whether Thailand is a consolidated democracy.**

According to Linz & Stepan's theory of consolidated democracy, one of the main problems of Thailand's democracy should be its incomplete democratic transition, complicated by its inability to extricate itself from the old circle of power. In particular the military, bureaucrats, and the royalists have never been challenged by any political actors in the country to also convert to democracy. Such an incomplete democratic transition means that its implementation is defective and thus makes it considerably more difficult for Thailand to consolidate its democracy.

**Here, the definition of a democratic transition is provided:**

*"A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies, and when the executive, legislative, and judicial power generated by the new democracy doesn't have to share power with other bodies de jure."*  
(Linz & Stepan, 1996, pp. 3.)

**According to this definition, Linz & Stepan's discussion of what constitutes a completed democratic transition helps highlight two further issues:**

### (1) **Transitions may begin but are never completed, even though a new authoritarian regimes does not assume power**

In Thailand's case, it is not enough to say that Thailand has converted from absolute monarchy to constitutional monarchy in 1932 in order to conclude that the transition of its democracy is finished or completed. That is not only because the current situation shows us that Thailand's democracy is still struggling but it is also because of what it is called "decision making within the democratic political arena" that still most of the time belongs to the main three institutions: military, bureaucrats, and royalists.

Therefore, this paper concludes at this point that Thailand did indeed transition to a democratic regime but its transition is not complete due to the lack of free and fair elections as well as frequent interventions by extra-democratic institutions in the political decision making process. Of particular note here is the Thai military. All these problems taken together indicate that a proper execution of the consolidation tasks is not possible in Thailand.

## **(2) Decision making within the democratic political arena**

After the revolution in 1932, the first prime minister of Thailand was Phraya Manopakorn Nititada. He was simply selected (rather than elected) by the leader of the People's Party – the party that instigated the revolution, composed of military and civil officers. As his position was not a result of a free and popular vote, this contradicts the points Linz & Stepan (1996) see the important matters of their theory about a democratic transition. Furthermore, only a year later, Manoparkorn was ousted by a coup triggered by conflicts within the People's Party. Thus, shortly after a constitutional government had formed in the country, the first military coup overthrew it.

With that in mind, it can be said that Thailand has not even had a complete democratic transition. The following two reasons may serve here: (1) The government in 1932 was not the result of a free and popular vote for Thai people but rather the revolutionaries selecting military and civil officers from their own ranks. So, while the old regime of absolute monarchy no longer holds sway, other anti-democratic factors have kept the transition from being completed. Unlike a true democracy, elections here have been used merely as a symbol. Democracy requires other significant political procedures and a balance of power between the executive, legislative, and judicial which do not have to share power with other bodies *de jure*. (2) After the brief Manoparkorn government, a military government came to power. Ever since, the military's intervention have become like a game in town as well as the symbol of rescuing Thailand's politics. That is a truly severe problem of Thailand's democracy.

This is the reason why Thailand's democracy cannot be consolidated. As Linz & Stepan (1996) explain, such a disagreement among democrats over monarchy or authoritarianism or the type of electoral system may create questions about the legitimacy or the emerging democratic government, the decision-making process, and indeed the future of the political system. Also, such institutional indeterminacy about core procedures necessary for producing democracy may not only leave the transition incomplete, but postpone any consolidation of democracy in the country as well.

Also, because of the incomplete democratic transition of Thailand, its path towards a perfect democratic regime has been often marred by the intervention of the hierarchical military. Thailand has too long been in a circle of power being seized by political elites led by the military, politicians, business men, or royalist groups. With the elites occupying the top layer, the majority of the people have never experienced true democracy and equality. That is because the imperfect transition has opened a chance for a new power, the military, to join with the old power, the royalists and the political elites, to continue controlling the nation.

Linz & Stepan (1996, pp. 66-83.) state that all hierarchical military regimes share one characteristic that is potentially favorable to a democratic transition: There is always the possibility that the hierarchical leaders of the military-as-institution will come to the decision that the costs of direct involvement in nondemocratic rule are greater than the costs of extrication. Accordingly, democracy may become a shield to protect them

from the risk of political change, in particular when another wave of democratization rises.

This is true for Thailand even though the revolution in 1932 had seen good intentions of giving rights and freedoms. Yet the same group still desired to remain in power themselves.

Therefore, the intervention of the hierarchical military since the beginning of the Thai revolution just shows that power switched from an absolute monarch to the military, not to the people. Thus, the assertion of hierarchical authority in the name of the military-as-institution is a permanent danger faced by the military-as-government. (Linz & Stepan, 1996) This often means that, if a democratic regime is an available formula for rulership in the polity, the military may decide to solve their institutional organizational problems and their need for a government by devolving the exercise of government to civilians.

According to Linz & Stepan's explanation above, allowing Manopakorn to become the first prime minister of Thailand seems like a game by the military. Yet removing him from power after only a short time in office clearly proved that the military had no intention of surrendering their power.

Linz & Stepan (1996, pp. 66-68.) analyze this point as below:

*“The more hierarchically led the military, the less they are forced to extricate themselves from a nondemocratic regime due to internal contradictions, and the weaker the coalition that is forcing them from office, the more the military will be in a position to negotiate their withdrawal on terms where they retain nondemocratic prerogatives or impose very confining conditions on the political processes that lead to democratic consolidation.”*

Therefore, it should not come as a surprise that Thailand has to confront a past of turbulence and turmoil in which the military has always taken part. There have been at least 10 successful coups and 7 abortive attempts. Also, even when the military seized power on September 19, 2006 to dismiss Prime Minister Thaksin Shinawatra's government, Thailand's last coup had only been 15 years earlier<sup>2</sup>.

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<sup>2</sup> Here is a chronology of some of the military coups and major attempted coups since the Southeast Asian nation became a constitutional monarchy in 1932: cited from [http://zeenews.india.com/news/archives/history-of-military-coups-in-thailand\\_324005.html](http://zeenews.india.com/news/archives/history-of-military-coups-in-thailand_324005.html) [Accessed: 21st December 2013].

**1932:** King Prajadhipok is overthrown in a coup d'état. Armed forces led by three radicals, Pridi Phanomyang, Major Phibun Sangkhram and Colonel Phahon Phonphaywasena, take control. Phrayo Manopakorn is appointed prime minister.

**1933:** Manopakorn dissolves the National Assembly and rules by decree, until he is removed in another coup. Phahon, one of the three involved in the 1932 coup, becomes prime minister.

**1947:** Military coup by General Phin Choonhavan deposes the government. Luang Aphai-Wongse is appointed prime minister, but is replaced by Phibun the following year.

**1951:** Phibun leads another military coup and restores the 1932 version of the Constitution.

**1957:** Following a coup led by General Sarit Thanarat, politician Pote Sarasin is appointed leader of an interim government.

**1976:** An attempted military coup is defeated in February, but a successful coup in October overthrows Prime Minister Seni Pramroj. Admiral Sangad Chaloryoo, previously minister of defense, is installed as Chairman of a National Administrative Reform Council.

Thus, the military's constant involvement in politics – either directly as being openly in charge or propping up other political actors from the shadows – continues to put Thailand's democracy at risk and is an important task for new democratic leaders to overcome. Such an undertaking is hardly easy, considering historical precedent, as Linz & Stepan (1996, p. 67.) state:

*“The more the military hierarchy directly manages the state and their own organization on a day-by-day basis before the transition, the more salient the issue of the successful democratic management of the military will be the task of democratic consolidation.”*

The political maneuverings of the military, especially when united with the royalists and the conservative group, not only endangers any efforts to consolidate Thailand's democracy, but it also contributes to the political turmoil in the country and breaking down public order. The stateness problem is a major issue here, in particular considering the rift between the conservative power group and the democratic support group.

In the past, the accusation of “communism” was sufficient to keep the elites in power. Constant harping on this point reinforced Thai fear of a communist takeover, growing said fear into hatred that led to bloodshed in the community, now called “Thais kill Thais.” Similar emotions are bubbling up in the present as well, but they are now under the banner of a “Thaksinocracy” as the enemy of Thailand.

In this author's view, that invective is meaningless. Yet the opposition's propaganda has forged a symbol of equating Thaksin and his party with corruption and thus raised the specter of a “Thaksinocracy” as a particular evil, despite corruption being common among other Thai governments and politicians.

The strength of this accusation is obvious in the reaction to Yingluck's withdrawal of the Amnesty Bill. While the bill was no longer a possible threat to the country, the fear of a Thaksinocracy continued to affect Thai society, promoting the break down process. The PDRC still called on the bill in hate speech and generating an atmosphere of hate. As a result, a considerable number of Thais, particularly from Bangkok and the southern regions, want to ensure that neither Thaksin nor anyone associated with the Shinawatras can ever come to power in Thailand again.

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**Oct 20, 1977:** The government of Thanom Kravichien, appointed in 1976, is overthrown by a military coup, again led by Sangad, following which a military Revolutionary Council takes power.

**April 1, 1981:** An attempted coup, led by General Sant Chipatima, Deputy Commander-in-Chief of the Army, is suppressed by forces loyal to the government.

**Sept 9, 1985:** A coup is attempted by Colonel Manoon Roopkachorn; a number of senior officers are later arrested.

**Feb 23, 1991:** The government of General Chatichai is ousted in a bloodless military coup. Power is assumed by a National Peacekeeping Council, led by General Sunthorn Kongsompong.

**Sept 19, 2006:** The armed forces take power and dismiss Prime Minister Thaksin Shinawatra's caretaker government while Thaksin and several other ministers are overseas. The military revoke the constitution and promise a swift return to democracy after political reforms.

### **Where are the possibly defects of democracy in Thailand?**

Of course, “democracy” is a process that countries need to learn in order to (fully) implement and develop it. Therefore, in this writer’s opinion, no democracy is perfect in this world; it has merely so-called “progressive and regressive” elements.

For Thailand, democracy has been its official political system for 82 years but it is still struggling with the concept, in particular at a time when discussions of a possible return to absolute monarchy or authoritarianism are not really outlandish anymore. The PDRC proposed an unelected government, a “people’s council,” as well as reforms to the electoral system wherein “people should not be equal regarding their level of education.” Both motions are clearly dangerous for the validity of a democracy and raise the stateness problem as an issue.

In other words, Thailand’s democracy at this time is showing the wear and tear from its many defective areas, and these defects are now also threatening the country as a whole.

### **Where is the possibly defective democracy that keeps giving Thai democracy such difficulties?**

#### ***Regarding the hypotheses H#4 and H#4.1 of this research:***

**H#4** However, its political situation at present is showing some doubts which might lead the country to revert to an authoritarian system. Such an outcome would be the result of the defects in its democratic regime.

**H#4.1** The partial regimes of Thailand’s democracy are not mutually embedded and do not support each others’ functions.

As for the rest of H#4, the following sub-hypotheses H#4.2 – 4.4 can be stated:

**H#4.2** The stateness problem is not yet resolved and continues to become more and more difficult.

**H#4.3** Thailand’s political culture is not congruent with a democratic political regime, neither in terms of behavior, attitude, or constitution.

**H#4.4** There are a number of problems in the design and value system of Thailand’s political institutions.

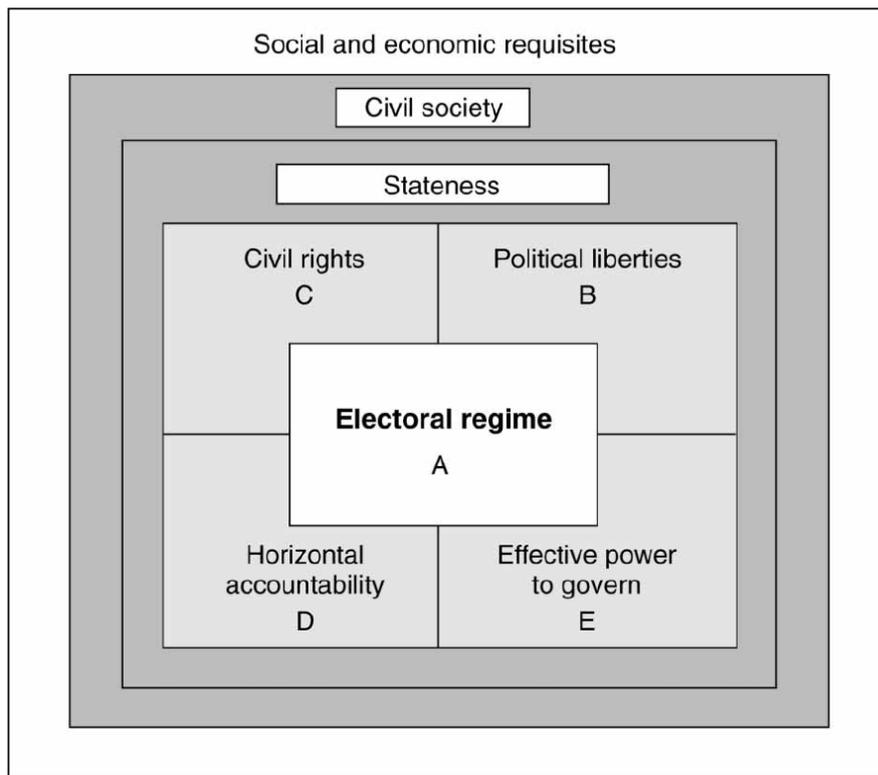
These hypotheses will be analyzed further in the following chapters V and VI according to the theory of consolidation from Linz & Stepan as well as the political culture approach by Edeltraud Roller, Fuchs, and Zagorski (2006).

First though, this work will approach H#4.1 based on Merkel’s theory of defective democracy which will be briefly recapped in the following section.

**About the theoretical framework:**

The theory is developed from the concept of embedded democracy. It follows the idea that stable constitutional democracies are embedded in two ways. Internally, the specific interdependence and independence of the different partial regimes of a democracy secure its normative and functional existence. Externally, these partial regimes are embedded in spheres of enabling conditions of democracy that protect it from outer as well as inner shocks and destabilizing

**Figure 1: The concept of Embedded Democracy**



**Source:** Merkel, W. (2004), Embedded and Defective Democracies, In: Croissant, A. and Merkel, W. (Eds.). *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change*, 11 (5), pp. 33-58.

The concept does not only describe such partial regimes but also provides the dimensions and criteria for them. (cf. Table 1; Merkel/Puhle et al., 2003)

**Table 1**  
**Dimensions, Partial Regimes and Criteria of Embedded Democracy**

<p><b>I. Dimension of vertical legitimacy and control</b></p> <p><b>A. Electoral regime</b>                      (1) Elected officials                      (2) Inclusive suffrage                      (3) Right to candidacy                      (4) Correctly organized, free and fair election</p> <p><b>B. Political rights</b>                      (5) Press freedom                      (6) Freedom of Association</p>
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**Source:** Merkel, W. (2004), Embedded and Defective Democracies, In: Croissant, A. and Merkel, W. (Eds.). *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change*, 11 (5), pp. 33-58.

**Analyzing Thailand's democracy:**  
*Where are the possible defects in Thailand's democracy?*

**I. Dimension of vertical legitimacy and control**

In this dimension, there are two important partial regimes that should be embedded or support each other. These are the electoral regime (partial regime A) and equal political rights (partial regime B). Political rights are the minimal requirements for a democratic electoral regime (partial regime A) (regular, free, general, equal, and fair elections) (Hadenius, 1992).

These two closely interconnected partial regimes, therefore, embody the essence of vertical accountability in a democracy. (Merkel, 1999)

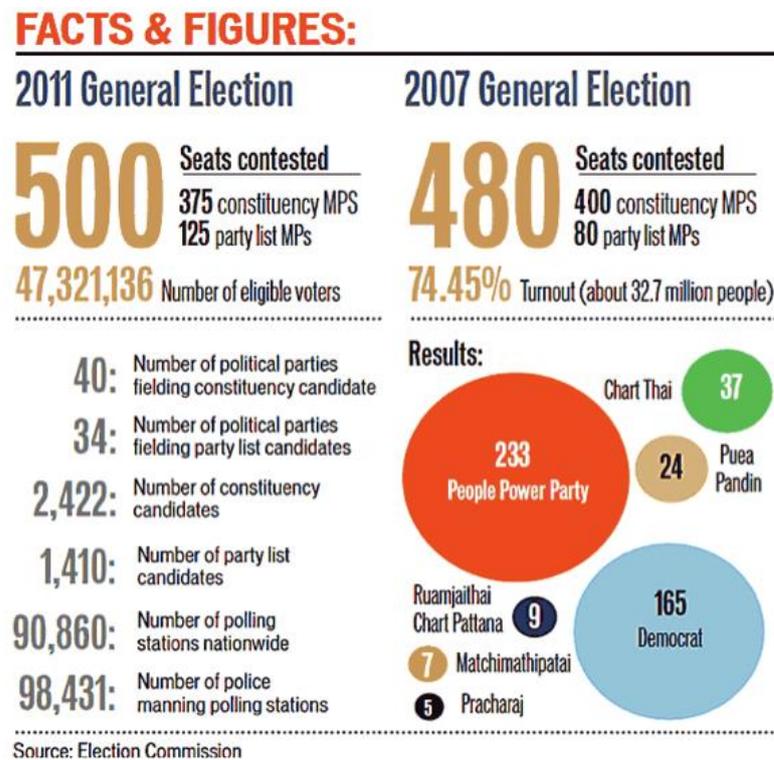
### **(1) Partial regime A: The electoral regime in Thailand**

When the minimal requirement for a state to be listed as democratic countries is elections, Thailand is counted as one of them despite its ongoing political situation rendering even this minimal requirement of democracy dubious. A major threat is the PDRC's demand for an election boycott and the establishment of an unelected "people's council" instead. Should the PDRC get its way, Thailand would no longer meet the standards of an electoral democracy and instead (severely) regress in its political development.

Moreover, Thai elections have been criticized as insufficiently democratic since the coup which toppled Thaksin in 2006. The new constitution, the basis for elections, seems largely driven by the desire to avoid Thaksin era politics: It contains term limits for prime ministers, makes declaring assets compulsory, and allows for the prime minister to be more easily impeached as well as having almost half of all senators chosen by a committee of judges and bureaucrats rather than having them elected. This has been dubbed the fear of the majority or fear of the return of Thaksin's group.

Thailand General Election together with The Asian Network for Free Elections (ANFREL) (2011) has issued respective facts and figures between the elections in 2007 and 2011, showing yet another change to the constitution of 2007: When the Democrat Party led the country and prepared the election in 2011, they passed electoral laws related to the constitutional changes, dissolved parliament, and called for new elections. These amendments impacted the electoral system in a number of ways. Most noticeably, the number of members of the lower house of parliament has been increased from 480 to 500. The previous makeup of the lower house was 400 MPs elected from single and multi-member constituencies and 80 elected from a proportional list system that elected 10 members each from the 8 zones the country was divided into for this purpose. Under the changes, the house was divided into 375 single member constituencies (instead of 400 MPs from mostly multiple member constituencies) and 125 MPs chosen from a nationwide party list ballot (instead of 80 party list MPs from a total of 8 different zones). These changes made the party-list ballot considerably more important as it went from electing just 1/6(16.67%) of the total number of lower house MPs to a full one-fourth (25%) of the house total. These changes, and the prevailing atmosphere of distrust between the parties, led the opposition Pheu Thai Party to argue that the charter changes were politically motivated and intended to improve the Democrat Party's chances, given that the Democrat Party had done much better in the 2007 election's party list vote than they did in the constituency system. The Pheu Thai Party would go on to walk out en masse during the final reading of the changes but they were passed nevertheless.

**Chart 1 Facts and Figures between the elections in 2007 and 2011**



**Source:** Figure 8: Graphic comparing the 2007 and 2011 elections; Source Election Commission of Thailand statistics, Graphic: Bangkok Post

Regarding this system change, instead of the more complex multi-member constituencies that had dominated before, Thailand now has 375 multi-member constituencies. The new system was expected to be simpler for voters since, across the country, all had but one candidate and one party to select on each of the two ballots. The change to a “first past the post” system should strengthen the position of the two largest parties, the Pheu Thai Party<sup>3</sup> and the Democrat Party. At the same time, smaller parties will likely be weakened over time by the single member constituency system as first past the post systems have been shown to usually favor the two largest parties. Smaller parties whose candidates often receive the 2nd or 3rd most votes in any constituency might not win any races outright and could be shut out of parliament altogether despite substantial support. For the party list (proportional representation seats), the system returns to a single nationwide constituency as had been the case before the 2007 constitution created 8 different zones electing 10 MPs each. But the new system would differ from the pre-2007 system in that there no longer is any requirement that a party receive 5% of the total party list votes in order to get seats from this system. The removal of this threshold requirement was undoubtedly a good thing for any

<sup>3</sup> The Pheu Thai Party is the third incarnation of a Thai political party originally founded by former Prime Minister Thaksin Shinawatra. The Pheu Thai Party was founded on 20 September 2008, as an anticipated replacement for the People's Power Party (PPP), which the Constitutional Court of Thailand dissolved less than three months later after finding party members guilty of electoral fraud. The People's Power Party was itself a replacement for Thaksin's original Thai Rak Thai (TRT) party which the Constitutional Court dissolved in May 2007 for violation of electoral laws. (“The Constitutional Tribunal disbands Thai Rak Thai,” *The Nation (Thailand)* (Bangkok), 30 May 2007.)

smaller/regional party popular enough to garner a sizeable though less than 5% total of the nationwide party list vote. Candidates were, as in 2007, not able to run as independents as the law demanded that they be affiliated with a political party, a limitation that may be regarded as an infringement of one's political rights. (Anfrel, 2014)

### **(1.1) Elected officials**

Elected officials are officials who won their office in a free election. For now, these elected officials are Pheu Thai Party led by the caretaker leader Yingluck Shinawatra, after dissolving the parliament on December 9, 2013 and up to the election on 2 February, 2014.

Richard, C. reported in the Mirror newspaper (2013) that Yingluck affirmed her democratic idea despite the current critical situation of Thai politics

*“When there are many people opposed to the government, the best way is to give back the power to the Thai people”*

Yingluck's words sounded good and reasonable but the obstacles to the election still loom large with the PDRC requesting her resignation and opposing the election in order to install a people's council of their own, asking the king to appoint a prime minister of their choosing. Support for the PDRC's demands has come from parts of academia as well as some independent government agencies, e.g. the election committee or the constitutional court. The subsequent discussions have led to confusion among Thai society about elections and democracy.

In fact, these demands completely run counter to the 2007 constitution's terms for elections, in particular after dissolving parliament. Yingluck accepting these demands and resigning would be an illegal act, going against the law.

In this regard, it becomes clear that Thailand's democracy is deeply troubled. Entire factions ignore rather than respect the law or even desire to deform it.

Section 108 of the constitution of 2007 states that (1) when dissolving parliament, there must be a new election; (2) the election must be held within 45-60 days; (3) parliament can only be dissolved once.

All of these 3 principles serve only one purpose: ensuring that the sovereignty remains with the people. Furthermore, section 3 of the constitution says that serious political problems are to be addressed by the prime minister as head of the executive branch; if they cannot be resolved otherwise, the prime minister can decide to dissolve parliament in order to defer the governing power to the people. That power is to be executed on election day. Section 181 also states that, after the dissolution of parliament, a prime minister has no duty other than holding an election. The outgoing cabinet meanwhile, according to section 181, will continue their duties until they are replaced by a newly elected cabinet.

Another critical discussion with regard to elections concerns the postponement of the election on 2nd February 2014.

Therefore, per the first criterion of “elected officials,” there are serious problems in the first partial electoral regime of Thailand’s democracy, particularly when it comes to interpreting the constitution. Naturally, this is confusing to society as powerful factions see no difficulty in pushing aside or deforming the law, according to their own preferences. As it also concerns a basic matter such as elections, this highlights the dubious nature of democratic attitudes in Thailand.

## **(1.2) Inclusive suffrage**

Even though elections in Thailand are held under universal suffrage<sup>4</sup>, i.e. that the right to vote is not restricted by race, sex, belief, wealth, or social status certain restrictions are still applied.

The qualifications of a person who has the right to vote in an election according to the constitutions 2007 are as follows:

1. Being of Thai nationality; provided that a person who has acquired Thai nationality by naturalization must have held the Thai nationality for not less than five years;
2. Being not less than eighteen years of age on 1st January of the year of the election; and
3. Having his or her name appear on the house register in the constituency for not less than ninety days up to the date of the election.

A person with the following prohibitions on election day is disenfranchised:

1. Being a monk, novice, Brahmin priest, or clergy;
2. Being under suspension of the right to vote;
3. Being detained by a warrant of the court or by a lawful order; being of unsound mind or of mental infirmity.

Yet in the north of the country, the so-called hill tribes are not fully integrated into Thai society and face restrictions on their freedom of movement. Many continue to struggle without formal citizenship, which renders them ineligible to vote, own land, attend state schools, or receive protection under labor laws. Thailand has not ratified UN conventions on refugees, and the authorities have forcibly repatriated Burmese and Laotian refugees. The place of Burmese refugees in Thailand is especially tenuous at this stage with the prospect of repatriation looming as a significant issue. Reports of the abuse of refugees and migrants workers from Burma also continue to emerge and have been met by increased labor activism. While women have the same legal rights as men, they remain subject to economic discrimination in practice,

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<sup>4</sup> Universal suffrage (also universal adult suffrage, general suffrage or common suffrage) consists of the extension of the right to vote to adult citizens (or subjects), though it may also mean extending that right to minors and non-citizens. Although suffrage has two necessary components, the right to vote and opportunities to vote, the term universal suffrage is associated only with the right to vote and ignores the frequency with which an incumbent government consults the electorate. Where universal suffrage exists, the right to vote is not restricted by race, sex, belief, wealth, or social status. ([http://en.wikipedia.org/wiki/Universal\\_suffrage](http://en.wikipedia.org/wiki/Universal_suffrage))

and vulnerable to domestic abuse, rape, and sex trafficking. Sex tourism has been a key part of the economy in some urban and resort areas. While Yingluck Shinawatra is the country's first female prime minister, her administration has not made women's rights a priority. (Freedom House, 2013)

**(1.3) Right to candidacy**

**(1.4) Correctly organized, free, and fair elections**

The caretaker government of the interim Prime Minister Yingluck Shinawatra and her cabinets stand firm on their plan to hold the election on 2<sup>nd</sup> February 2014 after dissolving parliament despite numbers of obstacles posed by the oppositions, as reported by the MCOT (2013)

While the leader of the country insisting on the minimum requirement of democracy even during a crisis should be a good sign for Thailand, the nation's insecure political stage is so troubled that there was no assurance that the election would indeed take place on that day. Obstacles were not only raised by PDRC protestors shutting down the city of Bangkok and blockading a number of important government offices and ministries, but also by several independent government agencies, for example the constitutional court, the national anti-corruption commission, and in particular the election commission. The latter has extensive powers to manage, oversee, and regulate the electoral process throughout the kingdom of Thailand, yet they decided to tactically oppose the coming snap election along with the PDRC.

One of the EC's strategies for interrupting the election was asking the caretaker prime minister Yingluck to postpone the general election because of the commission's concern over "violence and chaos" amid the ongoing anti-election protests. Somchai Srisuthiyakorn, one of the five commissioners in charge of election administration, admitted that it is difficult to hold a smooth election amid the present political climate and possible chaos. "This is an abnormal situation. All factions should hold talks for a smooth election. Don't take February 2 as a condition or restriction (for political resolutions)," he said. (The MCOT, 2013)

Moreover, Saksith Saiyasombut & Siam Voices (2014) from Asiancorrespondent reported that the EC organized the registration for candidacy at the Thai-Japanese Stadium sports complex in the Bangkok district of Din Daeng, despite repeated threats by the protesters to disrupt the week-long process. The protesters made good on their threats, and the situation escalated almost immediately into violent clashes, causing the death of one protester and one police officer (the circumstances of his death initially were unclear). (MCOT, 2013) The protesters later seized the registration office in order to keep everybody from entering. Despite having had the option of moving elsewhere in order to avoid the protesters, the EC decided to keep the registration location where it was. After the violence in Bangkok and disruptions by protesters at registrations in 28 districts in the southern provinces (to which there would be no extension period), the commission then said the elections should be called off.

The flip-flopping by the EC continued in the new year when the election was confirmed by a commissioner and the secretary general, only to then be put in doubt again a week later after the auditor general urged the Election Commission to reconsider whether holding the February 2 election is worth the estimated 3.8bn Baht (\$116m). On January 10, Isara News (2014) Agency reported first that the EC was going to submit an urgent letter to Prime Minister Yingluck, asking her to issue “a royal decree postponing the elections,” echoing the auditor general’s sentiment that under the current circumstances it would a huge “waste of state funds.” However, this motion was denied by the EC’s secretary general. Only a few hours later, responding to the election commission’s letter, Prime Minister Yingluck invited the EC, all political parties (incl. the boycotting Democrat Party) and the anti-election protesters themselves to discuss a possible election postponement. But none of the opposition showed up while the commission sent their secretary general to the meeting. Given the opposition’s refusal to negotiate, Yingluck announced that the elections would go ahead on February 2.

In its turn, the election commission invited Yingluck to attend their next meeting. However, commissioner Somchai Srisuthiyakorn could not resist the quip:

*“if she [PM Yingluck] doesn’t come, we’ll still send out invites, keep changing hotels to meet until we finally [zeroed in on] the Four Seasons Hotel. Maybe then she’ll come, no?”* (Khaosod reported that ตะลึง! “กทศ.สมชัย” งดไปรีซีชั่นสัปดาห์นี้ “ป๋) (Khaosod, 2014))

The Four Seasons Hotel is a reference to a heavily rumored (and still unproven) private issue concerning the Prime Minister. It begs the question why a high-level official like Somchai would make such a statement.

All of these developments allow an evaluation of the criterion “correctly organized, free, and fair election” of partial regime A (electoral regime) together with the question, “**What role is the EC playing right now?**” This is of particular interest as they seem to be circumventing the law demanding that the election not be delayed or postponed.

The constitution specifies that any postponement of elections, barring a violent insurrection, is illegal. Even in the worst case scenario, the EC should consider reorganizing an election in the affected areas after the situation has quieted down, rather than cancel it outright.

Another reason that the EC tried to use for postponing the election is to claim that even if the election were held, it would likely not achieve 95 % of the House

of Representatives. In that case, the election should be postponed. In fact, though, this is a misinterpretation of the constitution. Article 93 states that when the result in members of the House of Representatives being less than four hundred and eighty in number but being not less than ninety five percent of the total number of members of the House of Representatives, it shall be deemed that members in such number duly form the House of Representatives, provided that action shall be taken for achieving such number of member of the House of Representatives as provided in this constitution within one hundred and eighty days and such members shall hold office for the remaining term of the House or Representatives. (Constitution of the Kingdom of Thailand B.E, 2550 (2007))

Last but not least on the list of the EC's illogical behavior, the commission always argued that an election on 2<sup>nd</sup> February 2014 might lead to violence. Yet this fear is one-sided as they only consider violence springing up after an electoral win. What they do not consider is that the lack of elections might cause people who do not follow the PDRC to stand up and fight for their rights, triggering another violent situation. As such, this shows the attitude behind the EC in that they really do not want to correctly provide and organize the election as is their duty and remit.

Therefore, the criterion "right to candidacy" is not free either. That is because the protestors or PDRC tried to block the registration of candidates. Nevertheless, the registration resulted, despite the disruptions, in 53 parties standing for election. The Democrat Party continued to abstain and even strongly indicated their plan to boycott the election. Hence, most of the 53 were small political parties. That, of course, permitted the PDRC and the Democrat Party to use this point in their attacks on Yingluck and her interim government, claiming that this election would not be appropriate because Yingluck's Pheu Thai Party was the only large party enrolled and that this would allow the Pheu Thai party to take advantage from other smaller political parties. The counter-arguments are easy to make: (1) Why did the Democrats not register for this election when they feared that the Pheu Thai Party would win over the other small candidates? (2) Is the Democrat Party still a party in a democratic polity despite not even participating in the core element of a democracy, i.e. elections?

The periods of registration of candidacy from 23-27 December 2013 for the party list proportional representation and from 28 December 2013 – 1 January 2014 for constituency went smoothly in 66 provinces. Yet 28 constituencies in 8 provinces in the nation's south suffered problems with registration. Moreover, there were also 16 constituencies presenting only a single candidate from one political party registering. Such an imperfect result of registration could be used as a reason for stopping the election by the EC arguing that it would be a waste of budget to restage registrations often enough until the percentage of representatives in the parliament was complete at more than 95%. Nevertheless, the constitution in Article 108 clearly says that elections must be held on the date issued by royal decree, no matter what. It is also clear that such registration problems as mentioned above require the EC to fulfill its duty and resolve the problem as far and as quickly as is possible. This leads to another question in this crisis situation, "Is the EC already striving to solve the problems, or do they just stick with their position that the election should be postponed?" (Prachathai, 2014)

As can be seen, the EC has always resorted to claims of incomplete candidacy registration and wasting budgets when they should have been trying to fix the problem. Furthermore, despite having the power to do so, they did not try to protect the registration from violence, e.g. by changing locations. All of this indicates that their attitude is not congruous with democracy, even though that is their primary remit.

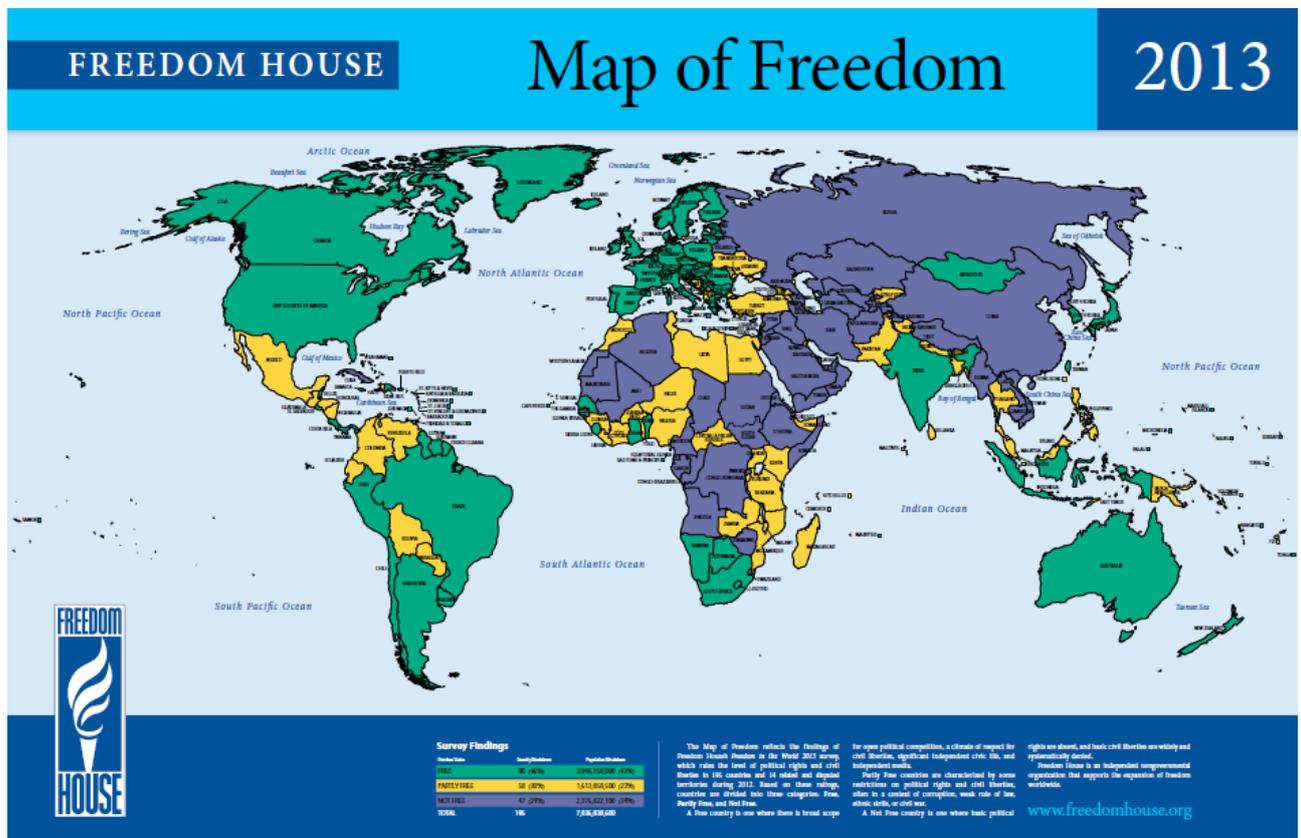
## **(2) Partial regime B: Political rights in Thailand**

The partial regime B: political rights in Thailand refer to an independent political sphere of action where organizational and communicative power is developed. If free enough, these rights complete the vertical dimension of the country because they go beyond the right to vote in that they are the backbone for elections, thus supporting the first partial regime “electoral regime.”

“Political rights,” according to the definition by Wolfgang Merkel, cover two criteria: press freedom and freedom of association. In Thailand, these two criteria are not supportive to a consolidated democracy, as they are already unstable and likely to worsen in the ongoing crisis. They are also affected by the structure of Thai society and such challenges as the *lèse-majesté* law.

According to the evaluation by Freedom House 2013, Thailand is assigned the status of a partly Free country, as can be seen in Map 1 below.

Map 1 Map of Freedom 2013



**Source:** Freedom House (2013) *Map of Freedom 2013* [Online], Available from: <http://www.freedomhouse.org/sites/default/files/Map%20of%20Freedom%202013%2C%20final.pdf> [Accessed on 20 Jan 2014].

**(2.1) Press freedom**

The core problem of the criterion “press freedom” centers on the lèse-majesté law wherefore Thailand is evaluated by Freedom House as having a press freedom score of 62 (0 = Best, 100 = Worst), legal environment of 21 (0 = Best, 30 = Worst), political environment of 25 (0 = Best, 40 = Worst), and economic environment of 16 (0 = Best, 30 = Worst). Finally, with their latest evaluation of press freedom, the NGO is considering shifting Thailand from partly free to not free. (Freedom House, 2013)

The main reason for this rating lies in court rulings stating that the lèse-majesté law does not contradict constitutional provisions for freedom of expression and that third party hosts are liable for lèse-majesté content posted online. In addition, both the government of Prime Minister Yingluck Shinawatra and the parliament explicitly indicated that they were unwilling to address the chilling effects of the lèse-majesté law. Thailand’s online monitoring agency expanded its use of the lèse-majesté law to silence dissent, and journalists faced mounting difficulty in writing about lèse-majesté cases and press freedom issues, with self-censorship increasing as a result.

The *lèse-majesté* law, Article 112 of the criminal code, assigns harsh penalties of up to 15 years in prison for anyone who “defames, insults or threatens the King, Queen, the Heir-apparent or the Regent.” Prosecutors have been able to increase sentences beyond this threshold using the 2007 Computer Crimes Act (CCA), which assigns prison terms of up to five years for the online publication of forged or false content that endangers individuals, the public, or national security, as well as for the use of proxy servers to access restricted material. The law can serve as a significant political tool for accusing their opponents of having violated it. In particular, the conservative power group and the PDRC have employed this tactic frequently against the democratic support group.

For example, over the course of 2012, several high-profile *lèse-majesté* cases resulted in harsh punishments or consequences for the defendants. On April 11, police detained the editor of the now-defunct *Voice of Thaksin* magazine, Somyot Pruksakasemsuk, ostensibly for defaming the monarchy in two articles published in 2010. His arrest came less than a week after he had introduced a petition demanding a review of the *lèse-majesté* law. He remained behind bars at year's end. On May 10, Ampon Tangnoppakul, a 62-year-old man who had been sentenced to 20 years in prison in November 2011 for allegedly sending four text messages that insulted the monarchy, passed away in prison. On May 16, the police ordered online news site *Prachatai* to remove seven articles by journalist Pravit Rojanaphruk for possible infringement of *lèse-majesté* legislation. On May 30, after a lengthy trial with several delays, *Prachatai* webmaster Chiranuch Premchaiporn was found guilty under the CCA of allowing 20 days to pass before removing a comment posted on the website's discussion forum that was deemed critical of the monarchy. A Bangkok criminal court judge sentenced Chiranuch to a suspended eight-month jail term and a fine of 20,000 baht (\$700). The judge ruled that 20 days was “too long” for the offensive post to have remained on the website, despite the lack of any specified time limit under the CCA. The verdict represented the first time the law was used to criminally convict a Thai journalist for an offense related to freedom of expression. It was widely criticized for making managers of user-generated content platforms legally responsible for any material posted to their sites and thereby encouraging self-censorship. This and other *lèse-majesté* cases during the year prompted a renewed campaign against the CCA by groups such as the Thai Netizen Network. Major internet companies such as Google, Yahoo, and Microsoft, all part of the Asia Internet Coalition, also stood in support of Chiranuch, fearing that they and other “intermediaries” could be found criminally liable in similar cases in Thailand. (Freedom House, Freedom-Press, 2013)

Another important matter of political rights, manifested in the criterion of press freedom, is that public as well as private media must have considerable influence. The distribution as well as reception of information and news cannot be regulated by politically motivated restrictions. (Hadenius, 1992)

Yet Thailand continues to limit press freedom. That is a considerable problem and significantly influences the political atmosphere in the country. Respective reasons are listed below:

**(1) Thai media and the National Broadcasting and Telecommunications Commission (NBTC) are not free**

The National Broadcasting and Telecommunications Commission (NBTC) was established in December 2010 as a single regulator for the telecommunications and broadcast sectors. Its remit was further developed in 2012. This included the challenging task of wresting control of the two industries from powerful businesses with close ties to the government and the military. The NBTC is composed of 11 commissioners, including a high-ranking police officer and five top military officials. Some critics have raised concerns regarding the body's independence, considering the significant military representation, as well as its efficacy, given the current political impasse. Nevertheless, the NBTC is working to establish regulatory control as existing allocations of broadcast and telecommunications spectrum reach or approach their expiry dates. The NBTC's spectrum, telecommunications, and broadcasting master plans were approved and published in the *Royal Gazette*, making them legally binding. Unfortunately, the schedule set for the return of all media licenses (radio, television, and telecommunications) resulted in terms that extend beyond the current NBTC commissioners' mandates. Critics argue that this causes a lack of stability, as new commissioners with new agendas could take over before the current plan takes full effect. One of the biggest issues facing the NBTC is the reallocation of broadcast licenses in the next few years. New regulations have been drafted for radio, and the NBTC is determining how many licenses there will be for commercial, public service, and community-based outlets. In May 2012, the commission approved a draft regulation that would allow the issuing of one-year "trial" licenses to more than 7,000 community radio stations in anticipation of a more permanent licensing scheme still to be developed. (Freedom House, Freedom-Press, 2013)

Aside from that, large conglomerates and prominent families, some with political ties, own the majority of print outlets. Radio and television have remained under the direct or indirect control of the state, although this is now beginning to change with the establishment of the NBTC. Ownership of Thailand's six free-to-air television stations is divided among four government bodies: the Public Relations Department and the Thai Public Broadcasting Service each administer one station, while the state-controlled Mass Communication Organization of Thailand (MCOT) and the Thai Royal Army oversee two channels apiece. Satellite television is also widely available. The government and security forces own more than 700 radio stations registered with the NBTC, and thousands of community stations also broadcast. Allegations that journalists accept bribes from politicians and business elites in exchange for favorable coverage persisted in 2012. The internet was accessed by approximately 27 percent of the Thai population during the year. Although the internet and social-networking sites contain a greater diversity of content and debate than traditional media, the government and military have recently undertaken a much more focused effort to control commentary and information that is deemed incendiary, divisive, or subversive, leading to a greater degree of self-censorship online than in previous years. (Freedom House, Freedom-Press, 2013)

## **(2) Government censorship**

Government censorship of the internet continued in 2012, and it is increasingly used against potentially disruptive political messages and sites that are considered a threat to national security, including those of Muslim separatist groups in southern Thailand. The founding of the Cyber Security Operations Center (CSOC) in late 2011 and the expansion of its work in 2012 enabled the Ministry of Information and Communication Technology to shut down and block online content more quickly, without the need for a court order. The CSOC extends control and surveillance over online media and has aided the large scale shutdown of websites and individual webpages. The center works with internet service providers and website owners to block not only Thai-based content, but also material that is available globally, affecting thousands of sites. Their efforts are particularly focused on social networking sites such as Twitter and Facebook, both of which have gained significant ground in Thailand recently; Facebook was used by approximately 20 percent of Thais in 2012. In January, the government was the first to express public approval of U.S.-based Twitter's move to allow censorship of microblog postings. Users of social media in Thailand can face jail time if they click "like" or "share" for any content deemed offensive to the monarchy. (Freedom House, Freedom-Press, 2014)

Although self-censorship on topics involving the monarchy remains the rule, newspapers provide a diversity of news and opinion, and even feisty commentary and analysis of domestic politics. In addition to some state limitations on what can or cannot be published, owners of news outlets have become increasingly polarized in recent years, advocating a hard line on their respective sides of the political divide. Few major cases of physical intimidation and violence against journalists were reported in 2012. However, freelance investigative journalist and red shirt activist Wisut Tangwittayaporn was shot and killed in January by two men on a motorcycle on the southwestern resort island of Phuket, possibly due to his coverage of local land disputes.

Arrest warrants were issued for three individuals. There is still a sense of impunity surrounding acts of violence against journalists, and lingering distrust between the public and the press. An ongoing state of emergency in the country's four troubled southern provinces also continues to restrict the media's ability to operate. (Freedom House, Freedom-Press, 2014)

## **(3) Thai media in the ongoing political situation right now are not just divided but influenced and controlled by each side of the conflicts**

The media in Thailand are divided according to political viewpoints, and the respective political parties communicate their propaganda to influence the populace towards their side.

Clearly, having a biased media system is a dangerous problem for the nation since clear and objective information is a basic need for a democratic population. Instead, the information is tailored to certain group's standpoints, sometimes going so far as being paid for certain reports. Yet the pretense of being a "good and trustworthy" media institution leads to Thais accepting biased reports as truthful. Accusations can be leveled at opponents without any rebuttal or being vetted by neutral journalists. Beyond the traditional media, the problem of propaganda and biased reporting is exacerbated by social media such as Twitter and Facebook where

information can be spread quickly. Recipients have to carefully consider whether the information – from any media source – is in fact true and reliable. Given that their various sources of information are likely to be biased from the start, rumors and lies can easily spread and become convincing. With the society emotionally invested, confused about actual events or attitudes, the danger of a breakdown is imminent.

One example is provided Pravit Rojanaphruk (2014), writing for the Nation newspaper that anti-government protesters have time and again recalled how the Red shirt protesters allegedly set fire to Central World back in 2010, in contrast to their “peaceful” protest today. Rojanaphruk noted in his article that arson only occurred after nearly a hundred people, mostly red shirts, had been killed. In the case of demonstrations immediately preceding the article, PDRC supporters demanded Yingluck’s immediate resignation after one of their comrades was killed. The journalist reminded readers that none had called on then PM Abhisit Vejjajiva to resign after 99 protesters were killed over the months of April and May 2010. On the red shirts’ side, pro-government representatives expressed “satisfaction” on social network sites that a PDRC supporter had been killed. “It's tragic that people on both sides of the political divide are losing their humanity due to political hatred,” wrote Rojanaphruk. To make matters worse, many are not openly talking about the other “big issue,” which has attracted so much hatred against Yingluck and her older brother, ousted and fugitive former Premier Thaksin Shinawatra. Corruption was a constant topic at rally sites, and the Thai media widely reported it.

Also, the broadcast television networks, including free TV, are not reliable enough for information about any current political news. The PDRC has its own broadcast service called Blue Sky TV. On this broadcast, people can listen to speeches by Suthep Thuagsuban and his team as well as a number of guests who support the idea of reforms before elections. It is common for these contributions to devolve into hate speech, providing propaganda that fosters antipathy and the desire to go ahead fighting against the government under the issue of Thaksin corruption. When people choose to get their information only from the Blue Sky channel, discerning what is true will be all the more difficult for them, and they are highly likely to submit to the PDRC’s argument. However, the PDRC are not the only ones with their own, highly biased TV and radio networks, as the red shirts do so as well.

Therefore, this section has to conclude that press freedom in Thailand is weak and only partly free as evaluated by Freedom House in 2013.

## **(2.2) Freedom of Association**

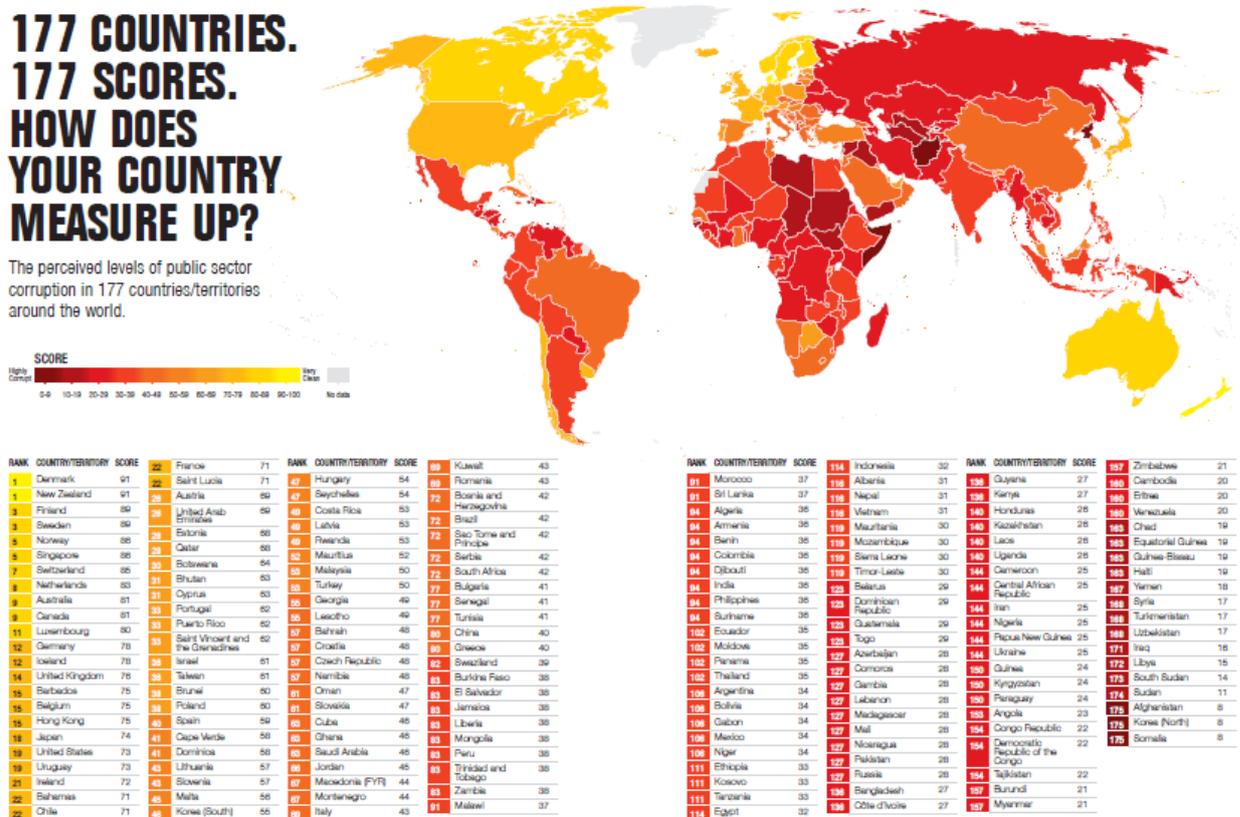
The principle of freedom of association can be defined as follows: No political party following the procedure of a democratic constitution can be denied the right to political organization and free speech. Citizens must have an opportunity to form interest groups freely and independently from that state and be able to act within those groups. (Hadenius, 1992)

Freedom House scores freedom in Thailand at 4.0 (1 = Best, 7 = Worst) because of a number of contrary elements in the country. One such matter concerns the constitution 2007. Drafted under the supervision of a military-backed government and approved in an August 2007 referendum, the charter limited prime ministers to two

four-year terms and set a lower threshold for launching no-confidence motions. The constitution also reduced the role of elected lawmakers. Whereas the old Senate was fully elected, the Senate created by the new charter consisted of 77 elected members and 73 appointed by a committee of judges and members of independent government bodies. Senators, who serve six-year terms, cannot belong to political parties. For the 500-seat lower chamber, the House of Representatives, the new constitution altered the system of proportional representation to curtail the voting power of the northern and northeastern provinces, where support for Thaksin remains strong. Also, the 2007 constitution restored freedom of expression guarantees that were eliminated by the 2006 coup, though the use of laws to silence critics is growing. Besides, the 2007 Computer Crimes Act assigns significant prison terms for the publication of false information deemed to endanger the public or national security. In recent years, the government has blocked very large numbers of websites for allegedly insulting the monarchy, and this blocking did not completely stop under Pheu Thai government in 2012. The authorities did ease restrictions on some red shirt websites and community radio stations, but Democrat Party supporters criticized the government for its unsympathetic approach to media and artists associated with their side of the political divide. As an example, the April 2012 banning of *Shakespeare Must Die*, an adaptation of Macbeth widely considered critical of Thaksin, was mentioned. The 2007 constitution also restored freedom of assembly guarantees, although the government may invoke the Internal Security Act (ISA) or declare a state of emergency to curtail major demonstrations. There was no state of emergency in most of the country in 2012, but it remained in place in the restive south. Political parties and organizations campaigned and met freely during the year, engaging in regular pro- or anti-government demonstrations. The frequency of these protests increased toward year's end, but demonstrators' interactions with security forces were less violent than in 2008–10. The 2007 constitution restored judicial independence and reestablished an independent constitutional court. A separate military court adjudicates criminal and civil cases involving members of the military, as well as cases brought under martial law. Sharia (Islamic law) courts hear certain types of cases pertaining to Muslims. The Thai courts have played a decisive role in determining the outcome of political disputes, for example in the ouster of the People's Power Party government in 2008, generating complaints of judicial activism and political bias.

Apart from the issue of the unfair constitution of 2007, Freedom House's analysis also shows that Thailand suffers from freedom-related problems regarding the topic of corruption. Corruption is widespread at all levels of Thai society. The ranks of both the Democrat Party and the Pheu Thai Party include numerous lawmakers who have faced persistent corruption allegations. Thailand was ranked 88<sup>th</sup> out of 176 countries and territories surveyed in Transparency International's 2012 Corruption Perceptions Index. (Freedomhouse, 2013) Yet Thailand has deteriorated regarding corruption in 2013, dropping to 102<sup>nd</sup> out of 144 countries and territories. (Transparency, 2013)

Figure 2: Corruption Perception Index 2013



Source: Available from: <http://cpi.transparency.org/cpi2013/results/> [Accessed on 22 Jan 2014].

However, a positive note can also be made about Thailand's politics in that they create a vibrant civil society. (Freedom House, Thailand, 2013)

There was a widespread reaction among the Thai people to the Amnesty Bill, which might have paved the way for the return of the self-exiled former leader Thaksin Shinawatra. Thousands of protesters rallied across Bangkok, eventually forcing the bill to be withdrawn. Despite the fears of violence recurring, only three years after the country's latest bout with political clashes in the streets, this event signaled that the people's involvement could change the political actions at the top. As such, it was a good sign for democracy. Had the demonstrators ceased their protests upon achieving their goal of removing the Amnesty Bill, the country's situation would not have deteriorated. Yet, the positive note of popular influence remains.

Article 63 of the constitution states that a person shall enjoy the liberty to assemble peacefully and without arms. Accordingly, people have the rights and freedoms to express their political views without any restrictions from the state. In this regard, the Yingluck government did manage and solve this crisis well by responding to their demands. Not only did she not have her government's forces intervene in the demonstrations, but she also withdrew the Amnesty Bill and all six amnesty-related

bills as well as asking for House approval. The House voted 310-1 to approve the request. Moreover, she promised that she would not pass this kind of Amnesty Bill into the process of parliament again and asked the demonstrators to stop protesting against her government and let the country move forward. (Archaeol, 2013)

Nevertheless, Yingluck's request did not meet with PDRC approval. Quite the contrary, they seized the opportunity to gain more mileage from the Amnesty Bill by shifting their goalposts to clamor for the removal of the entire "Thaksinocracy" and all of the Shinawatra family from Thailand under the pretense of anti-corruption. Moreover, they slowly revealed their plan to reform the country by setting up an unelected government, the people's council, with an appointed prime minister to replace Yingluck. Under that pressure, Prime Minister Yingluck decided to dissolve parliament and call for a new election. She said,

*"The government doesn't want any loss of life." and  
"At this stage, when there are many people opposed to the government from many groups, the best way to return the power to the Thai people and hold an election, so the Thai people will decide."* (BBC, 2013)

From a neutral point of view, this would have seemed the optimal solution since the elections would have led to a new government taking the place of the Yingluck administration. However, Suthep and PDRC joined the Democrat Party (who were boycotting the election with none of their members standing for office) (New York Times, 2013) in their vow to reject this solution despite it being constitutional and democratic. Thus, they reveal their true goals as neither postponing the election nor reconciling with the government. (Bangkokpost, 2014) Instead, their only aim is to push Yingluck out of office, even though she had already become caretaker prime minister only, according to the constitution's Articles 180 (2) and 181, both of which clearly indicate that the cabinet and the prime minister will only perform their duties until their replacements are elected. (Constitution of the Kingdom of Thailand B.E. 2550 (2007))

Suthep and the PDRC's insistence on the government resigning at once not only conflicted with the rule of law but also triggered violent crashes. These are continuing to shut down Bangkok, organizations demonstrations so close to government offices and ministries that they impede their functioning. In other regions, provincial government offices were shut down with the same expectation that this strategy would speed up the ouster of the caretaker prime minister Yingluck Shinawatra. (Bangkokpost, 2014) Besides that, they tried to oppose the candidacy registration, and the ensuing violence saw 2 people lose their lives. Flinging more coals into the fire, hate speech is common from them, singling out Yingluck with their invective. The PDRC's behavior clearly highlights their difficulties with human and in particular women's rights.

***This behavior by the PDRC raises the question if their use of the freedom of association is appropriate?***

It needs to be reiterated that freedom of association is an important principle of democracy, allowing citizens to freely form interest groups, independent from the state, and to act freely within those groups. Yet at the same time, it seems doubtful if this right is still in the democracy's interest if its purpose is contrary to the law and the constitution. If such factions simply follow their desires, irrespective of the law,

the country's democracy is still defective and endangered. Therefore, regarding this principle, defects must still be attested for Thailand.

### **(3) The evaluation of the first dimension:**

*Are they well embedded, and how do they function together in Thailand?*

The partial regimes A and B have their own critical problems. They also cannot secure the functional logic of democratic elections because they are not mutually connected. This raises the question of how Thailand can be fully democratic when even the basis of a democratic regime, i.e. elections and freedom of the people, are facing huge obstacles, raised not least by the disrespect for the rule of law among many Thai factions.

## **II. Dimension of constitutionalism and rule of law**

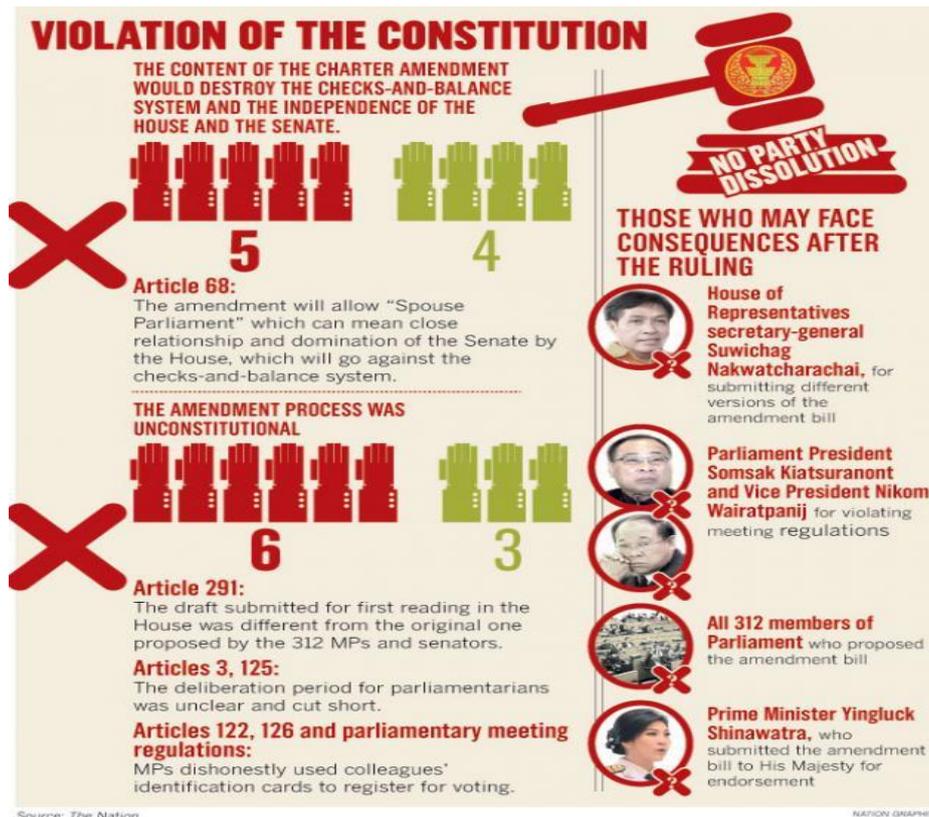
### **(1) Partial regime C: Civil rights**

The political regimes A and B have to be supplemented by civil rights. Even more than the institutionalization of mutual checks and balances, civil rights are central to the rule of law in an embedded democracy. The rule of law is the principle that the state is bound to the effective law and acts according to clearly defined prerogatives. Therefore, the rule of law is understood as containment and limitation of the exercise of state power. (Elster, 1988) Here is a functionally necessary part of a democratic regime, and the actual core of the liberal rule of law lies in basic constitutional rights. These rights protect the individual against the state executive and against acts of the elected legislator which infringe on an individual's freedom. For this to be guaranteed, there need to be further aspects of the rule of law like independent courts. That means courts have to serve as an independent authority authorized to execute judicial review of legislative (surveillance of norms) and executive (surveillance of bureaucracy) acts. They function as constitutional custodians of the legislature and supervisor of the executive conformity to law. (Maus, 1994)

For Thailand, when civil rights are central to the rule of law in an embedded democracy, it means that their two criteria (1) individual liberties from violations of rights by state/private agents and (2) equality before the law are being challenged by the ongoing political crisis. That is because the rule of law according to the constitution is now freely interpreted by the PDRC to further their goals, leading to a breakdown of Thai society through confusion and divided politics. Moreover, courts are not independent as is necessary for guaranteeing the surveillance of norms and bureaucracy of the country. It seems that there is a conspiracy among the conservative power group (royalists, military, middle class in Bangkok and the southern), the Democrat Party, and some independent government agencies to push Yingluck out of office. The Democrat Party has played this game with the independent constitutional court: They charged the Pheu Thai Party under the allegation that a charter amendment bill, calling for a fully elected Senate, would violate the principle of checks and balances, which is in violation of Article 68. The constitutional court voted 5-4 that the content of the amendment was unconstitutional. In a 6-3 vote, they also ruled that the amendment process was unconstitutional under various articles of the constitution, including a glaring act caught on camera showing coalition MPs voting for the amendment using others' identification cards. Yet judges believed that the party's dissolution was not recommended because the amendment was not meant to lead to insurrection or to the unlawful acquisition of administrative power. The judges said that

individual MPs or senators who voted in support of the amendment did not act in violation of Article 68. This kind of judgment is relevant with the opposition Democrat Party seeking the impeachment of the 312 lawmakers who voted for the bill, through the National Anti-Corruption Commission or NACC. (The Nation, 2013)

**Picture 1:**  
**The Distorted Verdict of the Constitutional Court**  
**to the Thai Government on the Topic of the Amendment Bill**  
**Calling for a Fully Elected Senate**



**Source:** The Nation on November 21, 2013

**The analysis of this case regarding the constitution 2007**

(1) Actually, the constitutional court does not have any authority over the administrative branches to judge and render verdicts on them. That is because the Constitutional court is another branch at the same level as the other three main branches under the constitution. That means the government does not have to accept and follow such a verdict. Chulalongkorn University's constitutional expert Pornsan Liangbunlertchai noted that the ruling set a new standard in Thai politics, when the judiciary can intervene in the legislature. The whole system could collapse if parliamentarians do not understand the scope of authority of the judiciary and the legislature.

(2) Article 63 clearly states that only about a person shall enjoy the liberty to assemble peacefully and without arms. However, the Democrat Party and the constitutional

court have tried to interpret this article in such a way that the government and the legislature applying the amendment of fully elected senates would violate both the system of checks and balances as well as royal security. This is completely contrary to the meaning. In order to commit a breach against article 63, the intention must have been to change the political system of the country from a constitutional monarchy to something else, including a republic. Then, according to the verdict of the constitutional court here, that is not valid to the true content and interpretation of the constitution.

(3) On the other hand, the Pheu Thai Party's call for fully elected Senators should be considered a positive indication for consolidating democracy in the country. It should also be added that this task, voting and passing laws, represents the primary duty of the legislature. Furthermore, the constitution of 2007 as such does not contradict a party seeking to amend it, nor does it show any dereliction of duty on the Pheu Thai Party's side. Of interest for the analysis is why the Democrat Party and PDRC refused to support this amendment? The likely – and solitary – reason seems to be that they do not want to see the Pheu Thai Party have the majority in both the upper and the lower Houses as had commonly been the case since the start of Thaksin's era in 2001; the Democrat Party had long sought to regain such positions. It behooves to note here that it was the Democrats themselves who had installed the change to a Senate that was only half elected<sup>5</sup>.

(4) The constitutional court shows different behavior, using the same Article 63, regarding the PDC. In their stated opinion, the PDRC ensures that its demonstrations are peaceful, without weapons or violence. Clearly, this is a biased view since the PDRC is known to indeed trigger violent clashes with their opponents or the police, attacking government offices, etc. Another statement of theirs considers the PDRC's demonstrations righteous as it reflects the will of the people against allegedly unconstitutional procedures, such as the Amnesty Bill. In their verdict, the constitutional court ruled that the PDRC has no cause to repeal the system of constitutional monarchy in Thailand and therefore, the PDRC cannot be considered unlawful under Article 63(1). The judges voted 6:1.

However, the Pheu Thai Party announced that they rejected the Constitution Court's ruling on the charter amendment draft for a fully elected Senate and would instead seek to impeach the court judges. Furthermore, they added they would file complaints against the judges for alleged malfeasance in office and for committing *lèse-majesté* in rejecting the amendment draft while it was pending royal approval, as reported by Bangkokpost (2013). The decisions were announced by the Pheu Thai leader Charupong Ruangsuwan in a show of defiance against the court's authority. Their decisions riled the opposition even more, but it also lent them ammunition in their claims that it was the government disrespecting the law.

Another accusation leveled against the Pheu Thai Party is that they had used other MPs' identification cards to vote on the amendment. While this matter is not yet fully cleared up, it seems inappropriate to condemn the entire party for the actions of a few individuals who may have cheated.

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<sup>5</sup> When the former Prime Minister Abhisit Vejjajiva and the Democrat Party governed the country, they amended the constitution of 2007, changing the composition of the Senate from the old model with a fully elected Senate to the model created by the new charter consisting of 77 elected members and 73 appointed by a committee of judges and members of independent government bodies.

The election commission has shown the most confusing interpretation of their duty. While the constitution of 2007 grants power and duties to the EC for preparing and holding elections according to Articles 235 and 236, the commission keeps listing problems, even going so far as to predict violence if the election were to take place as planned. Somchai Srisuthiyakorn, member of the EC, has indeed made it clear that he has opposed the election since first taking office. Firstly, he claimed that he cannot change the place and date for the candidacy registration in the party list proportional representation, although the law gives the EC exactly that power. Secondly, he claims that there is no time to arrange for the candidacy registration of members of the House of Representatives in some constituencies, meaning that the election has to be postponed. Yet the EC can indeed set a new date for the candidacy registration in the government gazette, according to Articles 6, 7, and 36. Thirdly, he claims that he cannot extend the time period for candidacy registration because it would affect the election. The constitution does provide for such an extension within 10 days in advance or less than that. Last but not least, the EC now appeals to the constitutional court which has no legal authority regarding an election decision that has already been promulgated in a royal decree. The EC have posited that they are only doing this because of the insecure political situation during the crisis.

The result proved unsurprising, as the constitutional court ruled unanimously that the election commission did have the authority to postpone a general election. (Reuters, 2014). The problem is that Article 214, which is the core of the EC's plea to the constitutional court, actually states directly that in a conflict regarding the powers and duties of at least two state organs, being the National Assembly, the Council of Ministers or constitutional organs that are not courts, the president of the National Assembly, the Prime Minister, or such organ shall submit a matter together with the opinion thereon to the Constitutional Court for a decision. (The Constitution of the Kingdom of Thailand B.E. 2550 (2007)) However, in this case, there is no such conflict between two constitutional organs as required by Article 214. Furthermore, neither the government nor the EC have any authority to defer elections as Article 108 insists that elections must be held within 45-60 days after the dissolution of parliament. The New York Times criticized the EC for its pessimism towards holding an election. (The New York Times, 2014)

Regarding the point of protecting the individual against the state executive and against acts of elected legislators infringing on an individual's freedom, something has changed between the two actors in the current crisis:

Firstly, the caretaker Prime Minister Yingluck has tried to use peaceful ways to control the situation. Its latest measure was declaring a state of emergency on 21<sup>st</sup> of January 2014, after the crisis had dragged out since late 2013. (The State of Security, 2014) A two-month state of emergency in Bangkok and neighboring provinces was announced in response to protests that had seen nine people killed and hundreds injured amid calls for the government to resign. Even the state of emergency might allow the government to use violence against the protestors, the government and the minister in charge of the decree, Chalerm Yubamrung, stated that there was as yet "no policy to disperse" the protesters and that security officials would not use force against them, swearing that it was not their goal to injure people. Nonetheless, one of the protesters' main leaders, Issara Somchai, announced the protests would continue despite the decree as they were within the "people's constitutional rights." (The Guardian, 2014)

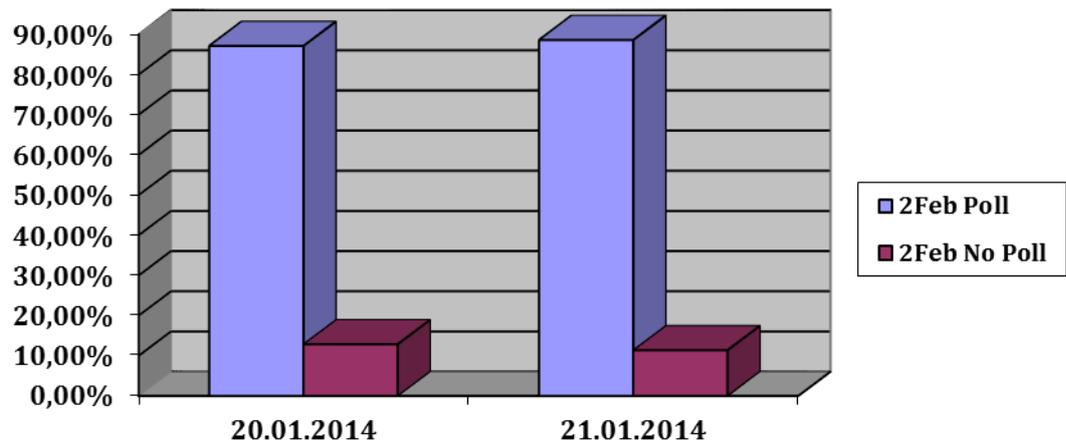
Secondly, the protestors, in their turn, have continually triggered violent clashes. Taking to the streets of the capital since October 2013, they cut off water and power to ministers' homes, besieged government ministries, and forced the beleaguered prime minister, Yingluck Shinawatra, to rule from offices north of the capital in their attempt to oust her from power. The lack of law enforcement before the state of emergency had allowed for an increasing sense of tension, with the protestors' attempts to "shut down" Bangkok resulting in scattered violence, including gunfire and grenade attacks that saw around 70 people injured and one killed in incidents on Friday 17<sup>th</sup> and Sunday 18<sup>th</sup>, January 2014, stoking fears of an impending military coup. Co-leader Sathit Wongnongtoey announced during the crisis that a team of 500 people would be tasked with tracking down Yingluck. "We will detain the prime minister and other ministers," he stated (Peter, 2014). This did not change with the state of emergency, as protestors continued their rallies and eruptions of violence, while the protest leader Suthep challenged the government and defiantly asked a crowd of supporters, "Is it right for them to use the emergency decree to declare a state of emergency to come and deal with us? Come and get us." (The Guardian, 2014)

Such behavior of the PDRC cannot be considered peaceful, no matter how often they declare it to be. Their goal is clear: removing any sign of Thaksinocracy and the Shinawatra family from the country under the pretense of anti-corruption. Their primary target is Prime Minister Yingluck's resignation. She has rejected this call, opting for elections to continue democratic processes in Thailand. As mentioned before, the PDRC reacted by joining the conservative groups to further oppose the government through measures such as popular rallies or pleas to the constitutional court.

Merkel calls such behavior the "negative" rights of freedom against the state, as civil rights touch on questions about the reach of and claim to power. In a constitutional democracy, these rights have to be removed from majority decisions. Otherwise, majoritarian democracies could turn into the despotism of the majority. (Toqueville, 1835) The executive and legislative branches need barriers that prevent individuals, groups, or the political opposition from being oppressed by a democratic (majority) decision.

While the previous paragraph has warned of a despotism of the "majority" and indeed, the PDRC is claiming its large numbers in demonstrations as proof of their overwhelming support, the actual matter is different. Despite the PDRC concentrating large numbers of supporters in Bangkok, the rest of the country had a different opinion. As the MCOT channel reported on polls from the 20<sup>th</sup> and 21<sup>st</sup> of January, nation-wide support for holding elections was at 87.13% and 88.61%, while the opposition could only claim 12.87% and 11.39%. (MCOT Channel, 2014) Accordingly, it seems that the PDRC is trying to impose a despotism of the alleged majority.

**Diagram 1:**  
**Polling results “Which Democracy do you choose?”**



**Source:** The MCOT Channel on 21 January 2014 “The election 2014: The solution for Thailand”

This reinforces that all the efforts of the PDRC do not represent the will of the people – i.e. the sovereign in a democracy – and highlights their anti-democratic attitudes.

Therefore, regarding the rights of protection of life, freedom, and property, which apply both to the state and to private or anti-state forces and actors, the PDRC’s current behavior proves that they have already moved beyond the normal rights and liberties in a democracy. On principle, the PDRC or any other political group has the right to offer complaints and make claims to the government, but everything must be in the realm of the constitution and laws. Their efforts to replace the elected government with an unelected people’s council through violent clashes should be considered illegal and non-democratic. Claims of the election on its proposed date creating violence either shows either a pessimistic outlook or a rather self-centered fanning the flames of the conflict. It is just a provoking reason and negative imagination. After all, the PDRC cannot prove that a postponement would prevent any violent clashes, either. It is merely a pretense they use to win.

If the PDRC were to establish their people’s council, this would severely regress Thailand’s democracy towards the nation in the hand of authoritarians, without an opportunity for the people to govern themselves with equality before the law. The PDRC has indeed stated that the voice of the people should not be equal because of the disparate distribution of certificates and education. As such, they consider the better educated and wealthier urban Bangkok population more valuable than the rural populace, as evidenced by one of the PDRC’s leaders, the academic Dr. Seri Wongmontha:

*“300,000 votes in Bangkok are votes of quality and are better than 15,000,000 votes in the provinces which lack quality.” (Yannawa, 2014)*

In his opinion, the worth of a human being seems to depend on his level of education.

Mrs. Chitpas Bhirombhakdi added that the rural Thais are too stupid and uneducated to have the right to vote (at least for now). Therefore, Thailand cannot have any free democratic elections until the election process has been reformed and the people understand democracy. (Khaosod, 2013)

Those statements even angered members of her own family (although cynics may wonder if the anger was motivated solely by business reasons), and they asked Chitpas to change her surname if she wanted to continue her political campaign<sup>6</sup>.

The PDRC think that the weight of one's vote should depend on their level of education, their income, and the amount of paid income taxes. This is one main argument which is repeated again and again, especially by the middle-class protesters: "They (the poor people) don't pay taxes so these people should be deprived of their right to vote and their right to decide who rules the country."

As may be expected, this topic has triggered a large critical discussion in Thai society and reinforced the stateness problems.

The best solution for the conflicts and preventing the further breakdown of the country should be elections, as they would provide the best option for peace because everyone has equal rights to vote and decide for themselves who they want to choose. Even though elections may not be the best way, they are the best guarantee for people's rights and freedoms.

The latest status of civil rights assigned by Freedom House gives Thailand in 2013 is "partly free" at 4 out of 7 (1 = Best, 7 = worst). The indication was given that the score for 2014 would slide downward.

## **(2) Partial regime D: Horizontal accountability**

There is only one criterion in this partial regime, called "Horizontal Separation of Power"

Only elements such as elections, referendums, or softly through the public arena, the institutions of vertical accountability (electoral regime, political liberties, and civil rights) can periodically control the government. Therefore, the partial regime of the division of powers and horizontal accountability is quite important to survey and check the elected authorities as the structure of power. The term includes lawful government action that is checked by a division of power between mutually interdependent and autonomous legislative, executive, and judiciary bodies. The guarantee of institutional horizontal autonomy in a constitutional state thereby does not imply that the three powers are strictly separated from each other. Horizontal autonomy rather means that the three bodies check each other reciprocally, without dominating or interfering with the functional sphere of another power.

As analyzed and evaluated, Thailand's democracy regarding this partial regime under the government of Prime Minister Yingluck Shinawatra, there are two points here worth discussing:

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<sup>6</sup> Chitpas Bhirombhakdi is the daughter of Chutinant Bhirombhakdi, executive vice-president of the Singha Corporation. She is the cousin of the family's and company's patriarch Santhi Bhirombhakdi. In public, she is regarded as the heiress of the beer brewery.

- (1) The majority vote also brought the Yingluck government a majority in the executive and legislative branches. That may be seen as a weakness of a constitutional democratic system, yet it needs to be accepted, though. Especially in a crisis situation, it would be dangerous for a country if a government could not control order. However, judiciary courts and other independent government agencies established by the constitution, such as the constitutional court or the national anti-corruption commission, remain and are given the authority to survey and check how the government applies its power. They are also able to inform the people about possible wrongdoing in the administration, thus reinforcing the system of checks and balances would be effective even if a majority of the government and parliament is controlled by a single party.

This is indeed the case with the Pheu Thai Party's 252 seat majority in the 500 member House of Representatives, strengthened by six coalition partners, giving them a comfortable majority to push any decisions through.

The case of the Amnesty Bill emphasizes this comfortable majority. On 31 October 2013, the parliament spent an 18 hour marathon session to push the measure through the second and third reading with 310 votes, while 4 MPs abstained: the red shirts group's leaders Natthawut Saikaur and Weng Tojirakarn, the original bill sponsors Worachai Hema and Khattiya Kattipol, and the daughter of Maj. Gen. Khattiya. The bill led to thousands of protesters flooding the streets for fear of Thaksin's return from self-imposed exile. (Asia Sentinel, 2013)

However, the Democrat Party proved their non-democratic attitudes by refusing to engage the majority parliament. Or it may be the case that they see no hope of winning elections against the Pheu Thai Party. Rather than try to improve their chances in the public opinion, they joined the PDRC in their push to oust the prime minister as well as announcing their boycott of the election. (Aljazeera, 2013)

With the oldest party in Thailand proving ready and willing to prefer street politics over parliamentary discourse, is a singular blow for democracy. Yet it is not the first time that they have boycotted elections, as they had already done so in 2006. (Wirat Buranakanokthanasan, 2013) Their attempts to defer the election failed yet, thanks to the cooperation of the constitutional court, they succeeded in having the election of 2006 declared invalid before taking over with a coup d'état. 2014 seems like an attempt to replay the events of 8 years earlier.

Nevertheless, it is noteworthy that other players have appeared and gained traction in the minds of people, some of whom are supporters of democracy and elections rather than blithely following the PDRC. This development has added more difficulties to the PDRC's attempts, dragging the matter out further than they had expected. For the government, some of these new players pose their own difficulties, such as farmers complaining about corruption in the rice subsidy policy.

- (2) Prime Minister Yingluck's rise to power was accompanied by accusations of being a puppet of the exiled Thaksin Shinawatra. Being his sister, the accusations seemed appropriate. Yet her actions in office have not clearly proved or disproved these claims. Indeed, she seems to have struck her own way during the crisis, reiterating in a CNN interview that she was not under her brother's control. (The Nation, 2013)

In her quest to find peaceful methods to resolve the situation, she has also told Reuters that she would “open every door” to find a peaceful. (Reuters, 2013)

At the start, it seemed that her background – her level of knowledge, confidence, and experience of politics – did not prepare her at all for the office of prime minister. So it can certainly be argued that her primary recommendation for said office was indeed being the sister of Thaksin Shinawatra. Of interest in this work's evaluation regards partial regime D “Division of Power and Horizontal Accountability” and thus how much her government is independent from external influence. In the case of the Amnesty Bill, outside influence from her brother seems likely. That means that regime D is one of the defects in Thailand's democratic politics because of another sphere of power interfering with the power of horizontal autonomy.

### **III. Dimension of effective agenda – control**

#### **(1) Partial regime E: Effective power to rule**

The criterion “elected officials with the effective right to rule” serves as a clear explanation of this partial regime. In essence, it means that the elected representatives are the ones actually governing.

This criterion prevents extra-constitutional actors who are not subject to democratic accountability, like the military or powerful actors, from holding (final) decision making power in certain policy fields. Specifically, this refers to so-called reserved policy domains, areas over which the government and parliament do not possess sufficient decision making authority, as well as the specific problem of insufficient control over the military and police. (Morlino, 1998) It is crucial for the concept of embedded democracy that effective power to govern lies in the hand of democratically elected representatives.

Yingluck and the Pheu Thai Party swept the country's elections on 3<sup>rd</sup> July 2011, winning an absolute majority of 265 seats in the 500-member lower house of parliament. Subsequently, the Pheu Thai Party consolidated those gains, building alliances with smaller parties to form a 300-seat-strong coalition. (The Guardian, 2011)

Accordingly, they have gained the ability to truly govern, following the definition of partial regime E: Effective Power to Rule. Yet it needs to be noted that they had to dissolve parliament because of their failure to keep the people's trust, especially on the topic of the Amnesty Bill. Nonetheless, that is still in line with democracy, as is their remaining in office until new elections. On the other hand, the PDRC's demand for the king to install a new prime minister of their choosing, who could then select “good people” or “Kon-dee” for his cabinet is rather out of line with democracy. Emphasizing their demand as a way of preventing the military from staging another coup is a ploy undermining Thai democracy.

The military led by General Prayuth Chanocha has always been unclear in their signals regarding political intervention. This had been different in the preceding 2006 and 2010 crises. Especially in 2010, they clearly showed support for the Abhisit government in confronting the demonstrators led by the red shirts group. They let the Bangkok Massacre happen, during which 99 corpses unarmed Thai civilians died. The author would like to note that she does not believe military invention would improve the situation, given that this could be associated with more violent clashes and further regression. Yet it seems that

the military at this point neither supports the government nor is it inclined to intervene because of their bad experience during their latest coup d'état in 2006.

Robert Amsterdam criticizes Gen. Prayuth in his article, saying that he missed the glaring irony of denying involvement in Thailand's civil governance whilst unilaterally threatening to bar a critic from the country. This adds to Prayuth's image of operating beyond the reach of ordinary, legally sanctioned jurisdiction. It seems as though just speaking the truth to Thailand's military elicits only threats and venom from them. By such methods – backed up with the constant menace of implied and actual violence – the Thai Army has sustained an atmosphere of fear and loathing in Thailand (Amsterdam, 2014)

Close ties with the military top brass can be seen in the PDRC's ranks. For example, Suthep (Thaugsuban, the PDRC secretary-general) was deputy premier in charge of national security, his father (General Winai Phattiyakul) was a former permanent secretary of defense, and he is personally familiar with senior generals like General Tanasak (Patimapragorn, the Supreme Commander) as they used to work together. General Nipat (Thonglek, current permanent secretary) was far less senior. What is interesting is how he accepts the PDRC's desire for military support.

*“We want a people's revolution and this requires government officials to boycott the government. The military is a powerful agency, as I have said, so we want its support. The military has now realized that a military coup would be a quick [outcome], but it could backfire hugely with many problems. So the military would definitely not come out unless there was violence”* (The Nation, 2013)

Also, the statement of General Prayuth shows an ambiguity towards the Yingluck caretaker government. It was released on 8<sup>th</sup> of January 2014:

*“The caretaker government would, in principle, be held responsible for any violence associated with the January 13 mass-gathering of protesters planned by the People's Democratic Reform Committee (PDRC)”. (The Nation Reported that Govt responsible 'in principle' for any shutdown violence: Prayuth”* (The Nation, 2014)

The ambiguity of this statement lies in ignoring that both sides can be responsible for violent clashes. Holding the caretaker government, in principle, responsible for any violence would offer opportunities for the PDRC to create a violent situation and claim it's the government's fault. Of course, it is difficult to separate truths, rumors, and misunderstanding in such a confusing situation.

Moreover, General Prayuth has still not shown any clear support for the caretaker Yingluck by keeping security in Bangkok before the emergency decree on 22<sup>nd</sup> January 2014 enforced this. It should also be noted that the Centre for Peacekeeping's order for the emergency decree does not specify the armed forces' commanders by name, only by position or their representatives. It comes as no surprise that General Prayuth refuses to comment on the decree. The commander simply stated it is in the administration's power to invoke the decree, which is effective in 60 days. Once the decree is in place, the military must do its job to enforce the law. He warned, however, that the situation could be made worse with the decree. It is unclear if the military will step in, supporting the PDRC, although rumors intensified when General Prayuth kept back some tanks and armored vehicles from Prachin Buri that were displayed on Army Day, 25<sup>th</sup> January, in Bangkok. Although General Prayuth explained the vehicles were kept behind for training purposes, questions continued to linger.

Even the caretaker Prime Minister Yingluck was said to be curious too. (The Bangkok Post, 2014)

One more situation to affect “elected officials with the effective right to rule” is a political vacuum that could be created by a so-called “judicial coup.” The constitutional court joined the national anti-corruption commission (NACC) and other independent government agencies in clamoring for the dissolution of Yingluck and the Pheu Thai Party on many charges, despite their remainder in power limited by the upcoming elections. For the election to proceed, quiet was needed in Thailand. Yet any verdicts by the constitutional courts could topple the Pheu Thai Party, creating such a political vacuum and permitting the PDRC to ask for an appointed prime minister according to Articles 3 and 7 of the constitution. The next step would be their people’s council, putting democracy in Thailand in deep peril.

### **Conclusion:**

As evaluated, according to the concept of defective democracy, Thailand’s democracy shows problems in almost every partial regime in Thailand, especially in the area of constitutionalism and rule of law. Many cases have revealed distorted interpretations of the constitution for a player’s own interests. The major topic of interest in Thai society at the moment is whether the election can be deferred. The constitutional court supports such a postponement to May 2014. Yet statements by one of the EC’s executives run completely contrary to his function: On Facebook, Somchai Srisuthiyakorn said that when a crisis happens in a country, reactions should no longer be restricted by the law. Accordingly, the law should not restrict such a postponement.

When public officials show such disrespect to the law and constitution, this raises doubt about the running of the country. Unsettlingly, there are people who are willing to follow this dubious logic and agree that the law may be subverted in a time of crisis, or that they are ready to bend the law according to their morality. Perhaps they even believe that morality is more important than democratic rules.

Therefore, this critical condition directly affecting the backbone of embedded democracy, “constitutionalism and rule of law” highlights the fragility and danger caused by the defects of Thailand’s democracy.

Some political scholars even believe that the use of the judiciary and laws may be used as effectively for a coup d’état as the military. Such an alternative coup may be more acceptable for the international community, as Ekachai Chanuvati believes, coining the phrase “silent coup d’état” for such an event. Yet this would be just as disruptive to democracy as it would also divest the people of their sovereign power according to the constitution and rule of law. (เอกชัย ไชยนุวัติ, 2014)

According to Merkel’s evaluation of types of defective democracy, he puts Thailand in his two subtypes: exclusive and illiberal democracy.

**Exclusive Democracy:** The sovereignty of the people is the basic concept of democracy and has to be guaranteed by universal electoral rights and their fair execution. That is not the case if one or more segments of all adult citizens are excluded from the civil right of universal suffrage.

**Illiberal Democracy:** In intact democracies, legitimate representatives are bound by constitutional principles. In an illiberal democracy, with its incomplete and damaged constitutional state, executive and legislative control of the state is limited by the judiciary. Additionally, constitutional norms have little binding impact on government actions, and individual civil rights are either partially suspended or not yet established. This is the most common type of a 'defective democracy,' and it can be found all over the world.

### **Analyzing Merkel's choice of types with regard to Thailand,**

Firstly, this author agrees on assigning Thailand to the types of exclusive and illiberal democracy

Secondly, though, it should be noted that Merkel's definition of an illiberal democracy does not cover private agents or groups as the ones ready to break the law. Such private groups, outside of the state organization, in present day Thailand would include the conservative power group including the PDRC and the Democrat Party. By choosing street politics and subversive measures via the constitutional court and the EC, as mentioned earlier in this chapter, they have shown their willingness to disregard or misinterpret the law as it suits them. Such behavior fits well into the definition of an illiberal democracy.

Thirdly, this author would like to add another of defective democracy which may yet come into play in Thailand, namely "domain democracy."

Domain Democracy exists if veto powers such as the military, guerillas, militia, entrepreneurs, landlords, or multi-national corporations take certain political domains out of the hands of democratically elected representatives. The creation of such political domains can occur by constitutional and extra-constitutional means. Although the latter have to be seen as a more severe damage to a constitutional democracy, the former also represent a type of defective democracy. Domain democracy is a regionally specific type occurring in Latin America and Southeast Asia, where the military often takes over a political (veto) role.

In the case of Thai, the situation has not yet deteriorated far enough for the military, in cohorts with the group dominated by the PDRC, to directly wrest the government from Yingluck Shinawatra, yet a military or silent coup may yet be in the offing.

Therefore, the domain democracy of the elected representatives has been severely shaken in Thailand. Should the military decide to step in, supporting the PDRC, or if the strategy of a judicial coup were to be successful, Thailand's democracy would suffer a severe blow and regress deeply.

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## Chapter V      Analyzing the stateness problem as a defect of Thailand's democracy

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The ongoing political situation in Thailand is heading towards a regression of democracy. One of the major critical problems is not only rooted in the area of civil rights and the rule of law, as seen in Chapter IV, but it also concerns the stateness problem as the most defective area of Thailand's democracy.

This chapter will discuss the stateness problem in Thailand according to the main question of the thesis:

### Where are the possible defects in Thailand's democracy?

Another goal is to prove the stateness problem as part of the hypotheses 4 and 4.2.

**H#4** However, its political situation at present is showing some doubts which might lead the country to revert to an authoritarian system. Such an outcome would be the result of the defects in its democratic regime.

**H#4.2** The stateness problem is not yet resolved and continues to become more and more difficult.

### I. The concept of the stateness problem

*Regarding "Stateness", Nationalism, and Democratization by Linz & Stepan (1996, pp. 16-37.)*

The focus of the stateness problem is on the relationship between state, nation(s), and democracy. A modern democratic state is based on the participation of the demos (the population), and nationalism provides one possible definition of the demos, which may or may not coincide with the demos of the state.

Linz & Stepan (1996) analyze the understanding about the challenges of a transition to democracy. Normally, many people tend to assume that a transition to democracy is challenged by the nondemocratic regime. However, in many countries, the crisis of the nondemocratic regime is also intermixed with profound differences about what should actually constitute the polity (or political community) and which demos or demoi (population or populations) should be part of that political community. Should profound differences about the territorial boundaries of the political community's state occur as well as profound differences as to who has the right of citizenship in that state, there is what we call a "Stateness" problem. Aspirant modern democracies can vary immensely on this variable from those polities that have no stateness problems to those where democracy is impossible until the stateness problem is resolved.

One important achievement by Linz & Stepan is that they incorporated a systematic approach to Stateness into the theory of democratic transition and consolidation. They proceed with their exploration through three different questions:

- (1) Why is the existence of a sovereign state a prerequisite for a modern democracy?
- (2) Why are state-building and nation-building conceptually and historically different processes?
- (3) When are nation-states and democracy complementary or conflicting logics, and what can be done to craft democracy if they are conflicting logics?

### **Why is the existence of a sovereign state a prerequisite for a modern democracy?**

Democracy is a form of governance of a modern state. Thus, without a state, no modern democracy is possible. Max Weber provides a classic and clearly focused discussion of the central attributes of the state in modern societies:

*“The primary formal characteristics of the modern state are as follows: It possesses an administrative and legal order subject to change by legislation, to which the organized corporate activity of the administrative staff, which is also regulated by legislation, is oriented. This system of order claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent, over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it ... The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous organization.”* (Weber, 1964, p. 156.)

Charles Tilly offers a more recent formulation, which also calls attention to the state's ability to control the population in the territory. For Tilly, “an organization which controls the population occupying a definite territory is a state in so far as (1) it is differentiated from other organizations operating in the same territory; (2) It is autonomous (and) (3) its divisions are formally coordinated with one another.” (Tilly, 1975, p.70.)

Unless an organization with these state-like attributes exists in a territory, a government (even if “democratically elected”) could not effectively exercise its claim to the monopoly of the legitimate use of force in the territory, could not collect taxes (and thus provide any public services), and could not implement a judicial system. As the discussion of Linz & Stepan of the five arenas of a consolidated democracy (civil society, political society, the rule of law, a state bureaucracy, and institutionalized economic society) made clear, without these capacities, there can be no democratic governance.

Linz & Stepan analyze Weber's injunction about an organization needing to claim binding authority successfully in a territory before it can be a state and Tilly's requirement that a state be “autonomous”: It should also be clear that these are severe limits to democracy unless the territorial entity is recognized as a sovereign state. For example, Hong Kong has no sovereignty over itself but is dependent on decisions

by the Chinese government. Therefore, it can be said that Hong Kong cannot become a democracy, despite the growing scope and strength of democratic movements there.

Democracy requires statehood. Without a sovereignty, there can be no secure democracy.

### **State and State-Building, Nations and Nation-Building**

In this part, Linz & Stepan try to examine why state-building and nation-building are two overlapping but conceptually and historically different processes. The two processes can produce problems for both stateness and democratization.

The state was not associated with the idea of nature, of the organic birth, but with the ideas of creation and craft. The state-building process went on for several centuries before the idea of the nation – and especially the ‘nation-state’ – fired the imaginations of intellectuals and the people. The state-building process went on without being based on a national sentiment, identity, or consciousness. States as they emerged after the fifteenth century didn’t require intense identification of their subject with territorial boundaries, history, culture, or language. Indeed, state identification and loyalty were often expected to be transferable merely by virtue of dynastic marriages. That is, loyalty belonged to the dynasty, not to the nation (which in many cases had not yet been “invented”). Sooner or later, in many of the states, the state generated a state nation-building process and eventually, with democratization, a nation-building process. That brings us to the difficult terms of nation and nation-state. For Weber, the concept of a nation belongs to the sphere of values; it “means above all that it is proper to expect from certain groups a specific sentiment of solidarity in the face of other groups.” (Weber, 1968)

A nation does not have officials, and there are no defined leadership roles, although there are individuals who act as carriers, in the Weberian sense of “Träger,” of the national sentiment in movements or nationalistic organizations. There are no clear rules about membership in a nation and no defined rights and duties that can be legitimacy enforced (although nationalists often attempt to enforce behavior on the part of those who identify with the nation or who they claim should identify with it). However, without control of the state, the desired behaviors cannot be legally or even legitimacy enforced. A nation and nationalist leaders in its name do not have resources like coercive powers or taxes to demand obedience; only a state can provide those resources to achieve national goals in a binding way.

The nation as such, therefore, does not have any organizational characteristics comparable with those of the state. It has no autonomy, no agents, no rules, but only the resources derived from the psychological identification of the people who constitute it. Whereas a state can exist on the basis of external conformity with its rules, a nation requires some internal identification. As Benedict Anderson rightly states, without “imagined communities,” there are no nations. (Anderson, 1991)

It can, of course, be argued that a nation crystallizing out of a nationalist movement, even when it does not control a state, can exercise power, use violence, or exact contributions without having yet gained statehood. But in a world system of states, this means that the movement is taking over some of the functions of another state, subverting its order, so that the state is breaking down in the process. Nationalists can

create private armies to enforce their aspirations and challenge the authority of the state, which in some cases can lose control over a territory. In that case, we are talking of the development of a civil war or a national liberation struggle, which might end in the creation of a new state. The degree of respect for or repression of the minorities varies in different states. Historically, in a number of cases, the priority given to nation-building in the state contributed to democratic instability, crisis, and sometimes demise in later decades of the state itself.

### **Nation-States and democratization: inconvenient facts**

Under what empirical conditions do “nation-states” and “democratization” form complementary logics? Under what conditions do they form conflicting logics? If they form conflicting logics, what types of practices and institutions will make democratic consolidation most or least likely?

In many countries that are not yet consolidated democracies, a nation-state policy often has a different logic than a democratic polity. A nation-state policy refers to one in which the leaders of the state pursue what Rogers Brubaker calls “nationalizing state policies” aimed at increasing cultural homogeneity. Consciously or unconsciously, the leaders send messages that the state should be “of and for” the nation. (Brubakers, 1994) Therefore, some (cultural) symbols of the dominant nation are privileged in all state symbols (such as the flag, the national anthem, and even eligibility for some types of military service) and in all of the state-controlled means of socialization such as radio, television, and textbooks. By contrast, democratic policies in the state-making process are those that emphasize a broad and inclusive citizenship where all citizens are accorded equal individual rights.

### **Under what empirical conditions are the logics of state policies aimed at nation-building and the logics of state policies aimed at crafting democracy congruent?**

Conflicts between these different policies are reduced when empirically almost all the residents of a state identify with one subjective idea of the nation, and that nation is virtually contiguous with the state. These conditions are met only if there is no significant irredenta outside the state's boundaries, if there is only one nation existing (or awakened) in the state, and if there is low cultural diversity within the state. Virtually only in these circumstances can leaders of the government simultaneously pursue democratization policies and nation-state policies. Such congruence between the polity and the demos would facilitate the creation of a democratic nation-state. This congruence empirically eliminates most Stateness problems and thus should be considered supportive conditions for democratic consolidation. However, under modern circumstances, very few states achieve that degree of nation-state homogeneity.

Very often, the nationalist aspirations of political leaders are incongruent with the empirical realities of the demoi (populations) in their state. There are many sorts of polis/demos incongruence, and all of them create problems for democratic consolidation unless carefully addressed.

There are in fact many states (not merely governments) whose legitimacy is questioned. One of the main reasons for questioning the legitimacy of a state is when

there are nationality groups that claim the right of national self-determination and where dominant “titular nationality” groups (to use the Soviet phrase) deny the de facto multinational character of the state, reject any compromise with other groups, and exclude them from full citizenship. Another reason to question the state is when a large majority of citizens of one state want to join another state, normally because – like Austrians in 1919 or East Germans in 1989 – they consider themselves a part of that state, a state that is conceived of as embodying the nation-state.

In a nondemocratic regime, the fact that central authority is not derived and maintained by free electoral competition means that separatist or irredentist aspirations, if they exist, are not routinely appealed to in the course of normal politics and can possibly be simply suppressed. In sharp contrast, the very definition of a democracy involves agreement by the citizens of a territory, however specified, on the procedures to be used to generate a government that can make legitimate claims on their obedience. Therefore, if a significant group of people do not want to be a part of the political unit, however democratically it is constituted, this presents a serious problem for democratic transition and even more serious problems for democratic consolidation. In fact, even in a democratic regime, when faced with a majority or a significant minority that questions the legitimacy of the state, the response of the central democratic government has often been the suppression of democratic process in the territory, the establishment of nondemocratic direct rule, and sometimes serious violations of civil liberties and even human rights.

In a democratic transition, two potentially explosive questions are unavoidable: Who is a citizen in the state? And how are the rules of citizenship defined? A democracy requires the demos. Already the notion demos as “the people” raises a question: Who are the people? Linz & Stepan also pose one interesting question: Who defines citizenship and how? This brings us back to our basic affirmation: Modern democratic governance is inevitably linked to Stateness. Without a state, there can be no citizenship; without citizenship, there can be no democracy. Without voting, no voting without citizenship, and no official membership in the community of citizens without a state to certify membership. Any citizen, whatever his or her language, national self-identification, or area of birth has equal political and civil rights in all territorial units of a state. Nevertheless, there are some disagreements about who is the demos and what is the polis.

Democracy is characterized not by subjects but by citizens, so a democratic transition often puts the polis/demos questions at the center of politics. From all that has been said thus far, three assertions can be made:

- (1) The more the population of the territory of the state is composed of pluri-national, lingual, religious, or cultural societies, the more complex politics becomes because an agreement on the fundamentals of a democracy will be more difficult.
- (2) Although this does not mean that democracy cannot be consolidated in multinational or multicultural states, it does mean that considerable political crafting of democratic norms, practices, and institutions must take place.
- (3) Some ways of dealing with the problems of stateness are inherently incompatible with democracy.

One of the most dangerous ideas of democracy can be summed up in the maxim that “every state should strive to become a nation-state and every nation should become a state.” One of the reasons for this being a dangerous thought is that many of the existing states in the world are multinational, multilingual, and multicultural. (Connor, 1994) To make them nation-states by democratic means is extremely difficult. In structurally embedded multicultural settings, almost the only democratic possibilities for the creation of a homogeneous nation-state are voluntary cultural assimilation, voluntary existence or peaceful creation of new territorial boundaries, financially supported and monitored by the international community, and accepted by all the political leaders. These are truly heroic (and empirically and democratically difficult) assumptions.

### **Multinational states and democratization: beyond conflicting logics**

The hypothesis of Linz & Stepan here is that, in a multinational setting, the chances to consolidate democracy are increased by state policies that grant inclusive and equal citizenship and that give all citizens a common “roof” of state-mandated and enforced individual rights.

They mention that if there are relatively strong spatial differences between groups within the state, federalism could be explored. The state and the society might also allow a variety of publicly supported communal institutions, such as media and schools in different languages, symbolic recognition of cultural diversity, a variety of legally accepted marriage codes, legal and political tolerance for parties representing different communities, and a whole array of political procedures and devices that Arend Lijphart has described as “consociational democracy.” (Lijphart, 1977) Typically, proportional representation (rather than large single member districts, with first-past-the-post elections) can facilitate representation of spatially dispersed minorities. Some strict adherents to the tradition of political liberalism, with its focus on the rights of individuals and universalism, are against any form of collective rights. But they believe that the combination of collective rights of nationalities or minorities in a multinational, multicultural society and state, with the rights of individuals fully protected by the state, is probably the least conflictual way of articulating such a democratic non-nation-state policy.

In fact, along with a common political “roof” of state-protected rights for inclusive and equal citizenship, the human capacity for multiple and complementary identities is precisely one of the key factors that makes democracy in multinational states possible. Because political identities are not fixed and permanent, the quality of democratic leadership is particularly important. Multiple and complementary political identities can be nurtured by political leadership. So can polar and conflictual political identities. (Linz and Stepan, 1992, pp. 123-139.)

The central proposition of this part has been that, if successful democratic consolidation is the goal, then would-be democracy crafters in charge of that state apparatus must take into careful consideration the particular mix of nations, cultures, and awakened political identities present in the territory. Holding socio-economic levels of development equal, some types of democracy are possible with one type of polity, but virtually impossible if elites in charge of the state attempt to build another type of polity. If territory is culturally multinational, political elites in control of the state could initiate “nationalizing policies” that might not violate human rights or

the Council of Europe's norms for democracy, but that would have the combined effect, in each of the five arenas of the polity, of greatly diminishing the chances of democratic consolidation. If the real goal is democratic consolidation, a democratizing strategy would require that less majoritarian and more consensual policies be crafted in each of the above arenas.

A final policy point to stress concerns *timing*. Potentially, difficult democratic outcomes may be made manageable only if some type of pre-emptive policies and decisions are argued for, negotiated, and implemented by political leaders. If the opportunity for such ameliorative policies is lost, the range of available space for maneuvering will be narrowed and a dynamic of societal conflict will probably intensify until democratic consolidation becomes increasingly difficult and eventually impossible.

## II. The stateness problems in Thailand

First, a description of the stateness problem by Linz & Stepan (1996) is briefly recapped here: The key problem lies in nationalist attitudes of (perceived) minorities. If the nation-building has neglected to fully envelop such minorities, this can give rise to nationalist movements that may take over aspects of the state, such as maintaining law and order within a limited space, but that will weaken the state as a whole and may break it completely. That deterioration is likely to lead to bloodshed, in a civil war or a national liberation struggle.

In the author's opinion, Thailand is currently facing the stateness problem because of two unsolved conflicts. One of these can be directly called a nationalist movement which will only be tangentially featured in this work, while the other is in the arena of politics, fully ensconced in the ongoing democratic crisis. For that reason, it will be highlighted here because of its direct impact to democracy. The conflict between the three main groups (PDRC & the conservative power group, UDD or the red shirts group and the democratic support group) has brought about a crisis of the state's authority, impinging its functions and keeping it from maintaining order. It also seems to have led to a breakdown of national unity, rendering Thai democracy defective. As Linz & Stepan (1996) state: Democracy is impossible until the stateness problem is solved.

### (1) The first stateness problem in Thailand: unrest in southern Thailand

This first stateness problem has continued for decades with low level separatist violence until the campaign severely escalated in 2004 when the insurgents were dismissed as mere "sparrow bandits" by the then-prime minister Thaksin Shinawatra.

The unrest in southern Thailand refers to an ethnic separatist insurgency or nationalist movement based in particular in the southern provinces of Pattani, Yala, Narathiwat, Satun, and by now also often in parts of Songkhla. (Shadbolt, 2013) The unrest is centered on areas previously governed by the former sultanate of Patani, areas which were conquered by the Thais in 1785. Thai ownership was confirmed by the Anglo-Siamese Treaty of 1909.

The conflicts between the Thai state and the rebel group called Barisan Revolusi Nasional or BRN, the main nationalist liberation group active in the minority region, have crucially emerged since the 2000s. Neither state nor separatist rebel forces have gained any kind of military edge, while nearly 6,000 lives have been lost through insurgency-related and criminal violence. It is quite clear that the BRN has set itself the goal of creating a separate Muslim state for the region's 1.8 million Muslim ethnic Malays.

Jason Johnson (2014), an independent researcher and consultant covering the south of Thailand, refers to claims by both analysts and policy-makers that the international community has urged successive Thai governments to work towards a "political solution" to end the deadly conflict. In trying to achieve some kind of negotiated settlement and offering a regional representative government (e.g. approaching autonomy), Thailand might be able to better control this centuries old conflict.

Beyond the ethnic/religious problem in Thailand's south, another factor behind the unrest can be seen in the economic woes of the southern region in particular. Feelings of inequality and poverty tend to lead to dissatisfaction with the state.

Poverty and economic problems have been cited as a factor behind the insurgency. However, the performance of the deepsouth's economy improved markedly in the past few decades. Between 1983 and 2003, the average per capita income of Pattani grew from 9,340 baht to 57,621 baht, while that of Yala and Narathiwat also increased from 14,987 baht and 10,340 baht to 52,737 baht and 38,553 baht, respectively. However, the border provinces did have the lowest average income among all the southern provinces. Also, the national average is well below the estimated average considered an acceptable minimum wage by international organizations for South-East Asia. One could thus argue that the average per capita income in the southernmost provinces is only about 20-25% of what the Thai minimum wage would be. Household income improved from 2002 to 2004 by 21.99%, 19.27%, and 21.28% for Pattani, Yala, and Narathiwat, respectively. By comparison, income growth for all of Thailand in the same period was just 9.4%. The percentage of people living below the poverty line also fell, from 40%, 36%, and 33% in 2000 to 18%, 10%, and 23% in 2004 for Pattani, Narathiwat, and Yala, respectively. By 2004, the 3 provinces had 310,000 people living below the poverty line, compared to 610,000 in 2000. However, 45% of all poor Southerners live in the three border provinces.<sup>1</sup> Muslims in the border provinces generally have lower levels of educational attainment compared to their Buddhist neighbors. 69.8% of the Muslim population in the border provinces have only a primary school education, compared to 49.6% of Buddhists in the same provinces. Only 9.2% of Muslims have completed secondary education (including those who graduated from private Islamic schools), compared to 13.2% of Buddhists. Just 1.7% of the Muslim population have a bachelor's degree, while 9.7% of Buddhists hold undergraduate degrees. However, one must keep in mind

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<sup>1</sup> Dr. Srisompob Jitpiromsri and Panyasak Sobhonvasu (2006) Unpacking Thailand's southern conflict: The poverty of structural explanations. *Critical Asian Studies*. 38 (1). p.95-117. "A survey conducted in nine districts of the three southern provinces identifies various problems that local Muslim communities face. These include poverty, unemployment, lack of education, substandard infrastructure, inadequate supplies of land and capital, low quality of living standards, and other economy-related problems."

that government schools are taught only in Thai, and there is resentment and even outright pulling of children out of Thai-language schools. The lesser educated Muslims also have reduced employment opportunities compared to their Buddhist neighbors. Government officials comprised only 2.4% of all working Muslims in the provinces, compared with 19.2% of all working Buddhists. Jobs in the Thai public sector are difficult to obtain for those Muslims who never fully accepted the Thai language or the Thai education system. Insurgent attacks on economic targets are further reducing employment opportunities for both Muslims and Buddhists in the provinces. (Office of the National Economic and Social Development Board (NESDB), 1990-2004)

According to Johnson, when Yingluck came to power, she tried to make an effort to solve the conflict by introducing the country's first formal dialogue process with a rebel group following Thaksin's direction. However, the Democrat Party blasted the Peua Thai Party for elevating the dialogue. Party leader and former Prime Minister Abhisit Vejjajiva and others claimed that its formalization could result in outside intervention and a possible outright declaration of independence in the future. Abhisit and other Democrat Party figures have also shown opposition to regional representative governance. Since 2009, they have denounced perhaps the most popular national-level political figure in the region, former Premier and Army Commander Chavalit Yongchaiyudh, and his Mahanakorn Pattani model of special regional governance. In an effort which analysts and some locals believe was intended to show that Malay-speaking Muslims did not support Chavalit's model or any other models of special regional governance, the Democrat Party allegedly dramatically outspent the Peua Thai Party and other parties in vote-buying in the run-up to the 2011 national election. Such resistance to both special regional governance and formal dialogue stems in part from Thai speaking southerners, who overwhelmingly support the Democrat Party and the PDRC, and have held long-term administrative authority in the Malay-speaking far south region. The current unrest can be seen as a result of the Democrat Party's resistance to the ideas of special regional governance and formal dialogue. This resistance stands in contrast to attempts by the PDRC, led by Suthep, to justify the ousting of the "Thaksin regime" with condemnation of the latter's human rights abuses, particularly the brutal suppression of Muslim protestors in Narathiwat's Tak Bai district in 2004, which led to the deaths of 85 Muslims. Many Malay-speaking Muslims in the region as well as intellectuals and activists nonetheless still commend the Pheu Thai Party for elevating dialogue and showing support for some kind of special regional governance. (Johnson, 2014)

Johnson (2014) also opines in his article that the Muslims in the far south certainly first need the Democrat Party to alter its conservative approach and mindset toward them before they can implement any ideas of governing in the region. With seemingly no chance for the Thai state to eradicate the resilient rebel movement through counter-insurgency measures and behind-the-scenes informal dialogue, a future Thai government will eventually need to bend to BRN demands made public last year on YouTube. These include provisions for international organizations to sit at the dialogue table, elevating Malaysia's third-party role from "facilitator" to "mediator," offering an amnesty to insurgents, and recognizing that the region was colonized by Siam. Insiders to the Malaysia-brokered dialogue process claim that the Pheu Thai Party would be willing to negotiate and compromise with the BRN dialogue team on these sensitive issues. But, these

insiders continue, the power of the Democrat Party and the royalist establishment, which includes the influential army's top brass, has constricted the Pheu Thai Party's response. As a result, the BRN dialogue team has allegedly pulled out of the process.

Therefore, it is not only the problem of unrest in southern Thailand that has never been well solved; the problem itself has also become a pawn in the political game between conservatives and the Pheu Thai Party, even though all sides know what the Muslims in the south need. Accordingly, Thailand's inability to solve this crisis will continue promoting the instability of democracy in the country. Also, the Democrat Party over the past few years has clearly presented itself as a core impediment to regional representative democracy and, by extension, relative peace in the country's far south. (Johnson, 2014)

## **(2) The second stateness problem in Thailand: The conflict between the conservative power group led by PDRC and the democratic support group about seizing power**

Even though this stateness problem has not fully moved toward a pure nationalist movement, it has significantly contributed to a breaking down process in the country and may yet led to a civil war. That is because, as observed throughout the crisis, the anti-government forces have created their own private armies to enforce their aspirations and challenge the authority of the state. This has most certainly taken a share in the increasing democratic instability and crisis.

When discussing the stateness problem, it should not be analyzed as an ordinary political problem that might happen from time to time in politics. Instead, it should be seen as an egregious result of Thailand's democratic development that has failed to socialize and democratize the country since the 1932 revolution. It is because of this failure that the current crisis is fueled by the old circle of power, represented by PDRC and supported by the conservative power group.

Officially, Thailand has already transitioned, albeit imperfectly, to a constitutional monarchy ruled by a parliament with the king as a head of state in 1932. The transition was marred from the start by frequent military intervention, and its authoritarian system joined with the royal institutions for its surviving in a system of "neo-royalism." (Pavin Chachavalongpong, 2014, pp. 3-16.)

Duncan McCargo, a professor of Southeast Asian politics at the University of Leeds in the UK, has used the term "network monarchy" to describe this group centered around the palace, the military, the bureaucracy, and major business groups. (CNN World report, *What's behind Thai Protests* by Duncan McCargo 2014) Their main purpose in this crisis is to retrieve political power from Thaksin's faction in order to ensure that any political power and resources will remain exclusively their hands. This concentration of power on the conservative side is the reason why democracy was never consolidated in Thailand and why its people have never experienced any equality in the society.

The Thaksin faction, including Yingluck, have become a huge challenge for the conservative power group since 2001. The former's populist policies, including

subsidized healthcare and microcredit schemes, may create numerous problems in Thai society, yet they still benefit and provide great hope for people with lower incomes, especially in the rural areas. It can be said that the Thaksin faction has a better appreciation for the people's needs than any other political party, in the present or in the past. As such, it is unsurprising that they keep winning elections and have kept the Democrat Party from being victorious for decades.

Then, it can be said that the government from Thaksin and his cronies can reach people's need more than any other political parties from the past. Therefore, it should be not surprised when Thaksin and Yingluck can win a majority vote over the oppositions especially the Democrat Party that has never achieved any victory for decades. The Thai people as a whole seem to prefer leaving the old-fashioned Thailand's politics behind, as analyzed by Duncan McCargo (2014):

*“[I]n the past, Thailand was run by a relatively small Bangkok-based elite which I term ‘network monarchy,’ centering on the palace, the military, the bureaucracy and major business groups. While electoral politics have been the norm for more than 30 years, elected governments needed the blessing of this network in order to remain in office. Without this endorsement, governments quickly collapsed – or were removed by military coups. Conservative groups in Thai society, including the Bangkok middle classes and voters in the upper South – a stronghold of the Democrat Party – have normally backed the ruling network. Since the 2001 general election, however, most Thai voters have consistently supported parties linked to former Prime Minister Thaksin Shinawatra. Pro-Thaksin parties with strong backing in the populous North and Northeast won solid majorities in the 2001, 2005, 2006, 2007 and 2011 general elections. The Democrat Party squeaked a narrow election victory in 1992, but has not won convincingly since 1986.”*

This change has certainly enraged the conservative power group certainly, especially at this crucial time when the king Bhumibol Adulyadej is quite weak and the time of succession very near. The conservatives' fear of the Thaksin faction along with their supporters gathering all political power is strengthened by the belief that Crown Prince Maha Vachiralongkorn has close ties to Thaksin and would support the ousted prime minister's return to Thailand (Marshall, 2008). These fears form the main reason for the conservative power group strongly supporting the PDRC, both financially and strategically. Some academics believe that if the PDRC were successfully in set up their people's council, they would create a new political system and law which seems likely to be far more authoritarian and perhaps fascist. Democracy in Thailand would face extinction.

Yet the current crisis has also presented positive signs for democracy, such as the Thai people's willingness to support democracy. This last group is termed the “democratic support group” in this work. It extends beyond the red shirts group from 2005, encompassing associations of ordinary people as well as intellectuals keen to support democracy and free elections. These include, among others, the Assembly for the Defense of Democracy (AFDD), The Third Polar Group, groups on social medias asking for elections and the resignation of the election commissioners who subvert their duties to support the PDRC and show an anti-election attitude, etc.

Therefore, this section will focus on analyzing and comparing the 2 main political groups (the anti-government/democracy faction, including the PDRC, and the democratic support group) so that the readers can learn why and how the stateness problem in Thailand is dangerous to its democracy and still bears risks. This comparative study between the two groups will proceed from two perspectives, first comparing the PDRC with the red shirts group or the United Front for Democracy Against Dictatorship (UDD), based on the survey conducted by the Asia Foundation on November 30, 2013 and in early December 2013. The second perspective compares the PDRC and the faction called in this thesis the democratic support group with important 6 analytical questions.

### **The first perspective: a comparative study of the PDRC with the red shirts group or UDD**

- *based on the survey conducted by the Asia Foundation in a comparative study concerning the profile of the protestors: a survey of pro and anti-government demonstrators in Bangkok on November 30, 2013 and in early December 2013*

The Asia Foundation observed the political tensions that gripped Bangkok in late November and early December 2013 with concern. The tensions erupted in the context of two legislative reform initiatives pursued by the Pheu Thai government of Prime Minister Yingluck Shinawatra: first, a blanket amnesty bill that would have paved the way for former Prime Minister Thaksin Shinawatra to return to Thailand from self-imposed exile with his criminal convictions dropped — which was approved by the Lower House and rejected by the Senate; and second, an effort to amend the constitution to change the composition of the Senate from a mix of elected and appointed members to a fully elected body a proposal that was rejected by the Constitutional Court on the basis of technical irregularities. When the government indicated that it would not be bound by the court decision, an escalating anti-government protest movement led by former Deputy Prime Minister Suthep Thaugsuban mobilized tens of thousands of demonstrators under the PDRC's banner, which declared its intention to unseat the Pheu Thai government, remove the Shinawatra family from politics, and press for the appointment of an imprecisely defined, extra-constitutional "people's council" that would be composed of neutral, respected leaders and that would replace the elected government for an undefined period of time. In response to the PDRC demonstrations, several thousand members of the United Front for Democracy Against Dictatorship (UDD, or the "Red Shirts" as they are commonly known) gathered at Ratchamangkla National Stadium in the last week of November 2013 in a peaceful show of support for the Pheu Thai government. They remained in the stadium for several days before quietly dispersing.

Because of the situation, the Asia Foundation took the opportunity to conduct a rapid perception survey of PDRC and red shirt activists who were involved in mass anti-government demonstrations and government support gatherings, respectively, in Bangkok. The survey was undertaken as an opportunity to learn about the demographic composition of the respective gatherings and to probe the perspectives of political activists on issues that were explored in the 2010 survey and as well as issues related to the current tensions.

A short questionnaire — comprising 24 questions in total, nine of which explored demographic profiles — was developed by the Foundation program staff, with a small team of survey supervisors and enumerators trained and deployed to administer the survey on Saturday, November 30, 2013. The original survey methodology aimed to interview 250 respondents in the two political activist groups: 250 PDRC demonstrators in each of the five rally locations around Bangkok; and 250 red shirts assembled in Ratchamangkla National Stadium. Over the course of the day on November 30, as the intensity of the political gatherings increased, the security situation at the PDRC rally sites and the neighborhood surrounding Ratchamangkla Stadium deteriorated. The security situation prompted supervisors to suspend or cancel data collection in certain areas to ensure the safety of the enumerators. As a result of security concerns, enumerators were only able to complete 315 of the 500 planned interviews: 161 at Ratchamangkla Stadium and 154 at four of the five anti-government rally sites (Ratchadamnoen Road, the government complex at Cheang Wattana, the Department of Special Investigations, and the Ministry of Finance).

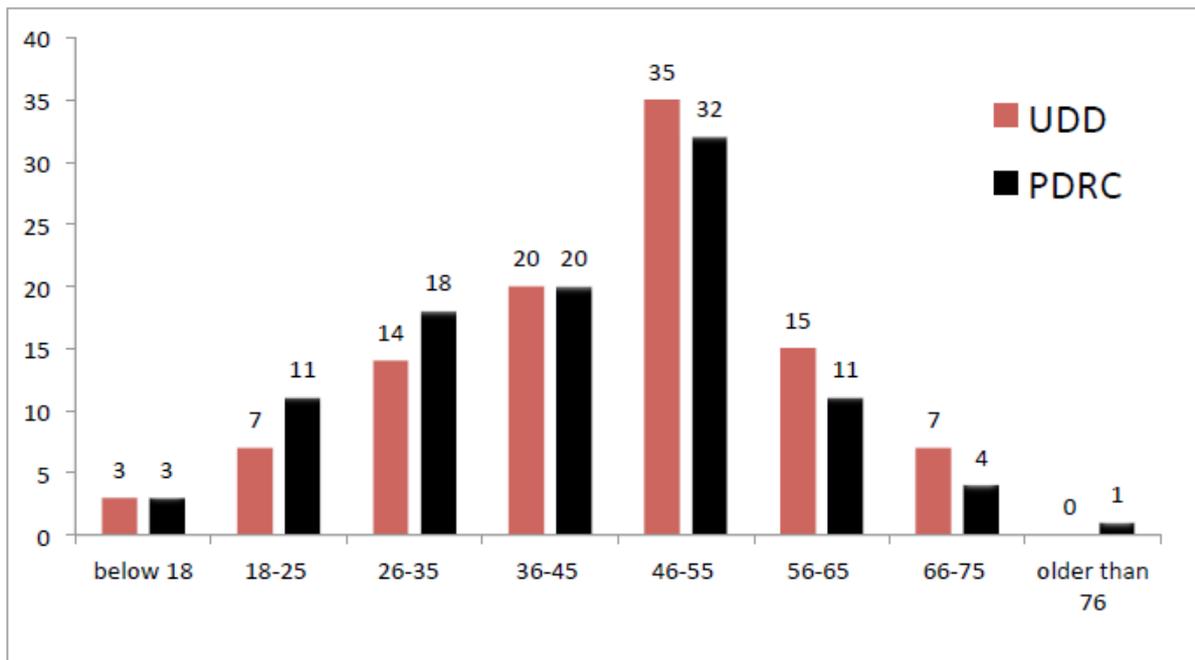
Since the red shirt assembly filled Ratchamangkla Stadium, the size of the gathering was estimated at 60,000, corresponding to the capacity of the stadium. Available estimates for crowd size at the various PDRC rally sites on November 30 are few in number, and those that do exist vary significantly. Based on available estimates and an examination of photographic images of the rallies taken on that day, an assembly of 6,000 demonstrators in each of the four sampled PDRC sites would seem a reasonable estimate. These estimates of the number of people in the respective political gatherings are adequate for sampling design purposes, since the intended sample size was small.

A sample of 250 for each gathering, when randomly chosen, is effective in estimating the population parameters, since the population size is relatively large and individuals in the crowd are unknown. The methodology applied was designed to maximize the randomness of the sample. Enumerators were instructed to plan a serpentine path through the entire physical area of the demonstrations to account for the fact that groups of protestors traveling from various locations might be concentrated in one area. To further randomize the sample and avoid selection bias, enumerators followed a skip pattern (every 20 people) to select individual respondents at Ratchamangkla Stadium and in the four PDRC sites. Taking into account the final sample size achieved for the PDRC and red shirt gatherings, the margin of error for both samples is approximately 8% at a confidence level of 95%.

As indicated in the subsequent presentation and analysis, in the case of a few questions, the enumerators recorded multiple responses, which results in total percentage figures larger than 100% when all responses are tallied. In some questions, the rounding off of data to whole numbers results in a few cases in which the tallied results equal 101% rather than 100%.

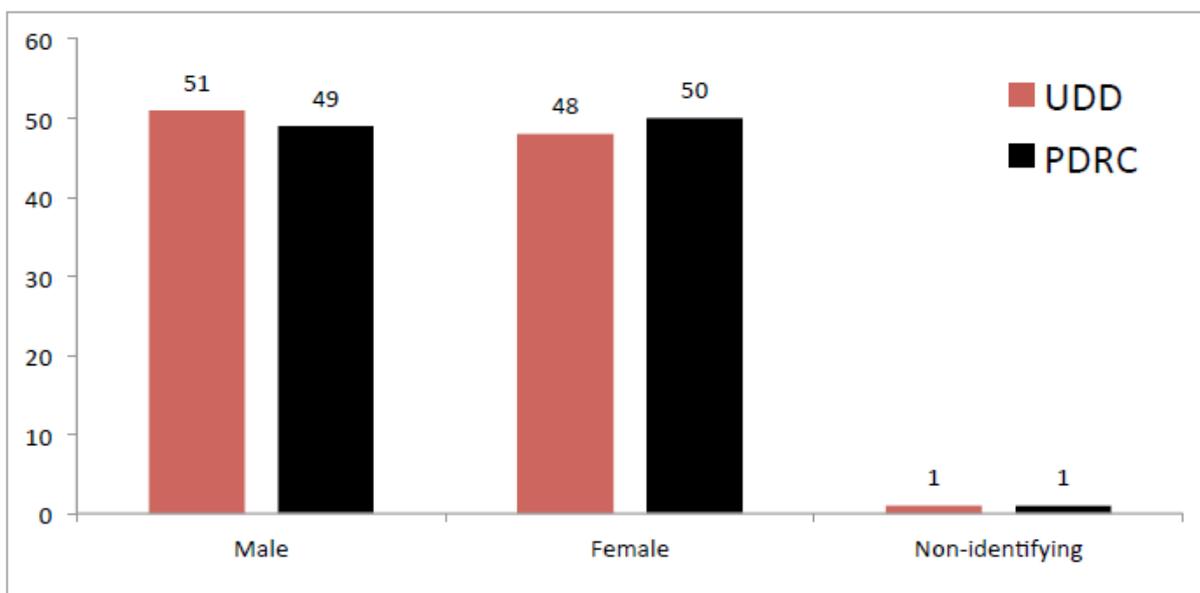
**DEMOGRAPHICS**

**Age of the Respective Respondent Groups**



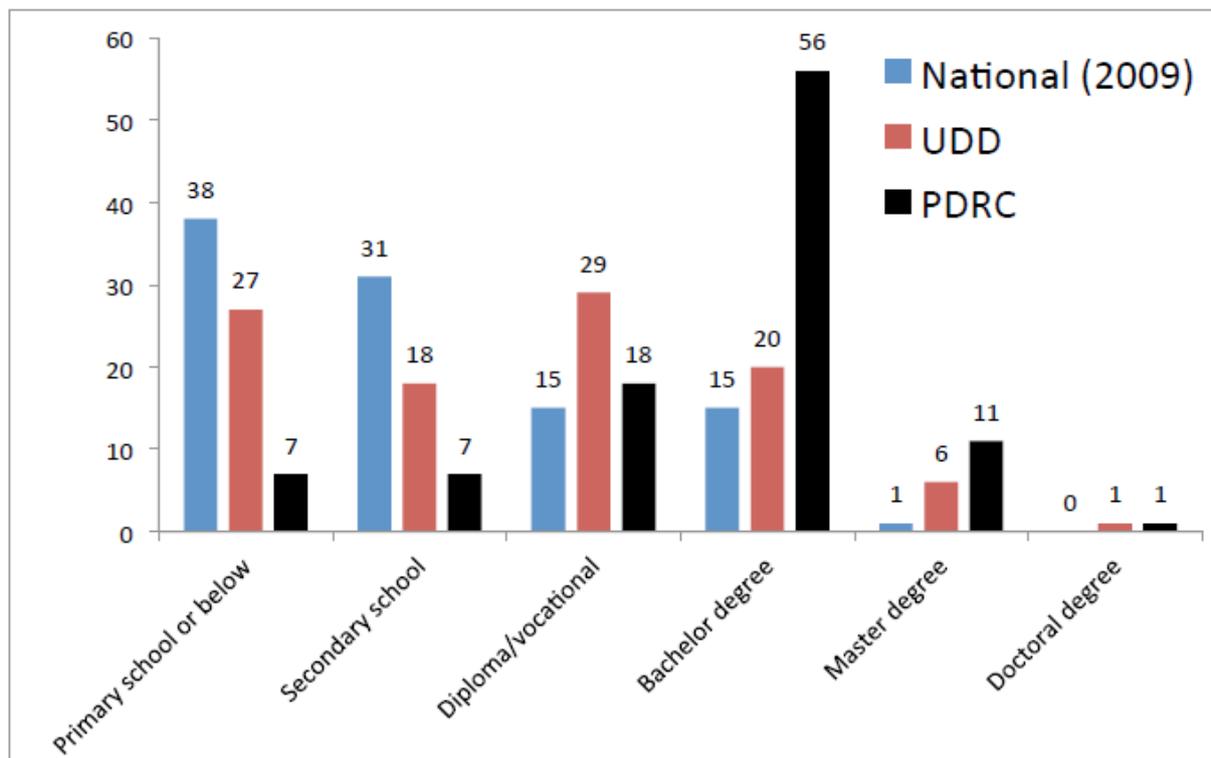
The range of ages represented within the respective respondent groups is similar, with the average age of 46 for red shirts respondents and 43 for PDRC respondents. With just 12% of the total respondents aged 25 or younger, it appears that neither group represents a youth or student movement. 77% of red shirt respondents and 68% of PDRC respondents are over 35, while approximately 1/3 of each respondent group are between 46 and 55 (35% red shirts and 32% PDRC).

**Gender**



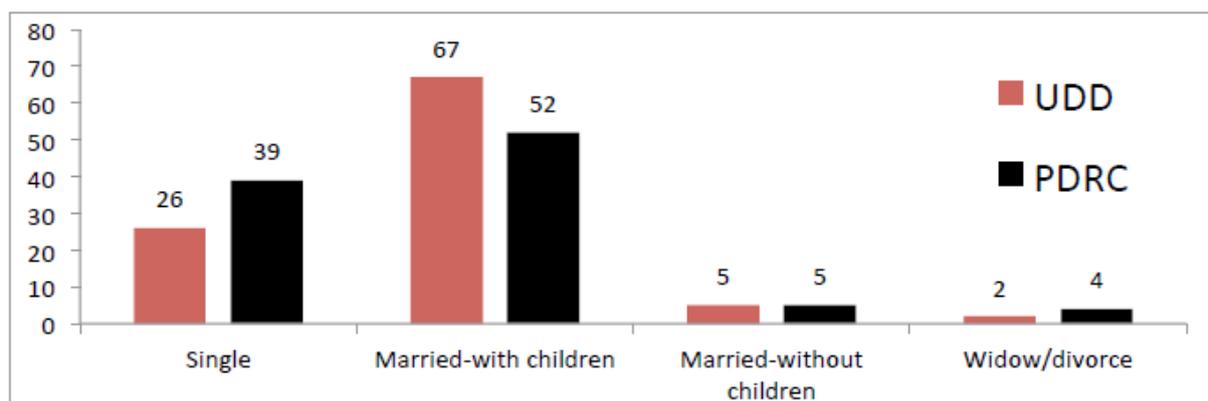
The percentage of male and female respondents is virtually equal for both respondent groups.

### Highest Education



A significant difference in education levels was observed between the two respondent groups, with 68% of PDRC respondents holding bachelor or advanced degrees, while the comparable figure for red shirt respondents is just 27%. Both groups are better educated than the national average in 2009<sup>2</sup>.

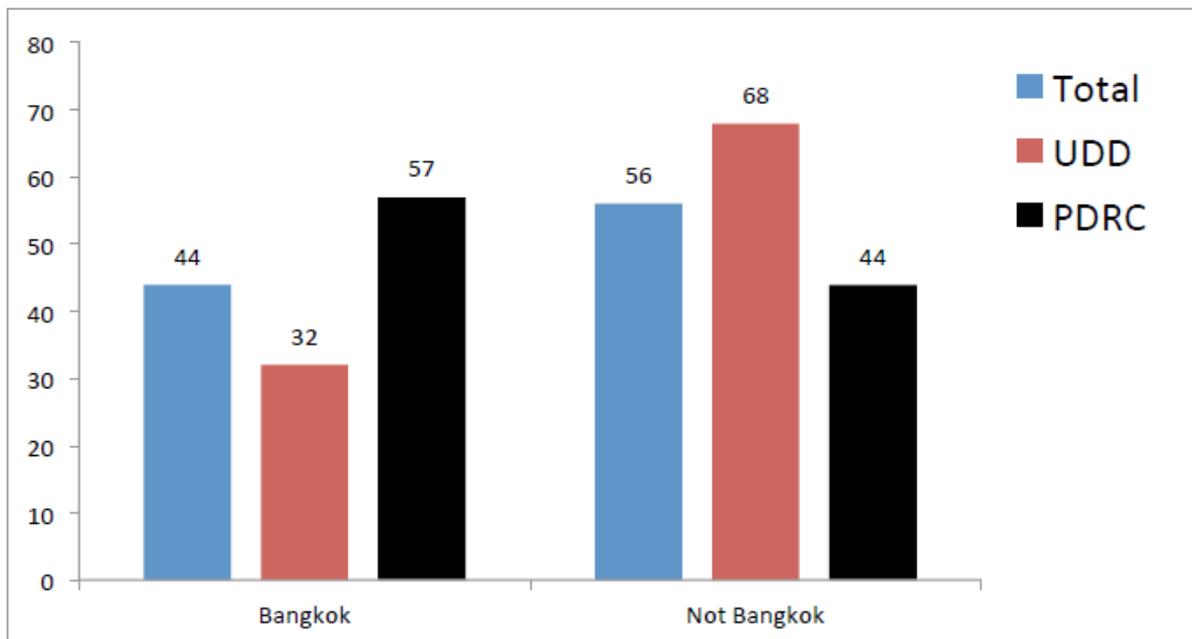
### Marital Status



PDRC respondents are slightly more likely to be single, at 39% versus 26% for red shirts, while married PDRC respondents are slightly less likely to have children, at 52% versus 67%.

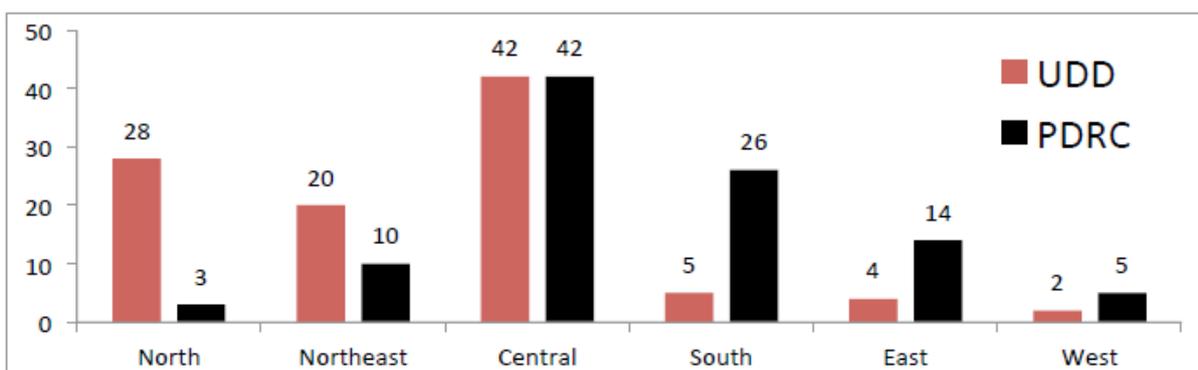
<sup>2</sup> Data from the Asia Foundation (2009) Constitutional Reform and Democracy in Thailand survey is available at: <http://asiafoundation.org/publications/pdf/603>

### Geographic Residence



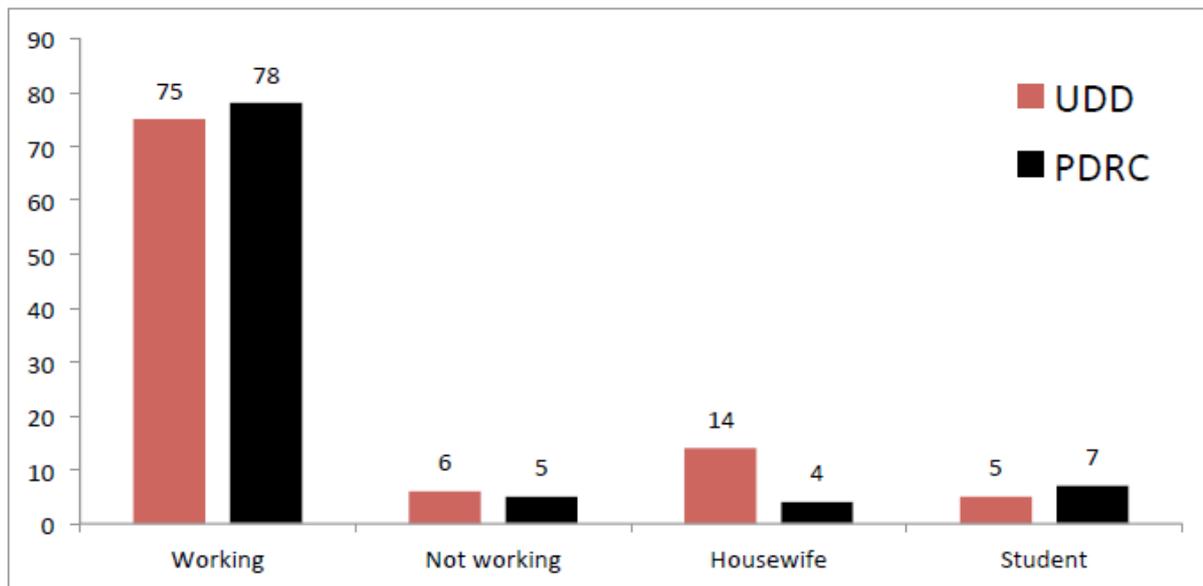
Although contemporary political tensions are often characterized as pitting Bangkok-based elites against the non-Bangkok-based agricultural and wage-earning classes, significant variations in geographic residence are observed among respondent groups. 57% of PDRC respondents are from Bangkok versus 32% for red shirts, while 68% of red shirt respondents are from outside Bangkok versus 44% for PDRC.

### Geographic Region (Non-Bangkok Respondents)



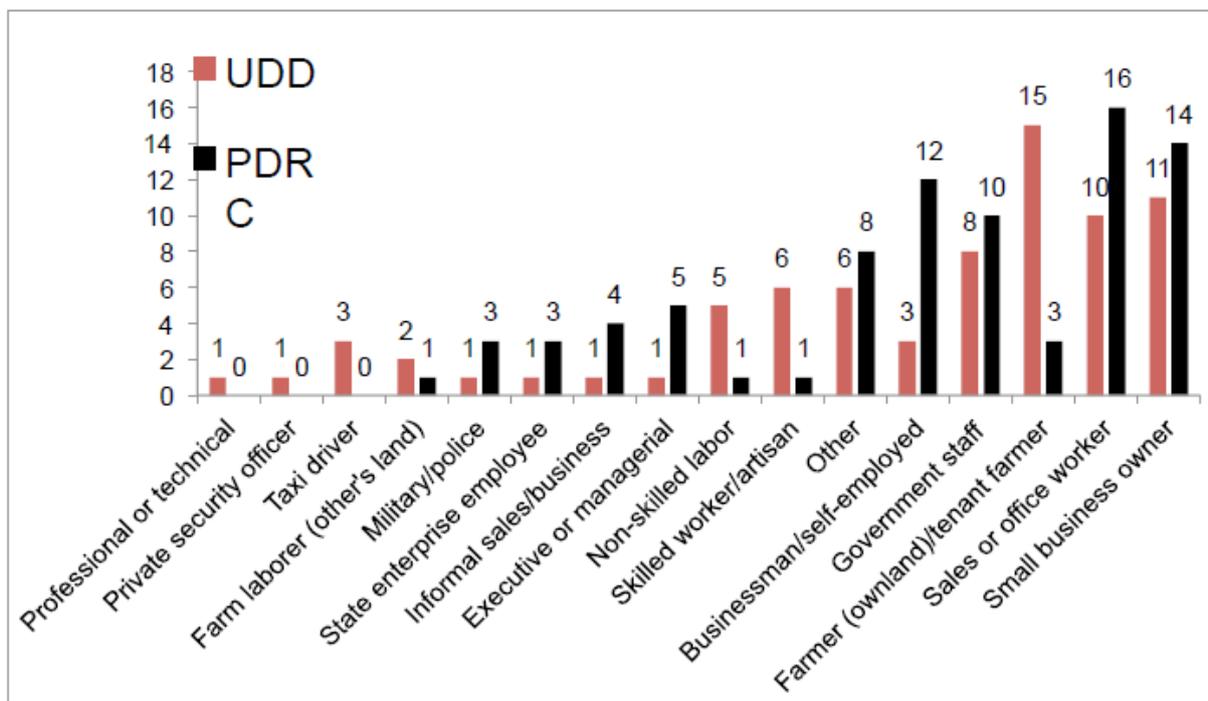
Among respondents from regions outside Bangkok, approximately 48% of red shirt respondents come from the north and northeast, with an additional 42% from the central region, while approximately 45% of PDRC respondents are from the south, east, or west, with another 42% from the central region. Excluding central Thailand, the geographic origins are quite consistent with conventional understanding of the geographic bases of political affiliation, with approximately 80% of red shirt respondents from the north and northeast, and about 75% of PDRC respondents from the south, east, or west. At the same time, both groups reflect significant representation from regions that are typically associated with the rival political interest groups, with 13% of PDRC respondents outside Bangkok drawn from the south, east, and west.

### Employment Status



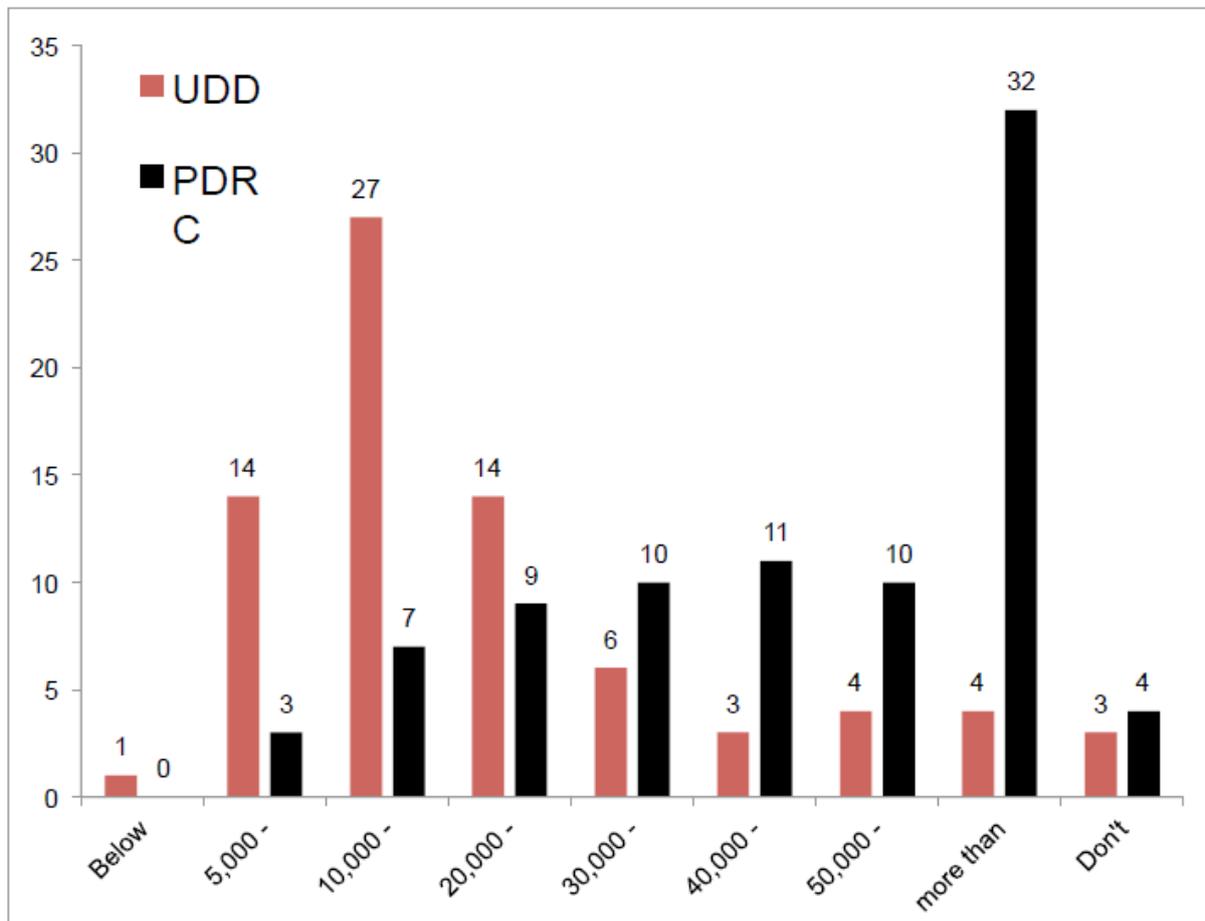
Employment levels for both groups are not significantly different with 75% of red shirt respondents and 78% of PDRC respondents engaged in the workforce

### Specific Occupation



In terms of specific employment background, a higher percentage of red shirt respondents are engaged in trades, manual labor, and farming, with a higher concentration of PDRC respondents engaged in government service, business, and similar employment.

**Monthly Household Income**

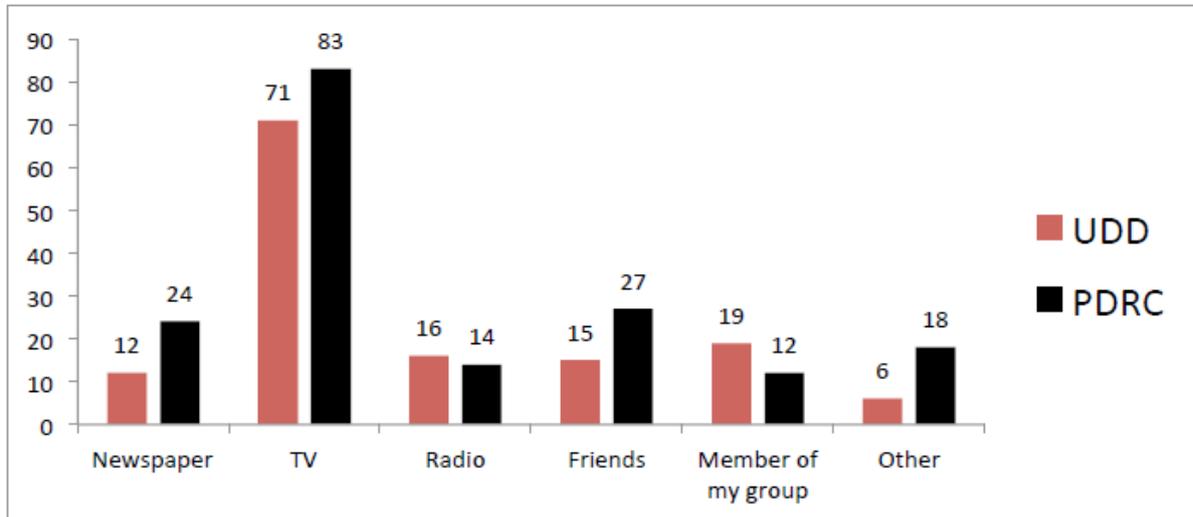


Disparity in income among respondent groups is striking. Nearly 1/3 (32%) of PDR respondents earn monthly incomes exceeding 60,000 baht (\$1,900), while just 4% of red shirt respondents have similar earnings. 56% of red shirt respondents earn less than 30,000 baht (\$1,000) per month, with 42% earning less than 20,000 baht (\$650) versus 10% of PDR respondents.

## ORGANIZATION OF THE RALLY

### Sources of Information about Political Rallies

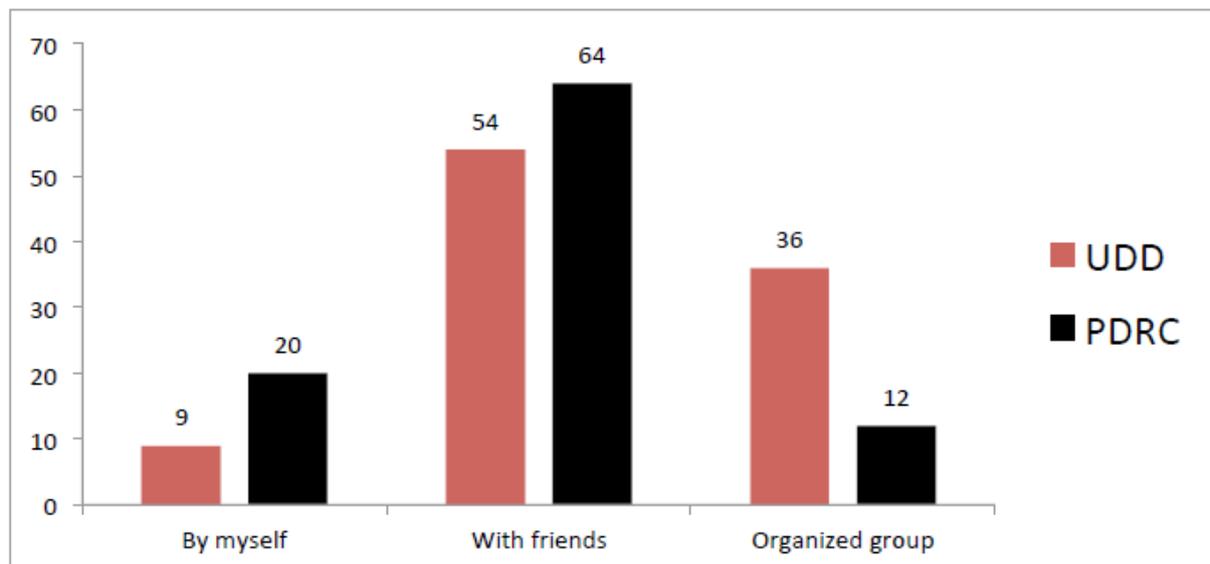
How did you learn about this rally?



Respondents from both groups learned about the rallies from similar sources, with television reports the most cited source. Multiple responses were allowed for this question, which resulted in totals greater than 100%.

### Individual or Group Attendance

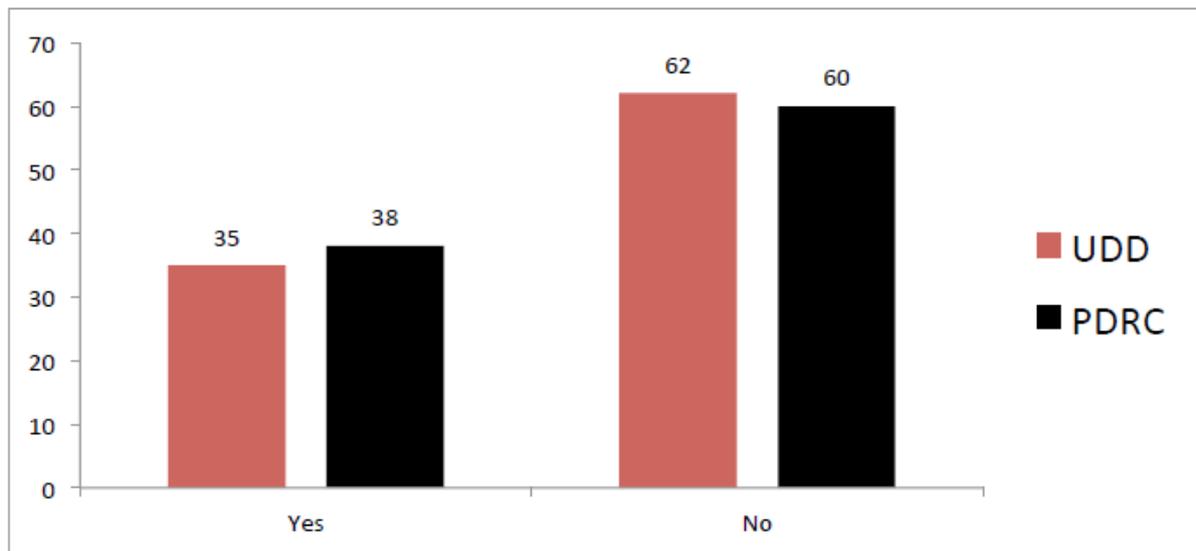
Did you come here as an individual or with friends, or as part of an organized group from your area?



PDRC respondents were more likely than their red shirt counterparts to attend rallies alone (20% versus 9%), while red shirt respondents were significantly more likely than PDRC respondents to attend as part of a larger organized group (36% versus 13%). The majority of respondents in both groups (54% red shirt and 64% PDRC) attended rallies in the company of smaller groups of friends (as distinct from larger organized groups).

**Financial Contributions**

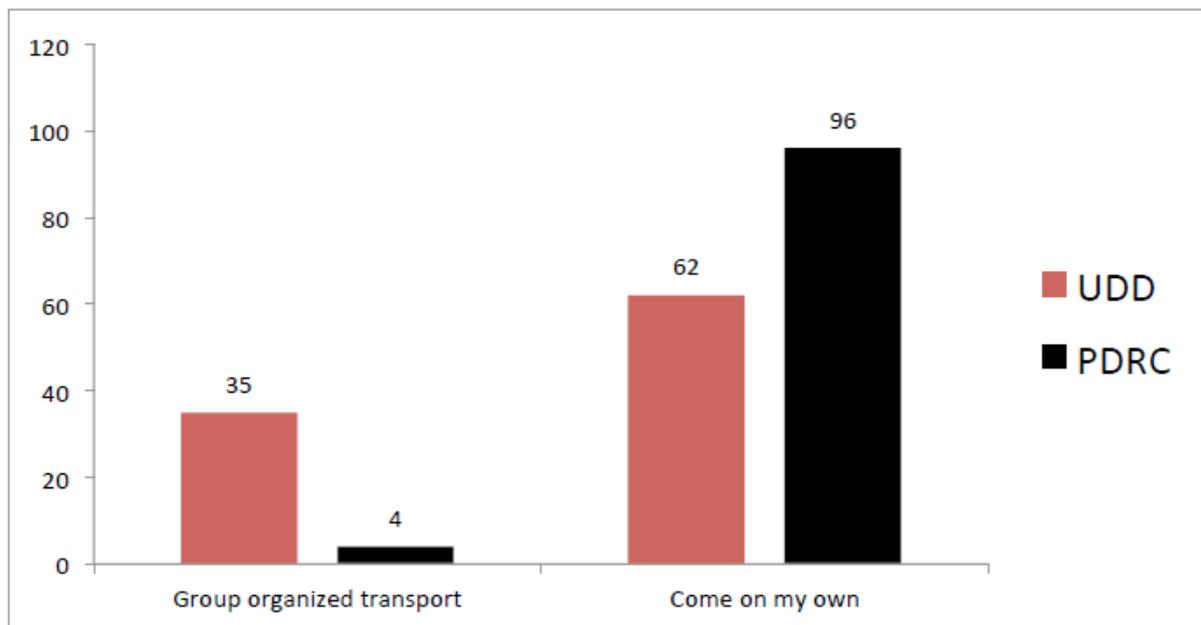
*Do you pay membership fees or dues or voluntary contributions to a common pool of funds to support the activities of the group?*



There is no significant difference between the percentages of respondent group members that do or do not contribute financial resources to support the activities of their respective groups, with the majority of both respondent groups (62% red shirts and 60% PDRC) providing no financial contributions.

**Mode of Travel to the Demonstration Sites**

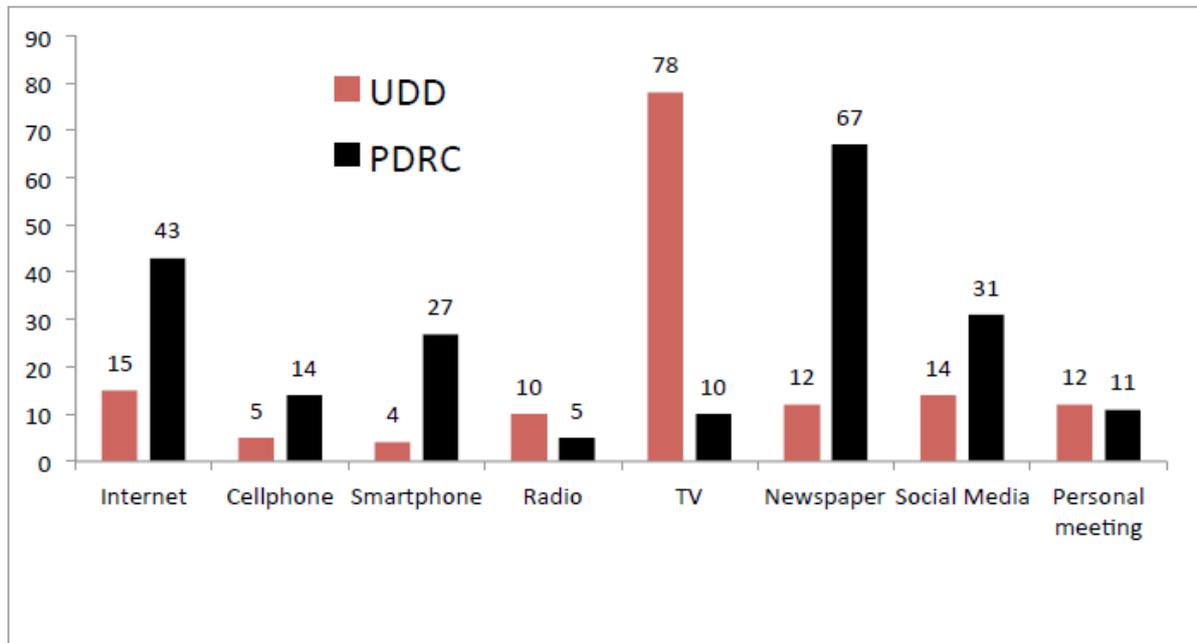
*Did the group organize transport or did you come here on your own?*



Just over 1/3 of red shirt respondents (35%) traveled to the stadium by organized transport (buses), while nearly all PDRC respondents (96%) arranged their own transport.

### Sources of Information on Domestic Political Events

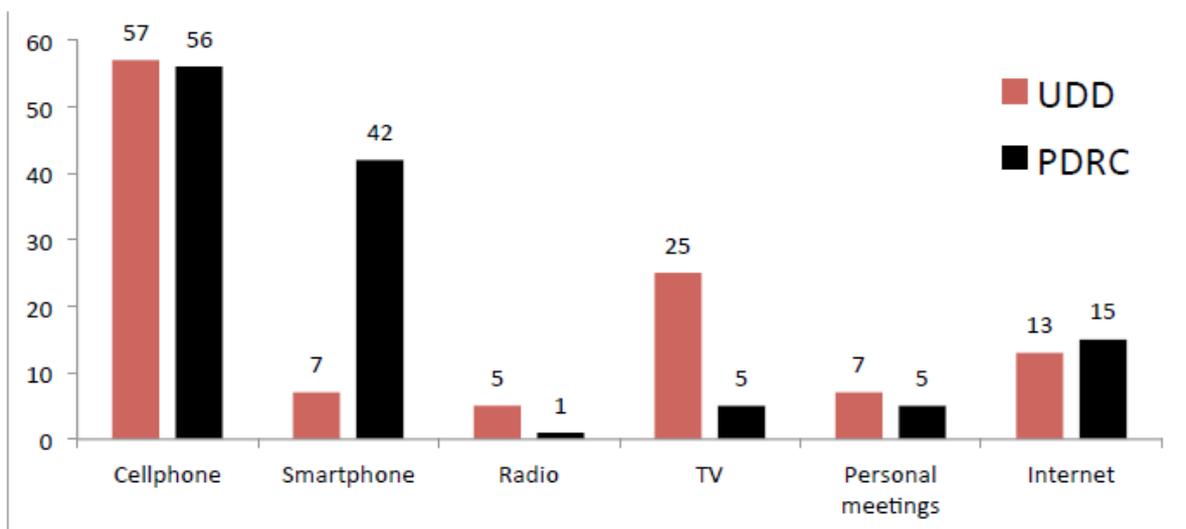
How do you usually get information about political events in Thailand?



PDRC respondents are much more likely than their red shirt counterparts to use the internet, smart phones, or social media to learn about events in Thailand, while red shirts rely primarily on television and to a lesser extent on radio. PDRC respondents are also much more likely than red shirt respondents to receive news from newspapers. Multiple responses were allowed for this question.

### Use of Technology for Rally Organizing

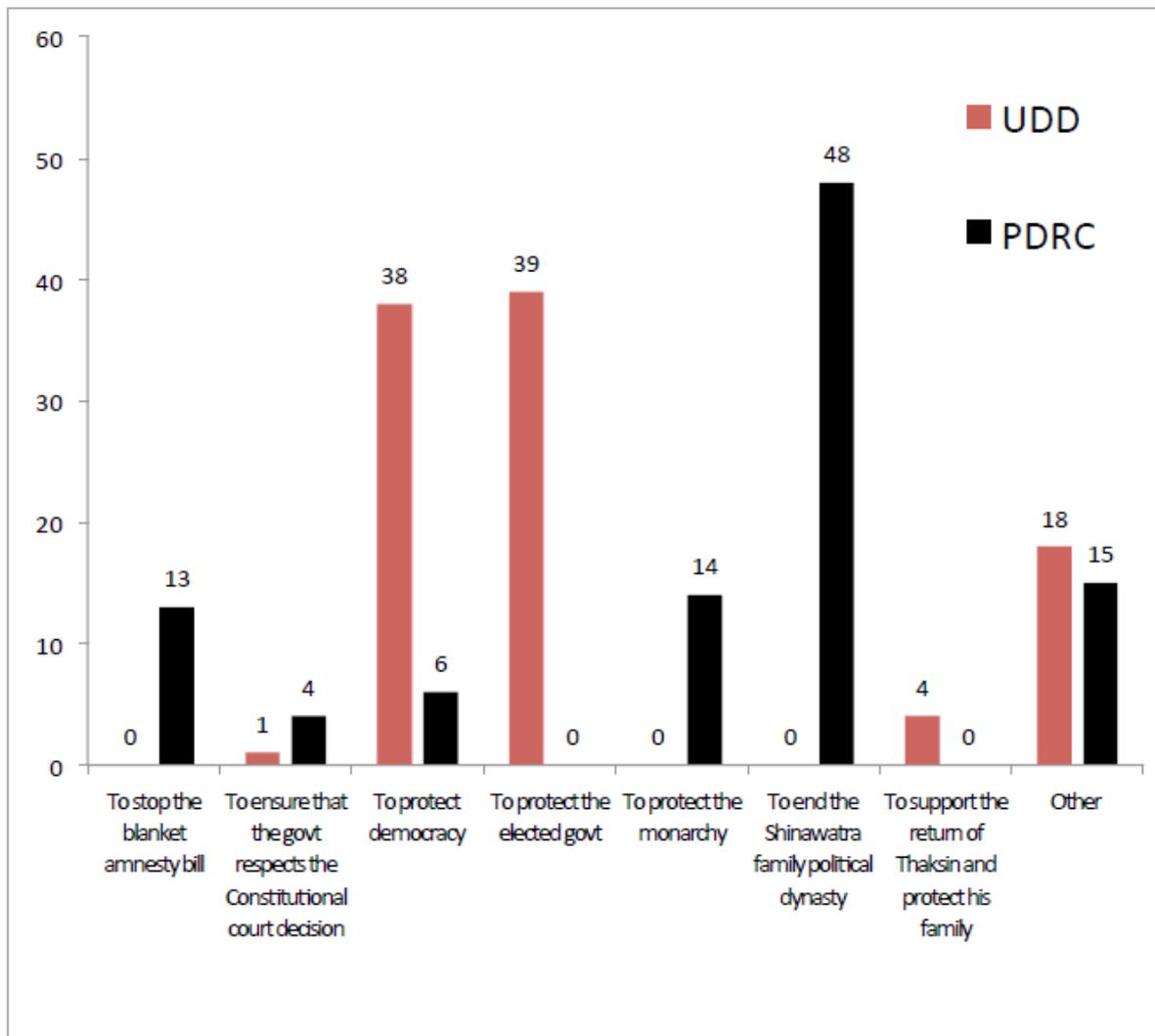
What is the main technology for organizing rally participation?



Both respondent groups rely on simple cell phone sets (feature phones) as the most useful tool for rally organizing. PDRC respondents make significantly greater use of smartphones (42% versus 7% red shirt). Red shirt respondents are more reliant than their PDRC counterparts on television as a source of information that prompts them to mobilize (25% versus 5%).

### Motivation in Attending Political Rally

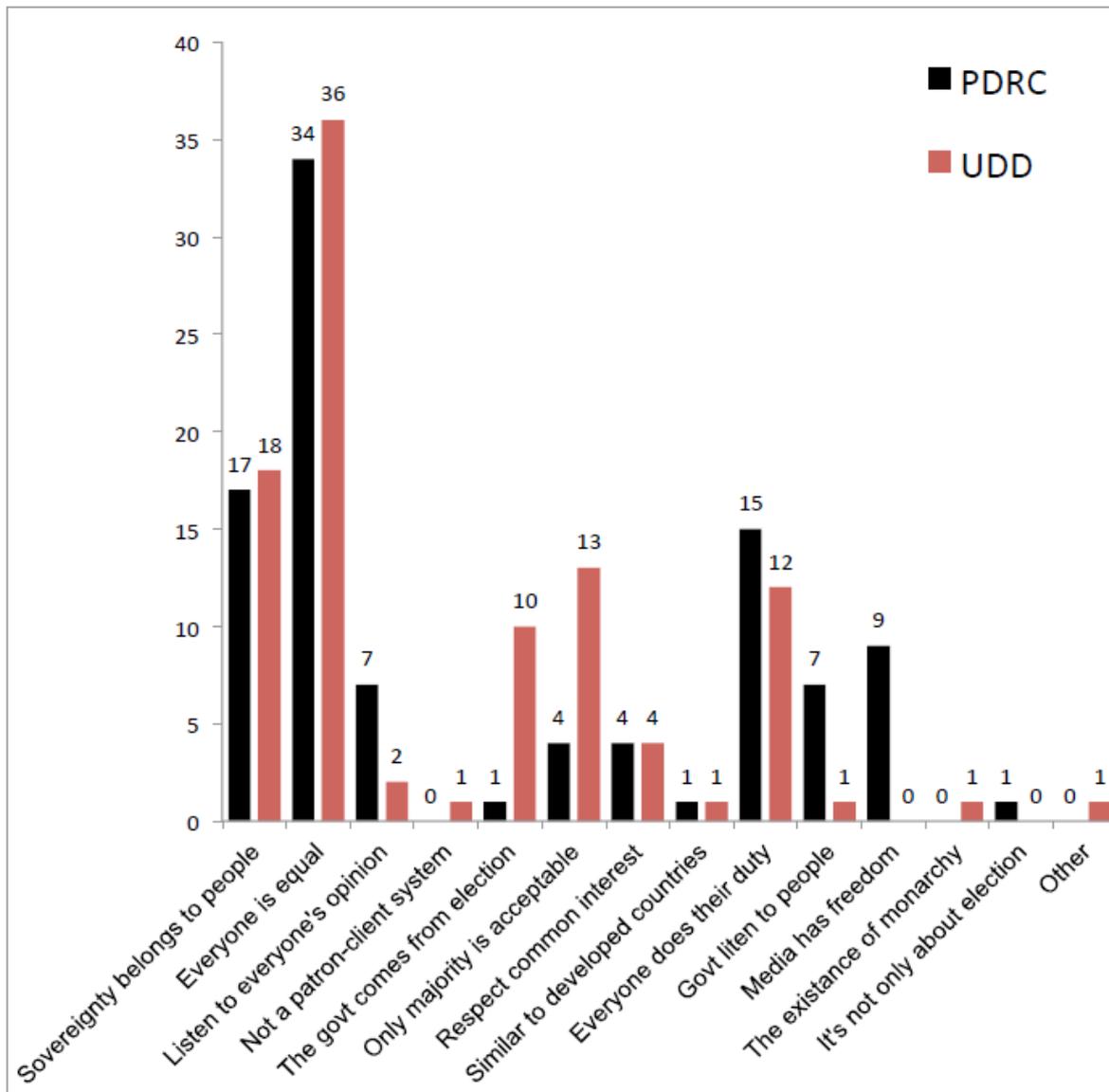
What issue motivated you to come to the rally today?



Members of the two respondent groups cited different motivating factors in attending their respective rally events. Almost 80% of red shirt respondents were motivated by the urge to protect the elected government (39%) and democracy (38%). 48% of PDRC respondents were motivated by a desire to end Shinawatra family involvement in politics, with additional factors of importance to PDRC protesters cited including protecting the monarchy (14%) and stopping the blanket amnesty bill (13%). Just 4% of red shirt demonstrators indicated that they were motivated by support for Mr. Thaksin's return and the protection of his family.

**Support for Democracy**

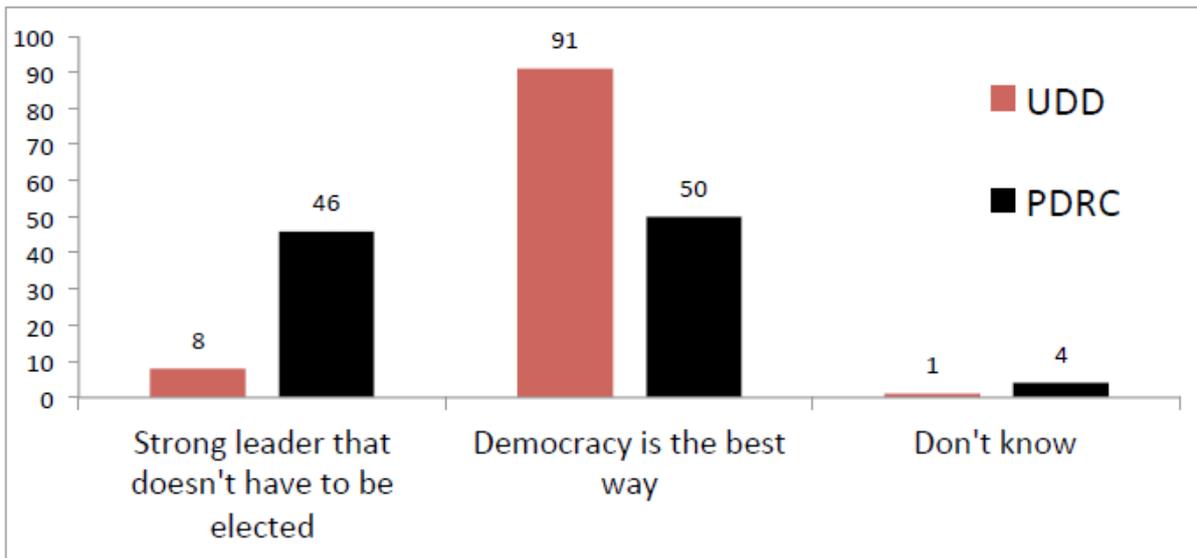
*If a country is called a democracy, what does that mean to you?*



While both respondent groups reflected similar support for sovereignty of the people and equality, the commonality of understanding broke down beyond that point, with responses seemingly keyed to topical issues. For example, 23% of red shirt respondents related democracy to elections or felt that only majority rule is acceptable, while just 5% of PDRC respondents support this view. Conversely, 14% of PDRC respondents felt that democracy means listening to everyone's opinion or that the government listens to the people, while only 3% of red shirt respondents concur.

**Support for Democracy - II**

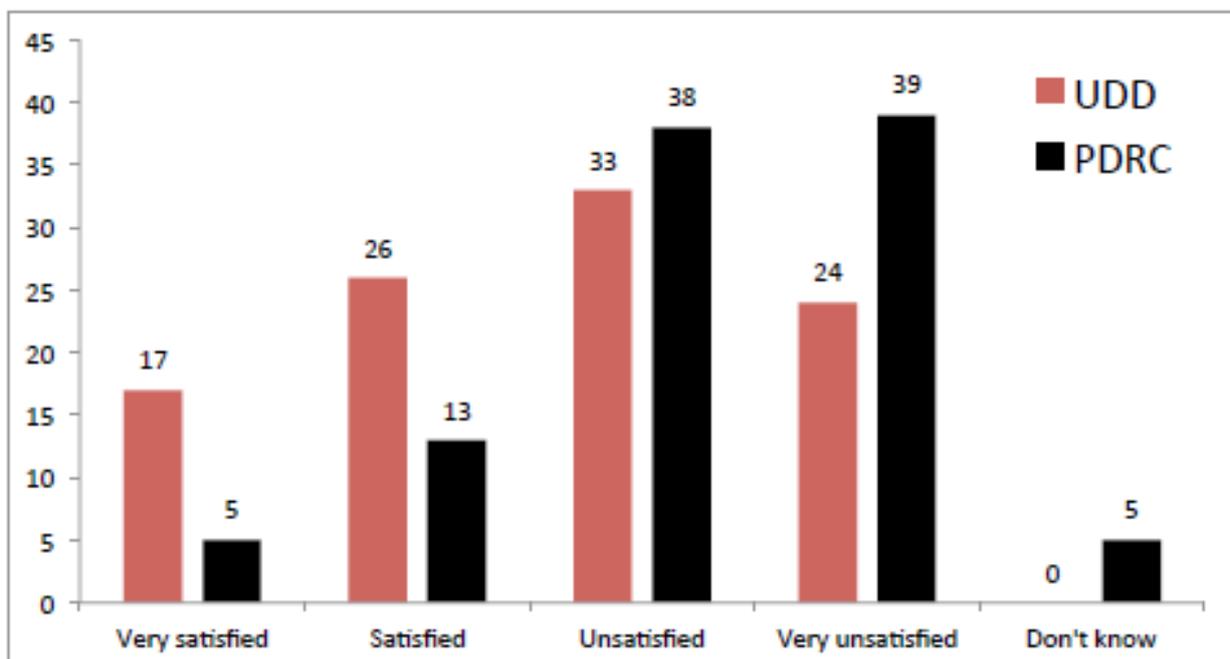
*On some occasions, democracy doesn't work. When that happens there are people that say we need a strong leader who doesn't have to be elected through voting. Others say that even if things don't function, democracy is always the best. What do you think?*



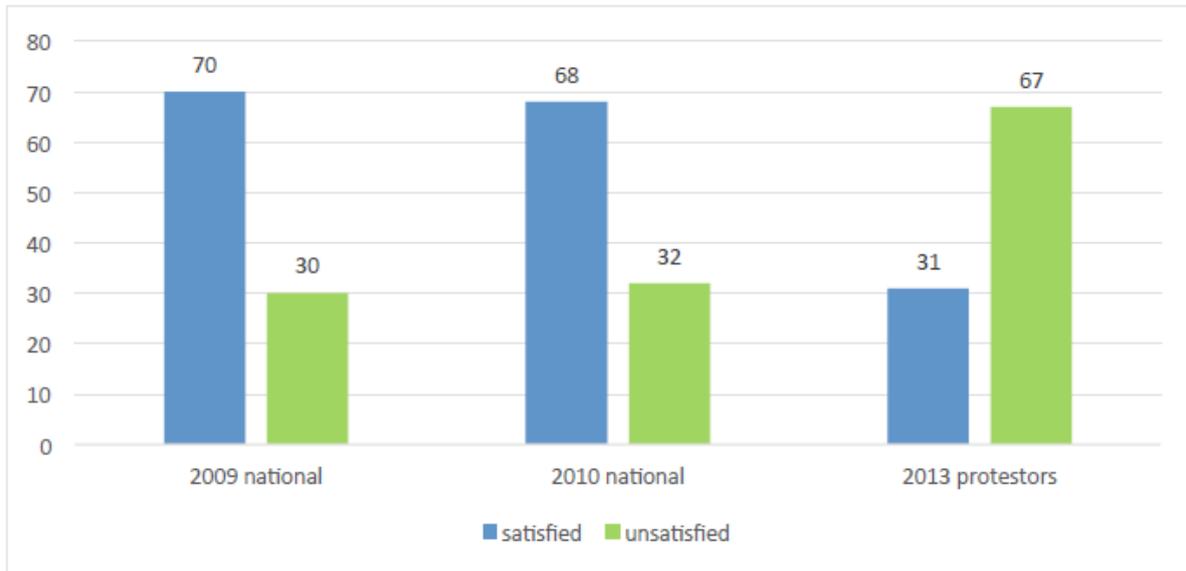
Support for democracy is exceptionally strong (91%) among red shirt respondents, while PDRC respondents are divided, with half (50%) believing democracy is always best and 46% preferring a political leader that need not be elected.

**Satisfaction with Democracy in Thailand**

*In general, would you say you are very satisfied, satisfied, unsatisfied or very unsatisfied with the way democracy works in Thailand?*



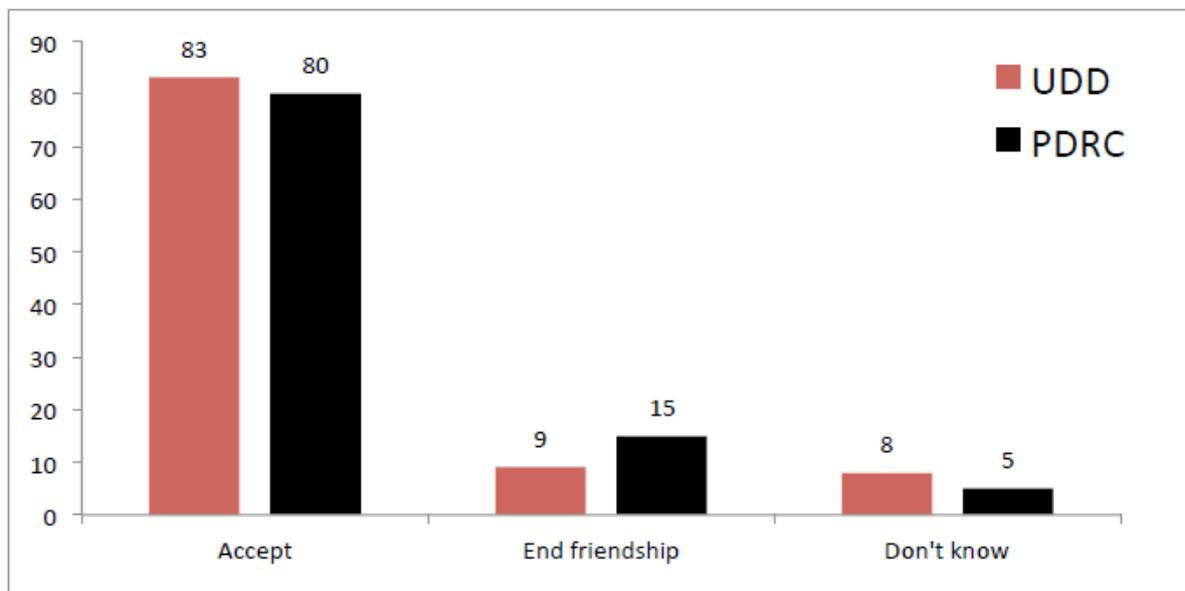
Although red shirt respondents are more satisfied with democracy in Thailand than their PDRC counterparts (43% red shirts versus 18% PDRC), majorities of both groups (57% and 77%, respectively) remain unsatisfied.



Comparing overall satisfaction with democracy among both respondent groups with the national response reported in perception surveys conducted by The Asia Foundation in 2009 and 2010, the results reflect a near mirror image reversal. For a more detailed comparison of the political extremes represented by protest groups surveyed and the general public views reported in 2010, see the Foundation's 2010 survey: *Exploring National Consensus and Color Polarization*, <http://asiafoundation.org/publications/pdf/855>.

**Political Tolerance**

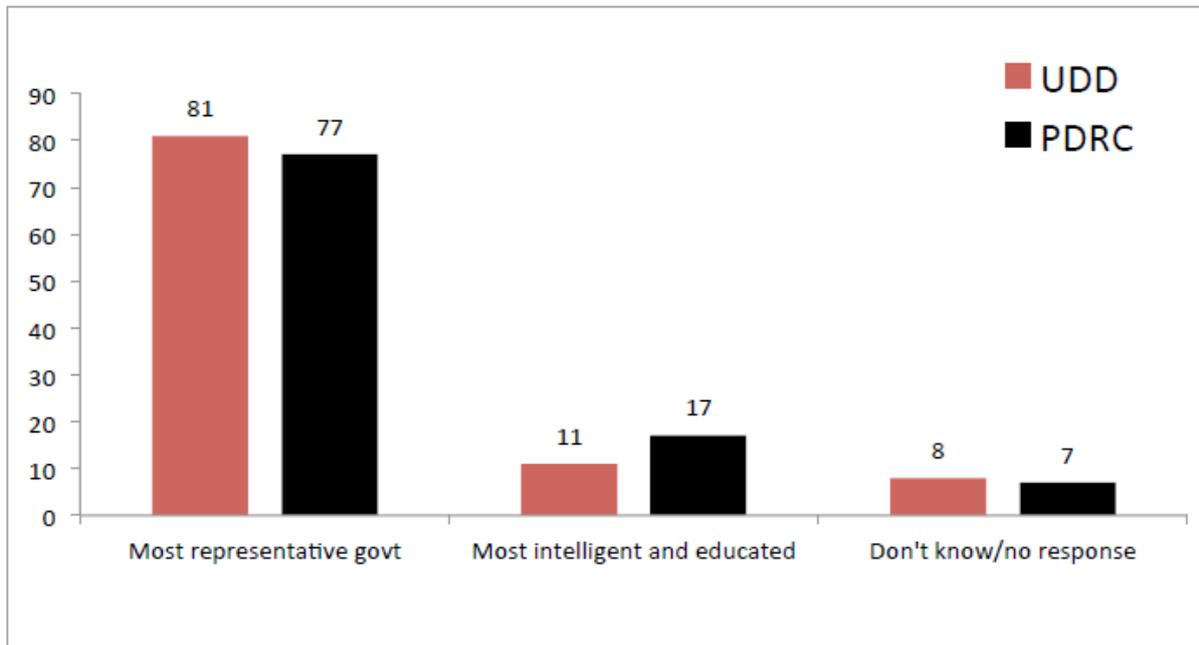
*Suppose a friend of yours supported a color movement (red or yellow) that most people did not like. Would you accept that, or would it end your friendship?*



There is no significant difference in levels of personal political tolerance expressed by either group. Compared to acceptance among the general public, which was 93% in 2009, the protestors are just 10% less likely to accept political differences in friends, which is striking given the intensity of the political conflict. It may be noted Thailand has the highest level of political tolerance of any country surveyed by the Foundation in Southeast Asia.

**Optimal Composition of Democratic Government**

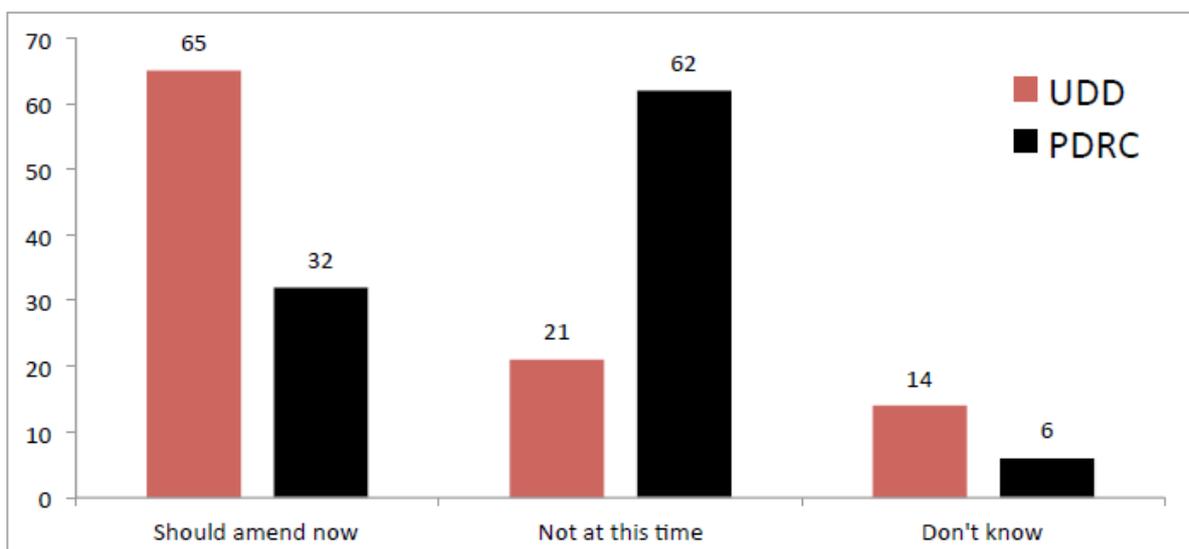
*Here are two ways of thinking about democratic government: the best government will include representatives from all areas of the country and levels of society; the best government will be provided by the most intelligent and best educated. Which is closer to your view?*



The majority of respondents in both groups (81% red shirts versus 77% PDRC) believe that the best government will include broad geographic and societal representation.

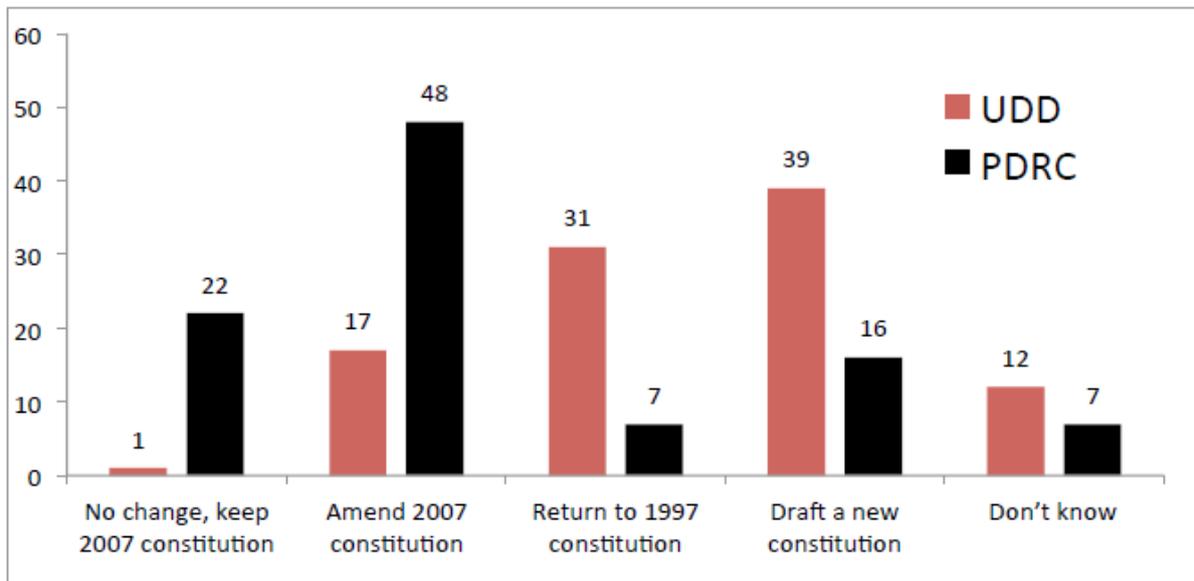
**Constitutional Reform**

*Should the Constitution be amended?*



While approximately 1/3 of PDRC respondents (32%) and 2/3 of red shirts (65%) see constitutional amendment as a viable way forward, many on both sides remain unconvinced.

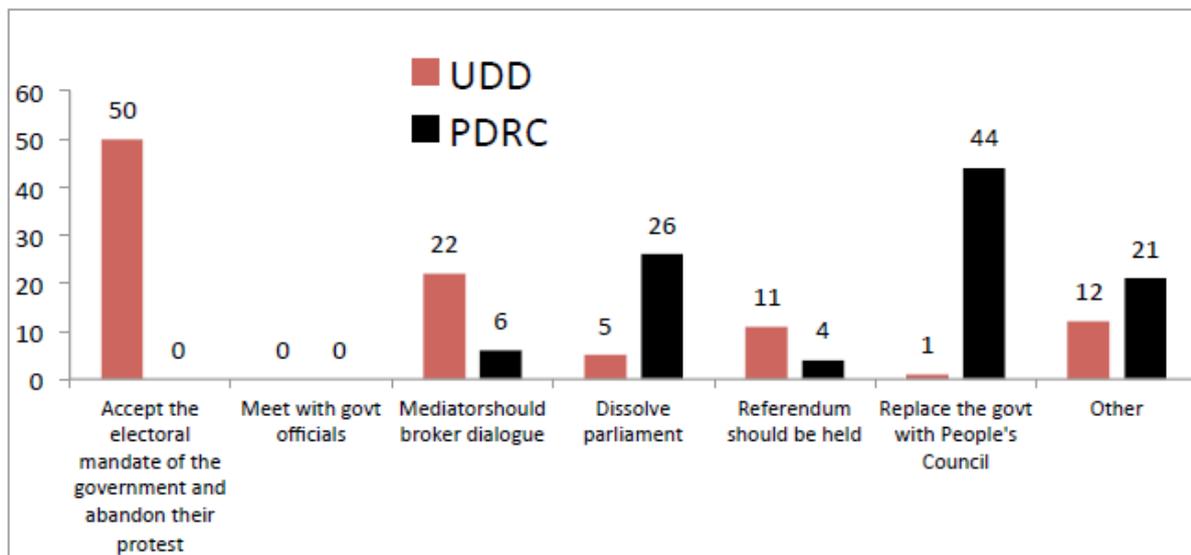
*Which of these options would you prefer for possible changes to the Constitution?*



79% of respondents support some form constitutional change (amendment, return to the 1997 Constitution, or drafting a new charter.) 70% of red shirt respondents would like to draft a new constitution or return to the 1997 Constitution. In contrast, PDRC respondents support the 2007 Constitution, with 70% disposed to either amend it or leave it as is.

**Measures to End the Political Tensions**

*What actions are likely to end the political tensions?*



There is no consensus and very little overlap between the two respondent groups in their respective views of the actions to be taken to resolve political tensions. 50% of red shirt respondents feel that anti-government protesters should accept the electoral mandate of the present government and abandon their protest. In contrast, 44% of PDRC respondents believe that the elected government should be replaced with a non-elected "People's Council."

### **The conclusion of the comparative survey between PDRC and the Red shirt group respondents**

1. There is no political activity among Thai youths and students

With just 12% of the total respondent aged 25 or younger, it appears that neither group represents a youth or student movement. Also, only 5% and 7% of red shirts and PDRC respondents have stated that they are students.

2. 44% of PDRC respondents come from outside Bangkok.

This disproves the claim by the PDRC that its demonstration represents the majority of Bangkok's citizen. The survey also presents that approximately 45% of PDRC are from the central region and from the south, east, or west. These are in fact strongholds of the Democrat Party.

This raises the question of whether the PDRC's rallies really show the need of Bangkok's people or merely make this claim to add value their demonstration?

3. PDRC respondents score higher in education, specific occupation, and monthly household income than red shirt respondents.

This point should be one of the strengths of the PDRC group. Yet the PDRC leadership uses this aspect to denigrate their opponents, claiming that the voices of better educated and better paid people are worth more, a view reflected by PDRC followers who agree that people are unequal when it comes to education. In the party line of reasoning, people from the south do not have sufficient education to truly comprehend democracy. (Please see Chapters IV and VI for more details.)

In the author's view, rather than turning better education into a springboard for denigration, the PDRC should use their educational and financial advantages to help others who have not had such good opportunities in their lives. Their actual behavior strongly indicates that the PDRC is not in support of democracy.

4. The different groups' motivations for attending political rallies emphasizes two key differences in their support for democracy.

(1) The motivation for attending a political rally on the part of the red shirts group is openly stated as supporting democracy. Nonetheless, their support is weakened to some degree by their solitary focus on certain persons from the Shinawatra family, especially Thaksin and Yingluck, rather than on general and free elections

- (2) On the other hand, PDRC respondents' motivation is dominated by the desire to end the government and the Shinawatras' influence in politics, irrespective of the law. Further motivations mentioned were the protection of the monarchy and ensuring reforms before elections. These motivations highlight the PDRC's problems with democratic principles, as their followers also state a certain preference for an unelected regime and a strong desire to oust an elected government without democratic elections to replace the latter. As such, it seems possible to conclude that the PDRC is an anti-democratic group.

**The first perspective: analyzing the differences among PDRC, the democratic support group and the Red Shirt group in the present political crisis from late 2013 to April 2014**

#	<p style="text-align: center;"><b>People's Democratic Reform Committee</b></p> <p style="text-align: center;"><b>or</b></p> <p style="text-align: center;"><b>PDRC</b></p>	<p style="text-align: center;"><b>The democratic support group &amp; United Front for Democracy against Dictatorship (UDD) or The red shirts group</b></p>
<p><b>1. Who is the leader of this group? And who belongs to this group?</b></p>	<p>-Suthep Thaugsuban from the Democrat Party functions as secretary-general of PDRC</p> <p>-A number of royalists as well as the military, the Democrat Party, bureaucrats, major business groups, some intellectuals, independent government agencies, middle classes and some people from Bangkok and the upper south support the PDRC</p>	<p>These two significant groups are considered together in this box for the following reason: While their attitudes may be quite different and it is not clear that they support one another, both have stated their goals as ensuring the election on 2<sup>nd</sup> of February 2014 and supporting the democratic way.</p> <p>Accordingly, they have set elections as the peaceful answer to the country's crisis. As such, it is interesting to put them together as representing the opposite approach to the PDRC.</p> <p>(1) The democratic support group are composed of different groups and ideas, of intellectuals, students and even ordinary people. These include</p>

		<p><i>inter alia</i> the Assembly for the Defense of Democracy (AFDD), The Third Polar Group, groups on social media who ask for elections and the resignation of election commissioners who subvert their duties to support the PDRC or are anti-elections, The Enlightened Jurists etc.</p> <p>(2) The red shirts group's leaders are Jatuporn Prompan, Nattawut Saikua, Veera Musikapong, Charan Ditthapichai and Weng Tojirakarn. The red shirts group is allied with the Pheu Thai Party.</p> <p>The red shirts group is composed of mostly rural masses from the northeast (Isan) and north Thailand, of urban lower classes from Bangkok, and of some intellectuals. Although the movement seems to receive support from former Prime Minister in exile Thaksin Shinawatra, not all of the red shirts group's members support him.</p>
<p><b>2. What is the cause of the current problem?</b></p>	<p>Firstly, the PDRC demonstration from was originally ignited by the controversy surrounding the Amnesty Bill.</p> <p>However, even after the Amnesty Bill had been withdrawn from parliament, Suthep instead seized this opportunity to now attack the Yingluck government for its alleged corruption.</p> <p>Suthep and his group's propaganda claims that</p>	<p>(1) The democratic support group is driven by their understanding that the PDRC's plans are likely to destroy democracy and will take away their rights and freedoms.</p> <p>Accordingly, they have come to the streets to clamor for democracy. Especially in a crisis situation with a likely conflagration of violence, this is a good sign for democracy.</p> <p>Yet they have had to battle</p>

	<p>removing Thaksinocracy from Thailand would solve any problem with corruption.</p> <p>Nevertheless, as analyzed above, their hidden agenda has exceeded the dropping of the Amnesty Bill from the start. Otherwise, the protests would have been dissolved once the bill had been withdraws.</p> <p>Indeed, this can be seen as the continuing fight by the conservatives to regain political power, repeating a pattern established in 2005 by the so-called yellow shirts group. That group, like the PDRC, joined the conservatives and the Democrat Party to remove the Thaksin faction by dissolving the Thai Rak Thai and the People's Power Party as well as writing the constitution of 2007 for their own benefits. Yet the Thaksin faction, as evidenced by Yingluck Shinawatra's election, continued to win at the polls.</p> <p>Therefore, the present crisis seems engineered to remove the Shinawatra family and allow the conservatives to regain power.</p> <p>Another aspect beyond a power grab is the deep divide between political ideologies in both camps; democracy on the one hand and authoritarianism on the other.</p> <p>The PDRC's strongest argument is their dissatisfaction at always being treated like a minority in the country. That is because they think that, since they are in general much better educated and better paid than the majority, they should be in charge rather</p>	<p>obstacles as well, such as the Third Polar Group which was accused as simply a front of the red shirts group by the PDRC, to allegedly pretend wider support for the red shirts.</p> <p>The other significant group here, the AFDD, was founded by well-known scholars who deeply disagree with the PDRC's goals as they run contrary to democracy. Successful in garnering support from young people, for instance through their 800,000 followers on Facebook, the AFDD have been attacked by the PDRC with highly dubious claims that the group plans to split the country and establish a new country called Lanna.</p> <p>(2) The Red shirt group or UDD was a political pressure group originally fighting against the People's Alliance for Democracy (PAD) or the yellow shirts group. At that time, the red shirts group started their political rallies by demanding a national election before July 2011. They claimed that Abhisit Vejjajiva's government had come to power illegitimately with backing from both the Thai Army and the judiciary. Therefore, the red shirts group called for the Thai parliament to be dissolved and make way for a general re-election.</p> <p>The red shirts group claims that an extra-democratic elite keeps intervening in the country's politics, thus undermining democracy. (MSNBC, 2009)</p> <p>In the present crisis, the red shirt group has come together again</p>
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	<p>than representatives of their opposition, poor people from rural areas who do not even understand democracy well enough.</p> <p>Accordingly, they believe that the best solution for the country would be the removal of the Shinawatra government and altering the nation's political system in such a way that the Thaksin faction – representing the majority of Thais – cannot return to power.</p> <p>Should their plan come to fruition, democracy in Thailand would come to a dead stop.</p>	<p>to fighting the PDRC as the continuation of their previous anti-democratic opposition, the yellow shirt group or PAD.</p> <p>Conflict erupted on the earlier voting day of 1<sup>st</sup> February 2014. A number of people died and others were injured by gunfire and armed people, both in the PDRC rally and the red shirts group. (BBC, 2014)</p> <p>In general, the current conflict is primarily fueled by the PDRC's invective, further splitting the country and worsening the stateness problem.</p> <p>For example, the PDRC accuses their opposition of not being loyal to the king or even stupid. As a result of this, despite the Asia Foundation survey's findings among the rally participants, political tolerance in Thailand has decreased as friendships were canceled over differing political beliefs.</p> <p>Some of this propaganda has proven dangerous to Thailand's democracy as voting is seen as a betrayal of the country by the conservative side. Furthermore, a fashion has been started, particularly in Bangkok and the upper south, to have a picnic on election day rather than voting.</p>
<p><b>3. What is the purpose &amp; goal of each group?</b></p>	<p>Suthep and the PDRC wish to set up their appointed government or people's council by ousting the government of Yingluck even after the announcement of a snap</p>	<p>While both groups seek to ensure the election takes place as intended and that the Yingluck government remain as a caretaker administration until then, according to the constitution and democracy,</p>

	<p>election.</p> <p>To that end, the PDRC along with the conservative power group have worked hard to prevent the planned elections and engineer a political vacuum which would allow them to step in. Among other tactics, laws were misinterpreted to attack the government's failure in their populist rice subsidy. This has grown into a critical problem for the country, as dissatisfied farmers expect the government to repay them.</p>	<p>they are less united in other respects.</p> <p>Some people only participate in the demonstrations to show their support for democracy but are not clear on which candidate to favor. Others are clearly in support of the Pheu Thai Party. Yet others are mostly driven by opposing the PDRC as an anti-democratic force.</p> <p>The result of this election shows that indeed most of the Thai people require elections as the basis of a democratic regime. There are 93,952 constituencies, and 83,668 of them saw successful voting take place. 59 out of 77 provinces had no problems with voting. The remaining 8 provinces could only implement polls in some constituencies, while the other 9 provinces in the south had not been able to vote at all. 4,826 people informed the police that they cannot go to vote. No one was killed or injured on the election day. Therefore, participation in voting in percent reached 89.23% in the entire country and 92.59% in Bangkok. (Thai PBS, 2014)</p> <p>Of particular note is how active voting was in the three restive southern provinces, as Narathiwat, Pattani and Yala had voting ratios of 100%, 87% and 99.31%, respectively. (MCOT, 2014) This proves the success of elections even in these critical areas.</p> <p>Therefore, it can be concluded that the Thai people need democracy and feel possessive about their rights and freedoms.</p>
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		<p>Yet the crisis is not over, as the PDRC continues to pursue its strategy of removing the caretaker Yingluck government. Especially in concert with their allies among the independent government agencies, they are trying to render the successful election of 2<sup>nd</sup> February 2014 invalid while charging the outgoing administration with corruption. They expect that successful lawsuits will lead to a political vacuum, allowing them to install their people's council.</p>
<p><b>4. What is the legal basis for their behavior?</b></p>	<p>Suthep and the PDRC have the right to present their political opinions according to Article 63 of the Constitution of 2007, but their protest must be peaceful and not attempt regime change, as they have done.</p>	<p>Article 63 of the constitution of 2007 allows freedom to assemble peacefully to all the people of the country without bearing arms.</p> <p>Article 72 also assigns to every citizen the duty to exercise his or her right to vote at an election.</p>
<p><b>5. How do they infringe on the law?</b></p>	<p>First, the PDRC are responsible for violent clashes and attacking anyone who stands against them, e.g. their block of candidacy registration offices saw the death of one police officer.</p> <p>Their guards are armed and injure police and political opponents, they prevent people from voting on the early voting day, they close government offices, ministries, city halls in Bangkok and some provinces in Thailand or cut these places' water and electricity supplies – also affecting nearby unaffiliated</p>	<p>The democratic support group, as seen, have tried to use their liberty to assemble peacefully.</p> <p>Nevertheless, while the red shirts group had set themselves the goal of peaceful, successful elections, they were still involved in violence especially in the critical areas prone to election-related violence, such as Nonthaburi, Pathum Thani, Samut Prakan, Chiang Mai, Udon Thani and Khon Kaen.</p> <p>In the fighting between the PDRC and the red shirts group prior to election day in Laksi</p>

	<p>homes.</p> <p>Second, they are guilty of hate speech, in particular denigrating PM Yingluck because of her gender.</p> <p>Third, their anti-democratic ideas are underlined by their goal of establishing an unelected government, contrary to constitution of 2007 clearly calling for an elected government and the prime minister being elected by the equally elected parliament.</p> <p>Fourth, they have caused a divide among the Thai people, distinguishing between good people (the so-called “Kon-Dee,” i.e. the followers of the PDRC) and bad people (the so-called “Kon-Lew,” i.e. everyone who disagrees with them). Another distinction made here is using “we” to describe the people from Bangkok and the big cities – well-educated, rich and proper to govern the country -, while “they” are the poor people from rural areas who do not understand democracy. This has led to a split society, nursing feelings of hatred towards another and particular the enemy group.</p>	<p>district, 9 people were wounded, 2 seriously injured. (Bangkok Post, 2014)</p> <p>An anti-government protest leader was killed earlier, on Sunday, 26<sup>th</sup> of January 2014, with the red shirts group suspected as culprits. He was shot while leading a blockage at an advance polling station in Bang Na district. (The Nation, 2014)</p>
<p><b>6. What would happen in Thailand if each group can fulfill their goal?</b></p>	<p>Thailand's democracy would be in regression and come to a full stop since an unelected government would be in charge.</p> <p>Political power would then be out of the hands of ordinary people, without any plans for future elections. A change of the</p>	<p>Even after the successful election with a turnout of 89.23%, it is not certain that the country will return to the framework of democracy.</p> <p>The reason for this is the ongoing power struggle, as evidenced by the PDRC</p>

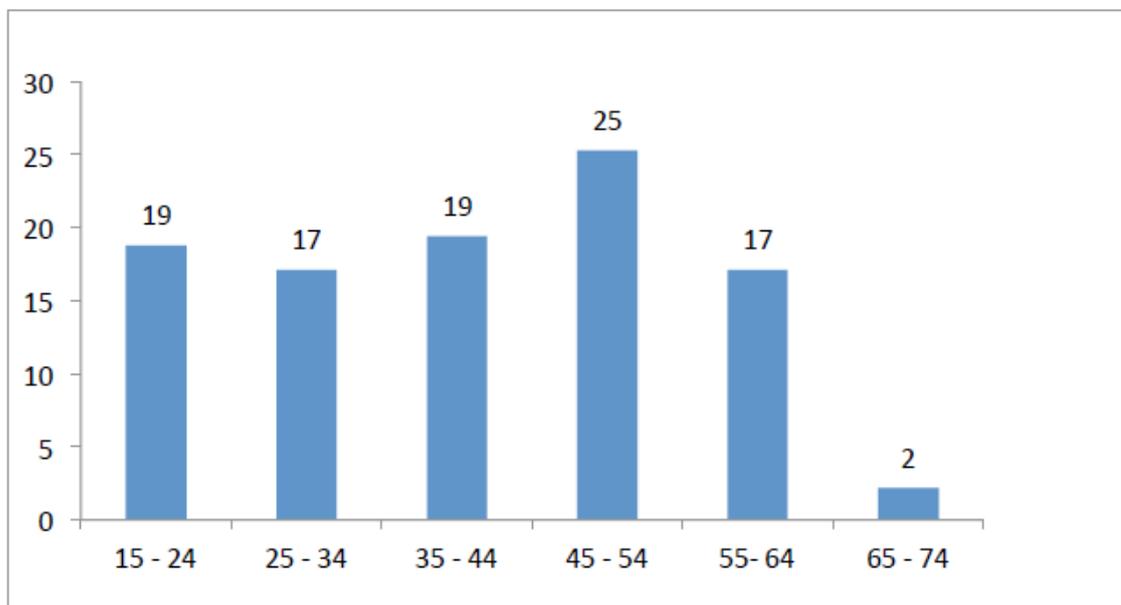
	<p>political system seems likely, as well as purges of opposition representatives. This might lead to a civil war and further turmoil in the country.</p>	<p>announcing continued protests and shutdowns of every government office in Bangkok and the country. Judicial processes have been initiated to annul the election and remove the Yingluck administration, in particular over the rice subsidy.</p> <p>Should the PDRC relinquish their goals and seek reconciliation, the situation would show more hope as negotiations would be far better to the country than conflict.</p> <p>Yet negotiations must be accompanied by willingness to compromise, on both sides. Only then can they hope to find sustainable answers to the country's troubles.</p> <p>Unfortunately, the chances for such negotiations seem low, because of the unconciliatory attitude of the PDRC. While offering public talks with Yingluck on the one hand, they also demanded her immediate resignation after such negotiations, apparently whatever the outcome.</p> <p>It seems likely that the PDRC is still banking on their alternative options, such as a silent coup, succeeding.</p> <p>There does not seem to be much hope for Thailand's democracy at the moment, unless the people were to unite in its support. But with the populace as fragmented as it is as the moment, the stateness problem weighing as heavily as it does, that does not seem a likely outcome.</p>
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The author has found that the comparison of the PDRC with the democratic support group can benefit from finding a clear answer to the question: “*Why is the PDRC and its ideology so dangerous for a democratic regime in Thailand?*” This might also be of use in finding an overall situation to the dilemma, highlighting critical aspects. For that reason, this section includes a statistic survey by The Asia Foundation. The empirical survey aims to learn more about “*Who the PDRC really are, what are the PDRC’s political attitudes.*”

The Asia Foundation conducted this survey on January 13-14, 2014, following the launch of the PDRC’s “Bangkok Shutdown” campaign. The aim of the short survey was two-fold: (1) To learn about the demographic composition of the largest PDRC gathering; and (2) to probe the perspectives of PDRC activists on a series of questionnaires related to the current tensions, the February 2, 2014, election, and related issues. The methodology used for this survey was to use a short questionnaire with a small team of survey supervisors and 14 enumerators (two per location) developed to administer the survey. The survey employed a purposive sampling methodology and aimed to interview 350 respondents (50 per location) in all seven of the PDRC rally locations around Bangkok, including the Silom Road-Lumpini Park intersection, Ratchaprasong intersection, Pathumwan intersection, Phetchaburi-Asok intersection, Victory Monument, Ladprao intersection, and the government complex at Chaeng Wattana. (Asia Foundation, 2014)

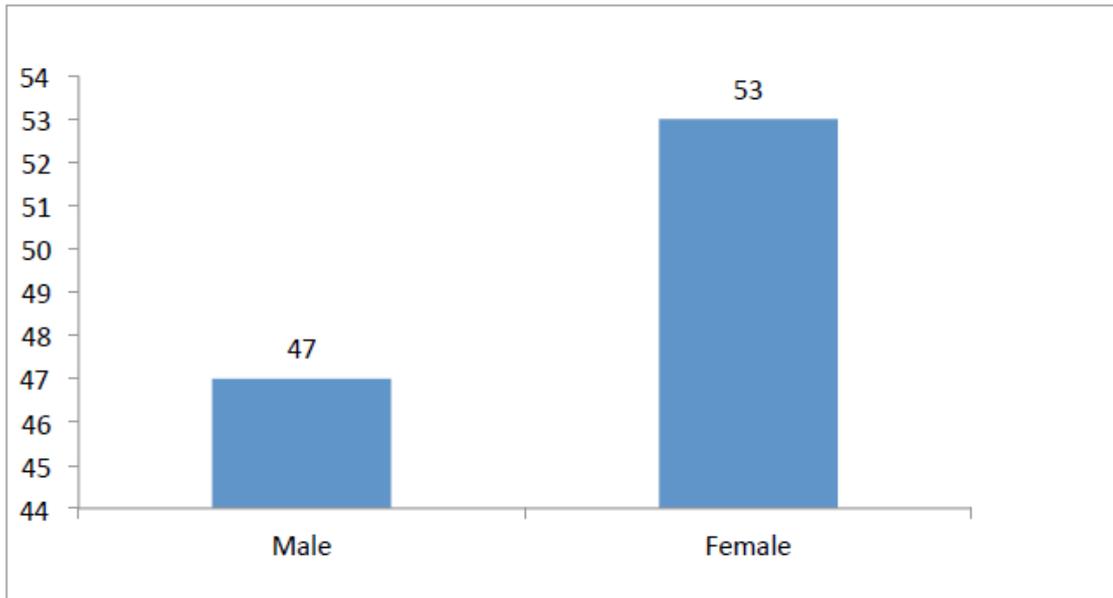
## DEMOGRAPHICS

### Age of Respondents



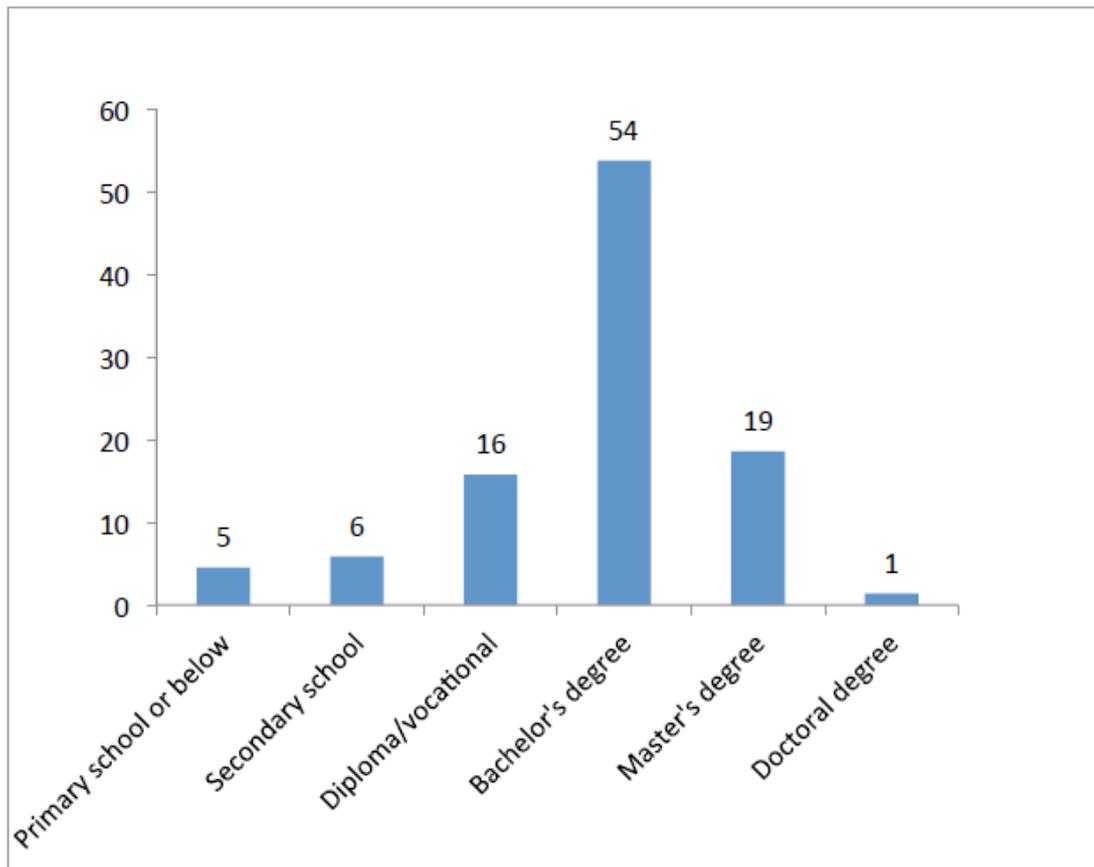
The age group represented in the largest numbers among the respondents were those 45 to 54 years of age (25%), followed by those aged 35 to 44 (19%), 15 to 24 (19%), and 25 to 34 and 55 to 64 (17%, respectively).

**Gender**



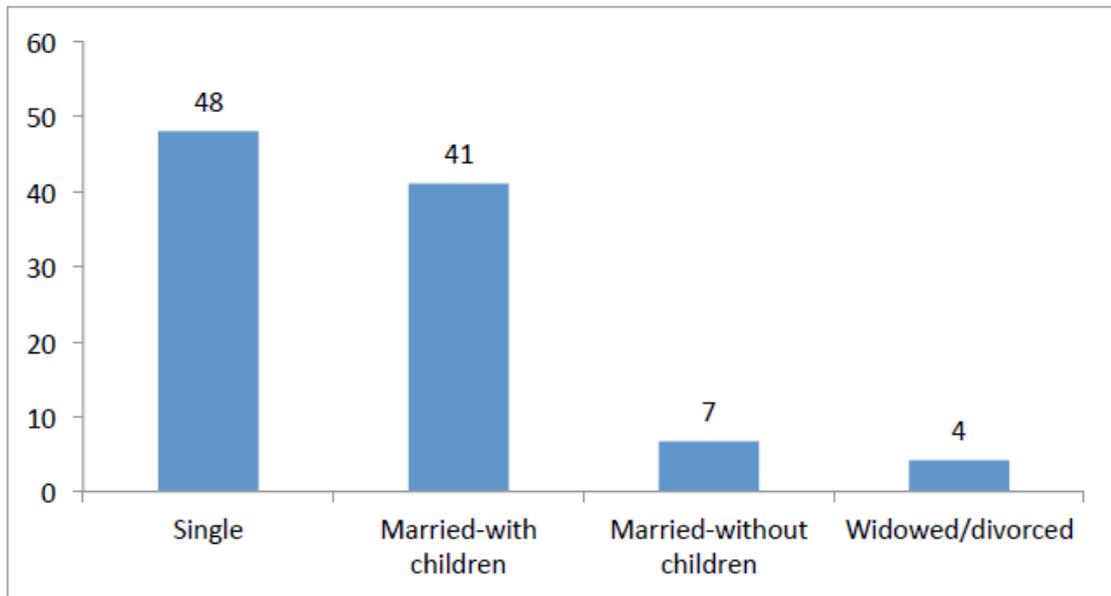
Among respondents, female demonstrators (53%) slightly outnumbered their male counterparts (47%)

**Highest Education**



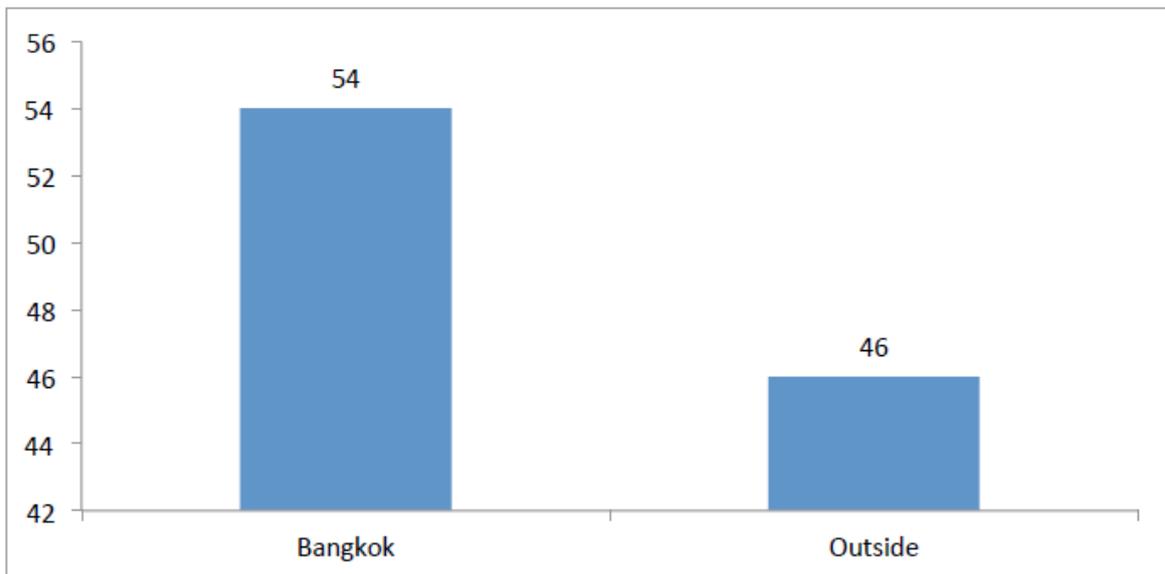
Nearly three quarters of respondents (74%) were university graduates, with 54% holding undergraduate (bachelor) degrees, 19% graduate degrees, and 1% doctoral degrees. Only 11% of respondents held secondary degrees or lower.

**Marital Status**



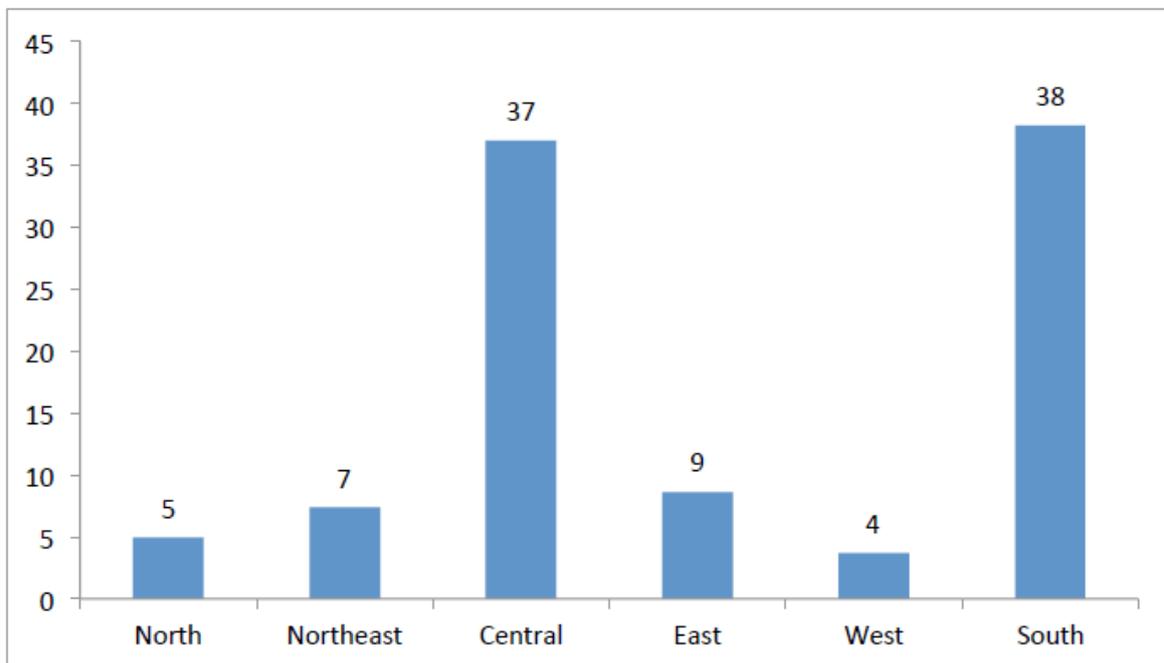
The largest percentage of respondents (48%) were single, followed by 41% married with children.

**Geographic Residence**



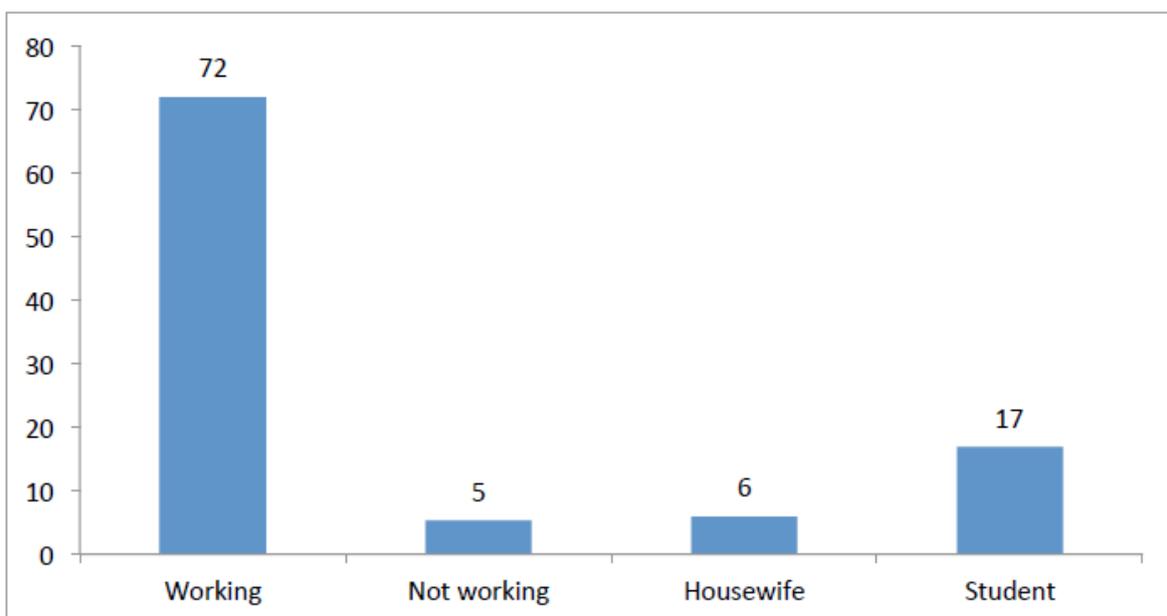
54% of respondents lived in Bangkok, with the other 46% hailing from communities and regions outside the capital.

**Geographic Region (Non-Bangkok Residents)**



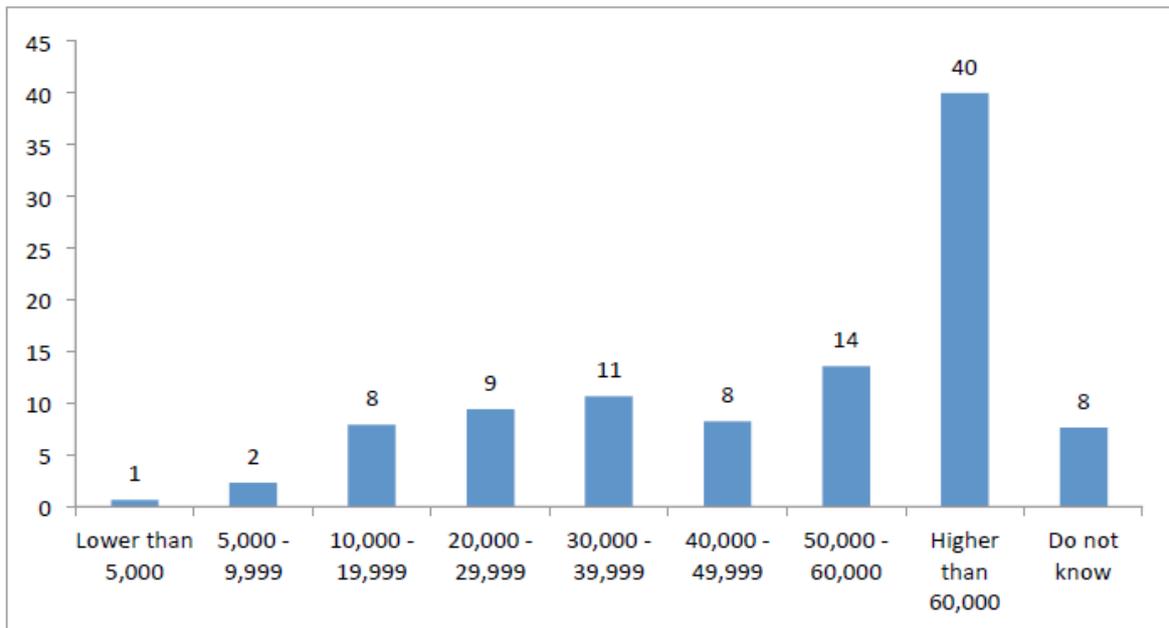
Among respondents who were not residents of Bangkok, 38% hailed from the south, while 37% were from the central Region. The other regions of the country were represented in smaller numbers (4% west; 5% north, 7% northeast, and 9% east).

**Employment Status**



72% of respondents were employed, while 6% were housewives and 17% students. Just 5% were unemployed. Respondents were also asked to provide their specific occupation. The margin of error rendered results for certain occupations statistically irrelevant. 17% were sales or office workers, while 16%, respectively, were small business owners or government workers and 13% were independent business owners. 8% of employed respondents were farmers or tenant farm laborers, while just 1% were non-skilled laborers.

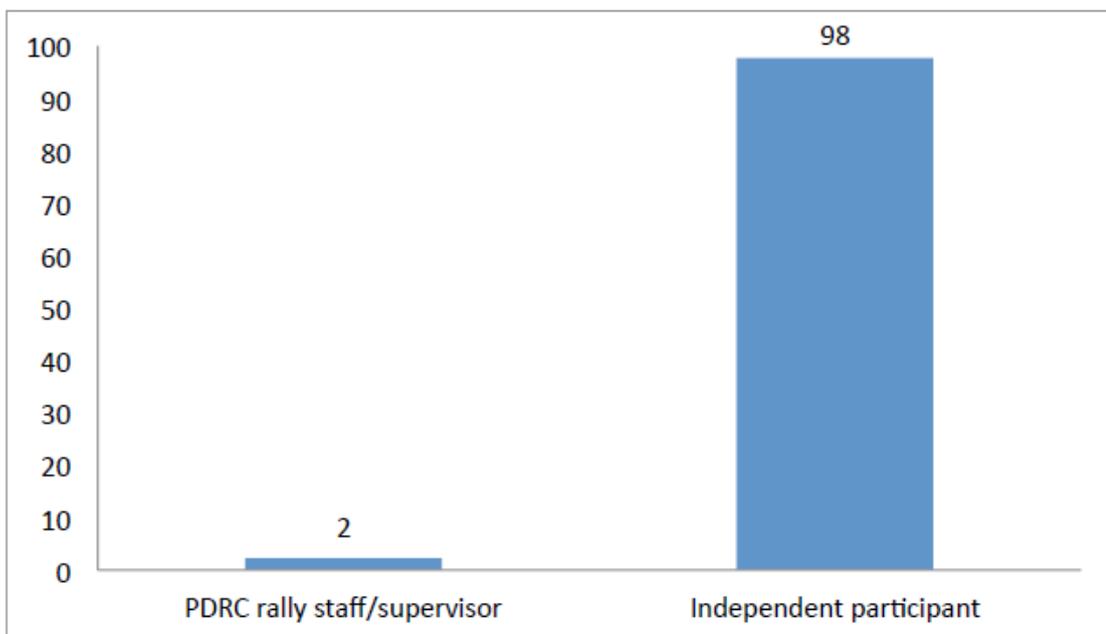
**Monthly Household Income**



The largest percentage of respondents (40%) had incomes higher than 60,000 baht (+\$1,930) per month, while 50% earned between 10,000 baht (\$320) and 60,000 baht (\$1,930). Just 3% of respondents had incomes of less than 10,000 baht (\$320) per month.

**PARTICIPATION IN DEMONSTRATIONS**

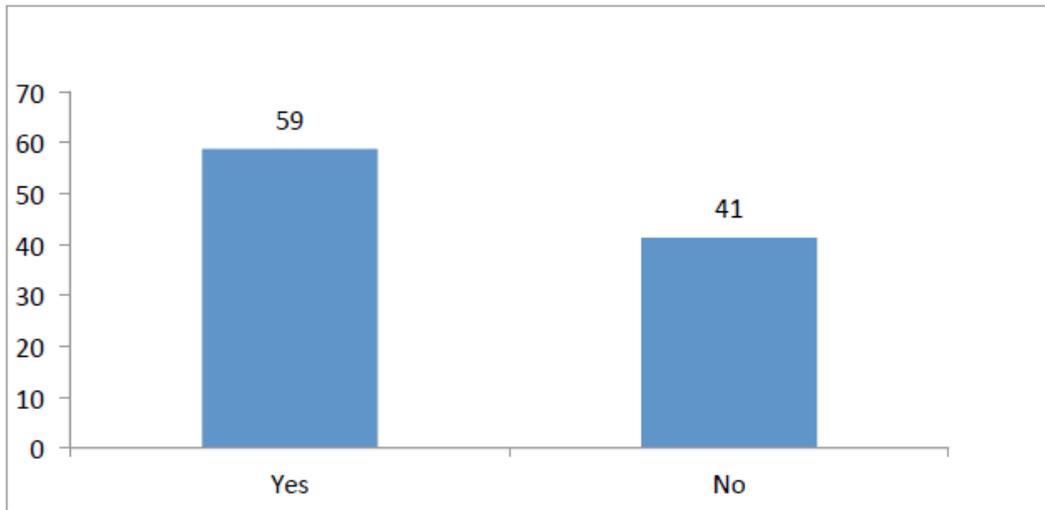
**Status of Respondents**



The vast majority (98%) of respondents surveyed participated in the PDRC-organized Bangkok shutdown campaign in an independent personal capacity, with just 2% engaged as PDRC rally staff or supervisors.

**Financial Contributions**

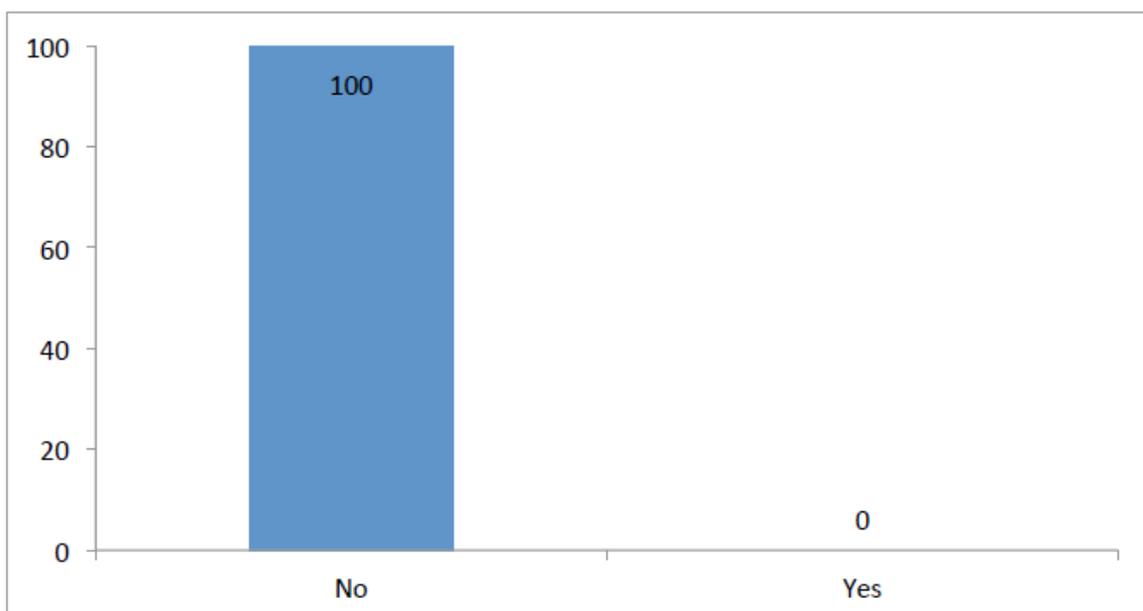
*Do you pay membership fees or dues or voluntary contributions to a common pool of funds to support the activities of the group?*



59% of respondents reported that they pay membership fees or dues or voluntary contributions to a common pool of funds to support the activities of the anti-government protest groups, versus 41% of respondents who do not.

**Financial Incentives**

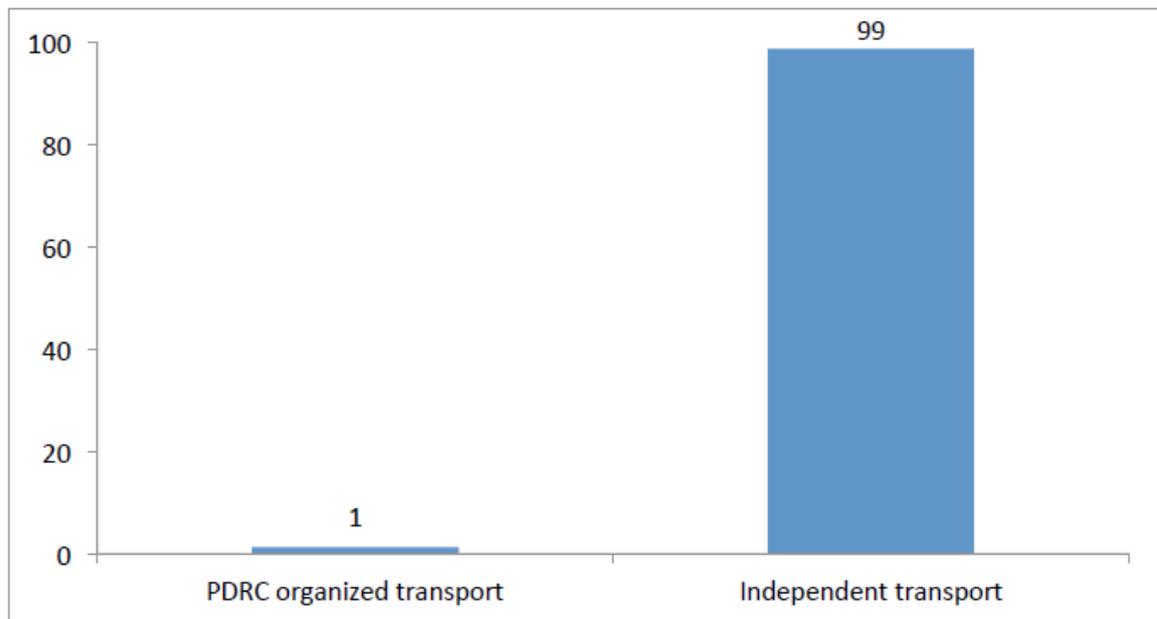
*Did you receive a financial incentive to attend today's rally?*



All respondents claimed that they did not receive any financial incentives to participate in the Bangkok shutdown campaign.

### Mode of Travel to Demonstration Site

Did the group organize transport or did you come here on your own?

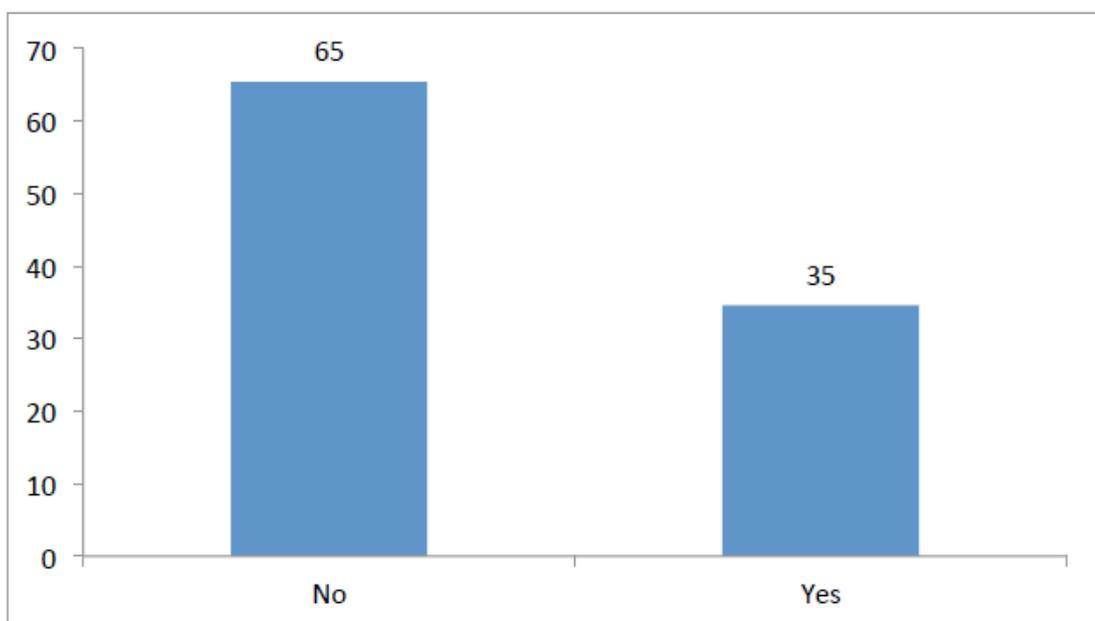


99% of respondents reported that they made their own way to the demonstration sites, while only 1% availed themselves of transportation organized by PDRC.

### PRIOR PARTICIPATION AND PRESENT MOTIVATION

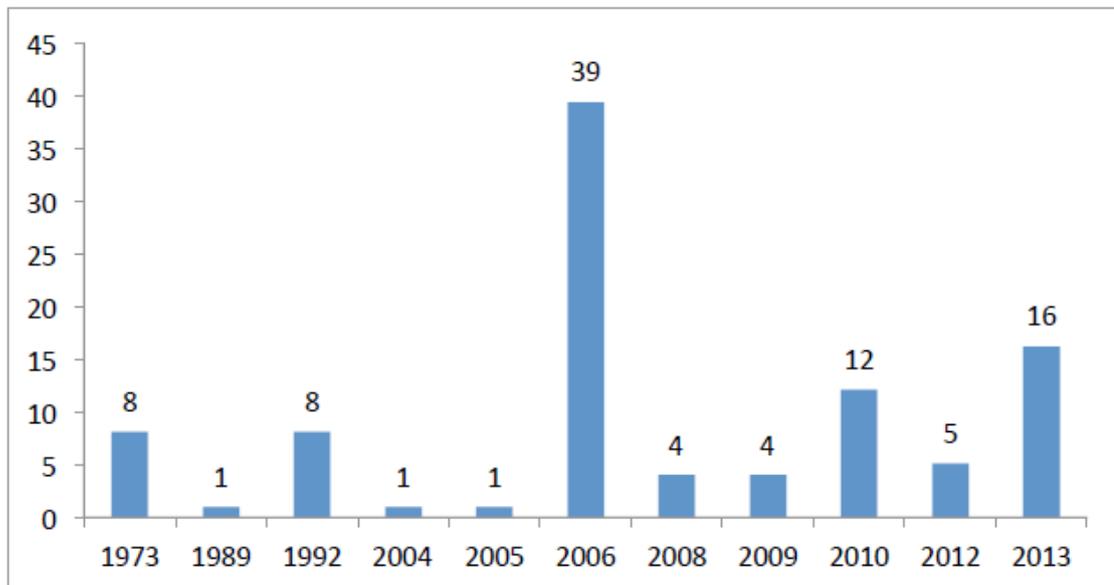
#### Past Attendance in Political Demonstrations

Have you attended any political demonstrations prior to October 2013?



35% of respondents had attended political demonstrations prior to October 2013 (the start of the present political tensions), while 65% had not.

*If yes, when was the last time?*

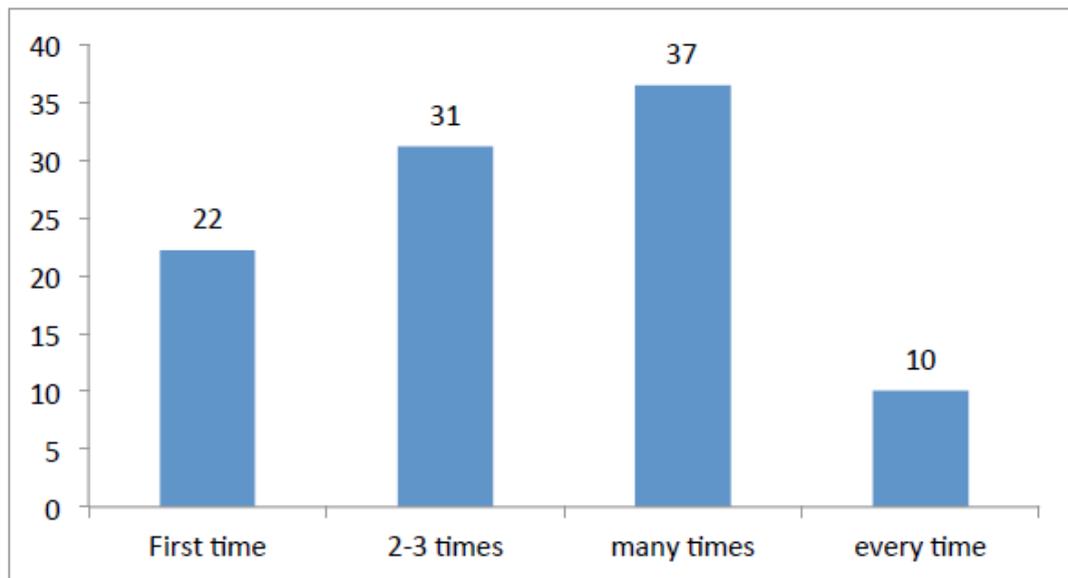


Among respondents who had attended political demonstrations prior to October 2013, 16% had last participated in demonstrations in 2013, while 12% had last participated in 2010, 39% in 2006, 8% in 1992, and 8% in 1973<sup>3</sup>.

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<sup>3</sup> In the popular uprising of October 14, 1973, a student movement centered on Thammasat University, toppled the ruling military dictatorship of Thanom Kittikachorn and ushered in a 3-year period of more open democratic expression in Thailand. This period came to an abrupt end on October 6, 1976, when students protecting Thanom's return from exile were massacred on the Thammasat University campus and in Sanam Luang. The Black May protests of 1992 against the appointment of General Suchinda Khraprayun as Prime Minister and the continuing predominance of the military in Thai politics culminated in a violent crackdown by security forces, with scores killed and hundreds injured. In 2006, the People's Alliance for Democracy (PAD) mounted huge protests against Prime Minister Thaksin Shinawatra, accusing him of corruption and abuse of power. These demonstrations ultimately culminated in a military coup that ousted Thaksin. In 2010, a two-month standoff between anti-government protestors and the Democrat party-led government of Prime Minister Abhisit Vejjajiva escalated into violent confrontations between protestors and the military and culminated in a military crackdown on protestors that left 92 dead. In response, protestors set fire to a number of downtown buildings, including two large shopping centers, and the Stock Exchange. (The Asia Foundation, 2014)

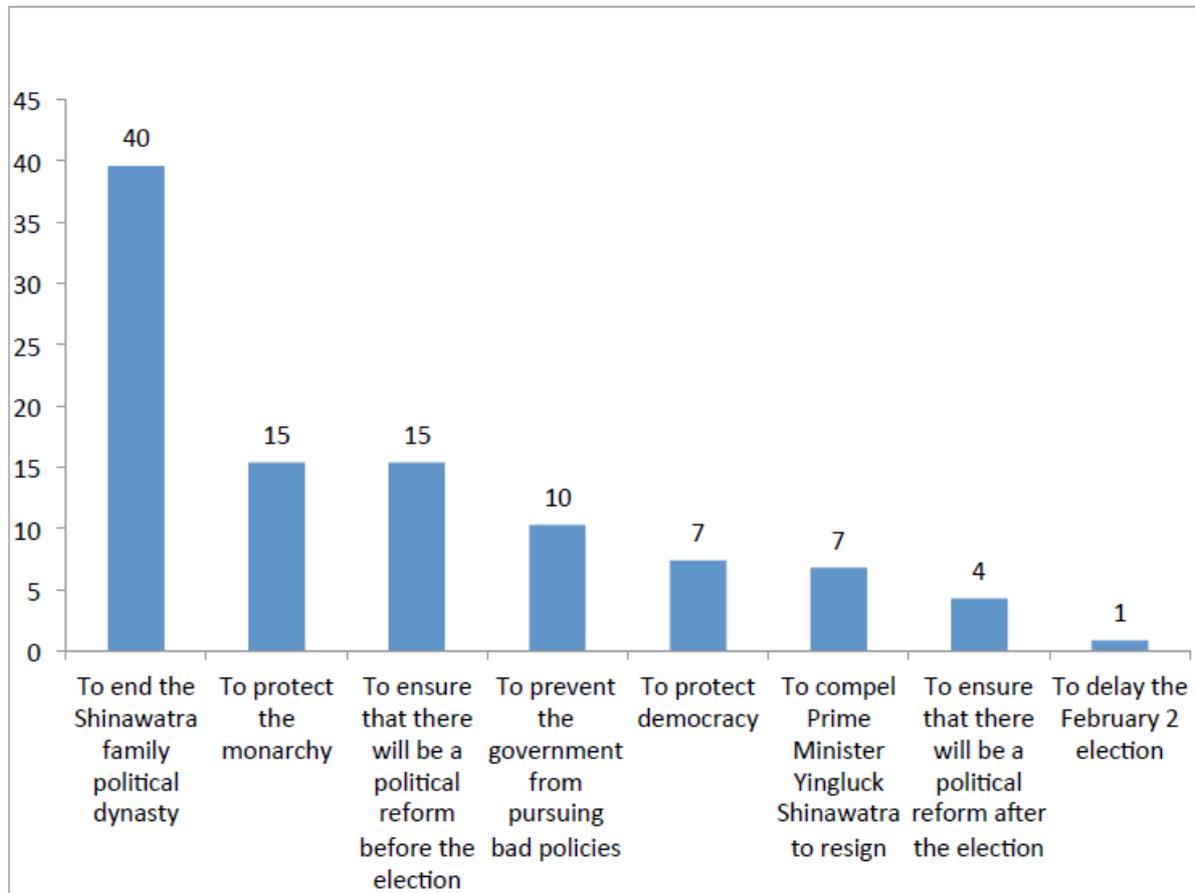
**How many times have you taken part in demonstrations since October 2013?**



Among respondents who had taken part in political demonstrations since October 2013, 22% reported that the Bangkok shutdown campaign was the first political demonstration in which they had participated. 31% indicated that they had participated in 2 to 3 demonstrations previously, while 37% had participated in many and 10% had participated in all demonstrations.

**Motivation in Attending Political Demonstration**

What issue motivated you to attend today's demonstration?

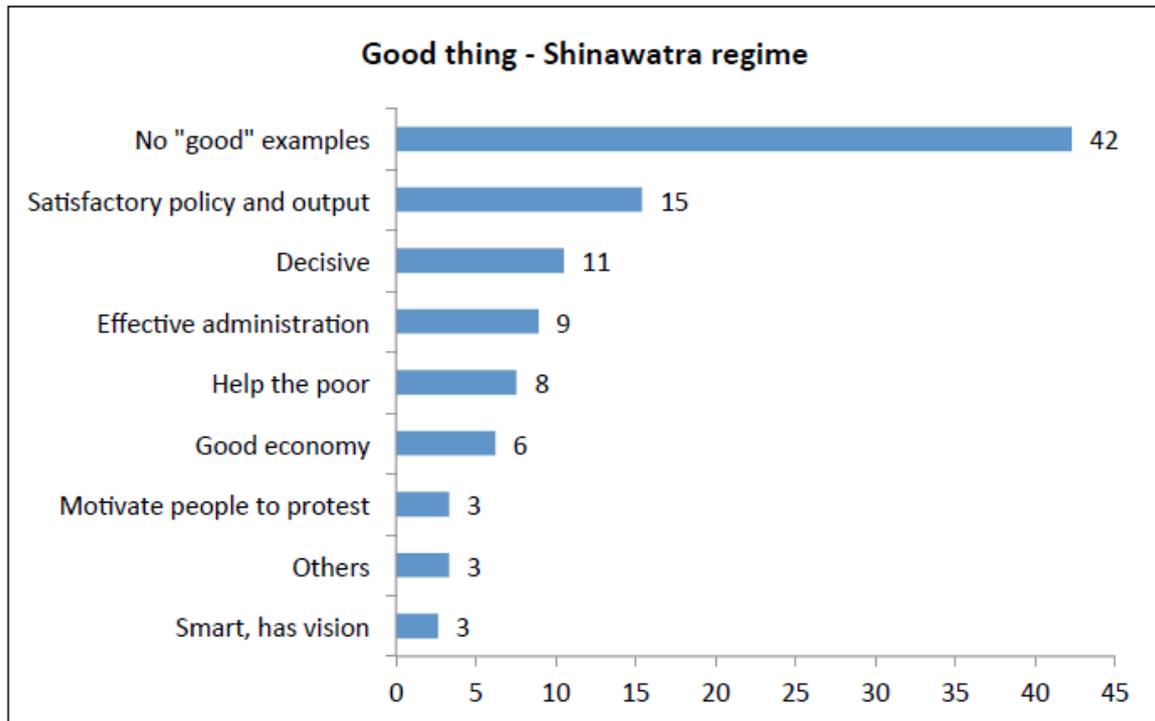


40% of respondents indicated that their participation in the Bangkok shutdown campaign was motivated by the goal of *ending the political dynasty of the Shinawatra family*, while 15%, respectively, reported that they were motivated by *protecting the monarchy* or *ensuring that political reform measures would be taken prior to the parliamentary election held on February 2, 2014*. 10% were motivated by *preventing the government from pursuing bad policies*, while 7% reported that they were motivated by the *need to protect democracy*. 4% were motivated by *ensuring that political reform would follow the February 2<sup>nd</sup> election*, while 1% aimed to *delay the February 2 election*.

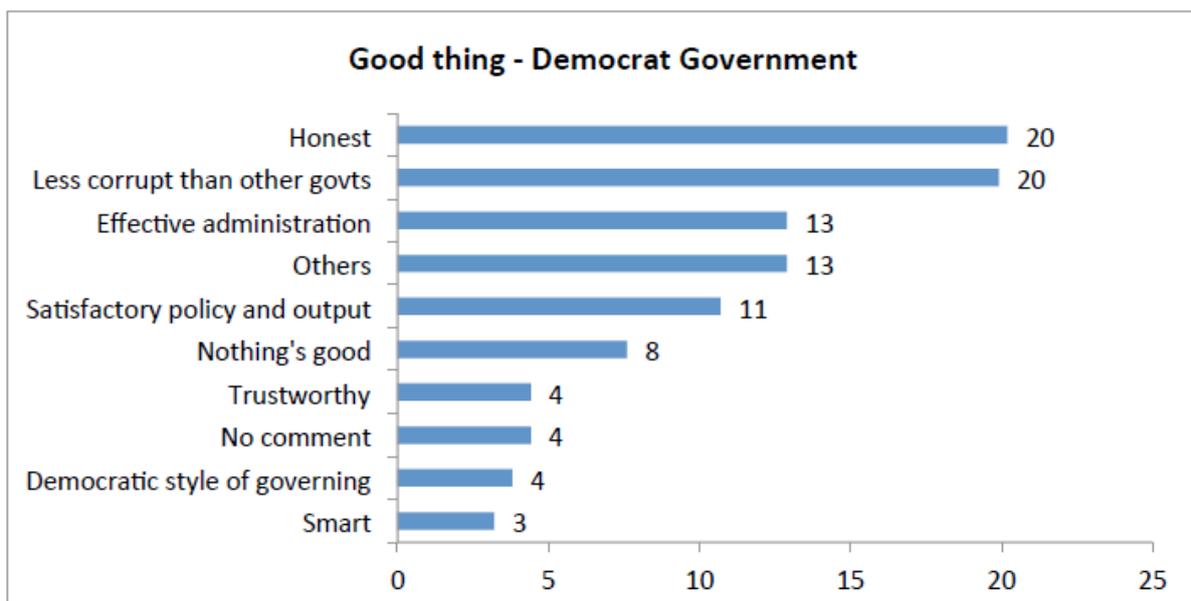
**PERSPECTIVES ON PRIOR POLITICAL REGIMES**

**Positive and Negative Elements of Past Political Regimes**

When you think about the Shinawatra regime and the previous Democrat government, what is the first "good" and "bad" thing that comes to mind?

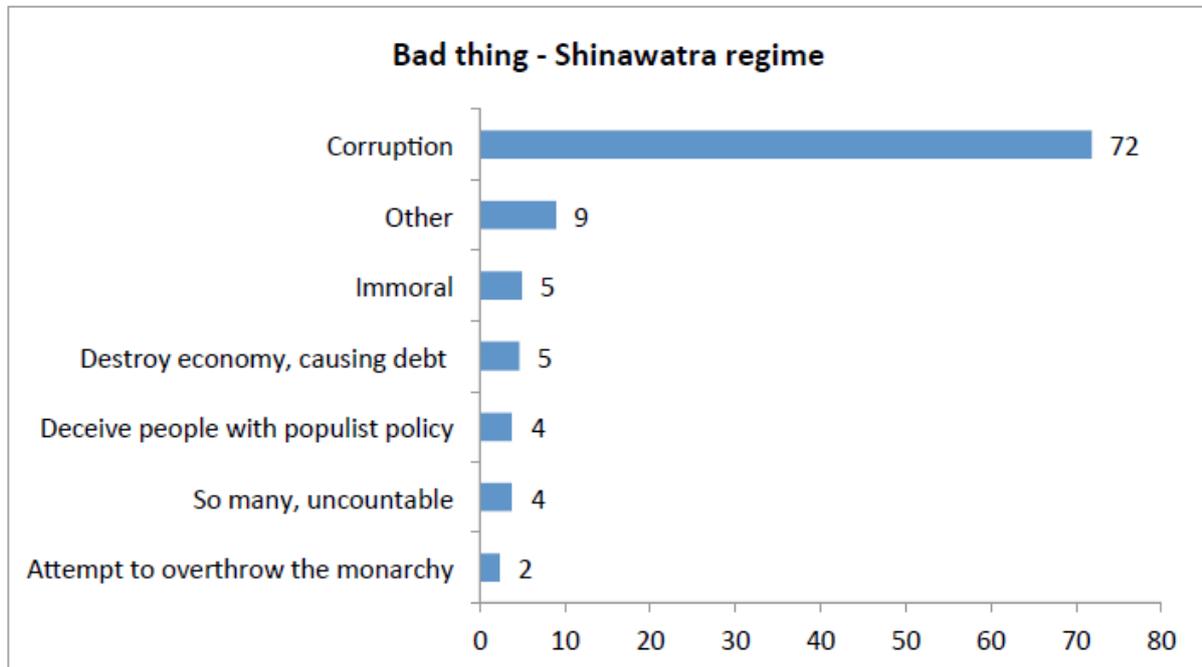


While 42% of respondent reported that they could not cite an example of something "good" associated with the Shinawatra regime, 58% could cite at least one positive example. 15% cited that satisfactory policy and other outputs of the Shinawatra regime, while 11% and 9%, respectively, cited decisive leadership and effective administration.

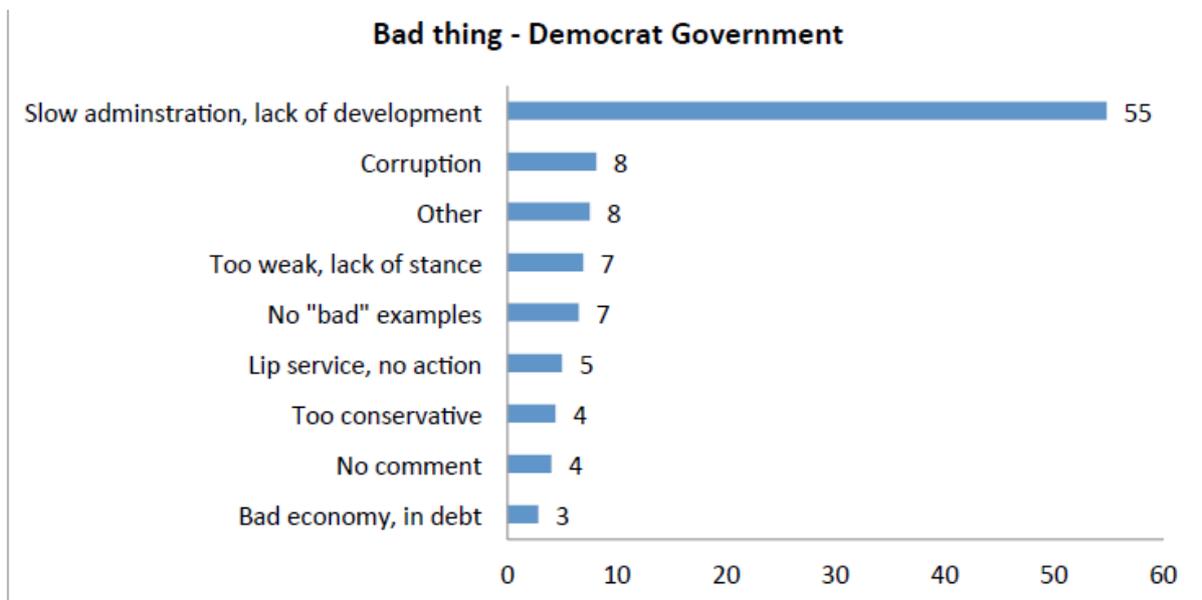


In reflecting on the previous Democrat administration (2008 to 2011), respondents cited honesty (20%), less corruption than other governments (20%), effective administration (13% versus 9% in the case of respondents' reflections on the Shinawatra regime),

and satisfactory policy and other governance outputs (11% versus 13% in the case of respondents' reflection on the Shinawatra regime). However, 8% said there was nothing good, and an additional 4% had no comment.



In reflecting on the negative aspects of the Shinawatra regime, 72% of respondents cited corruption, while 5% cited immoral behavior.

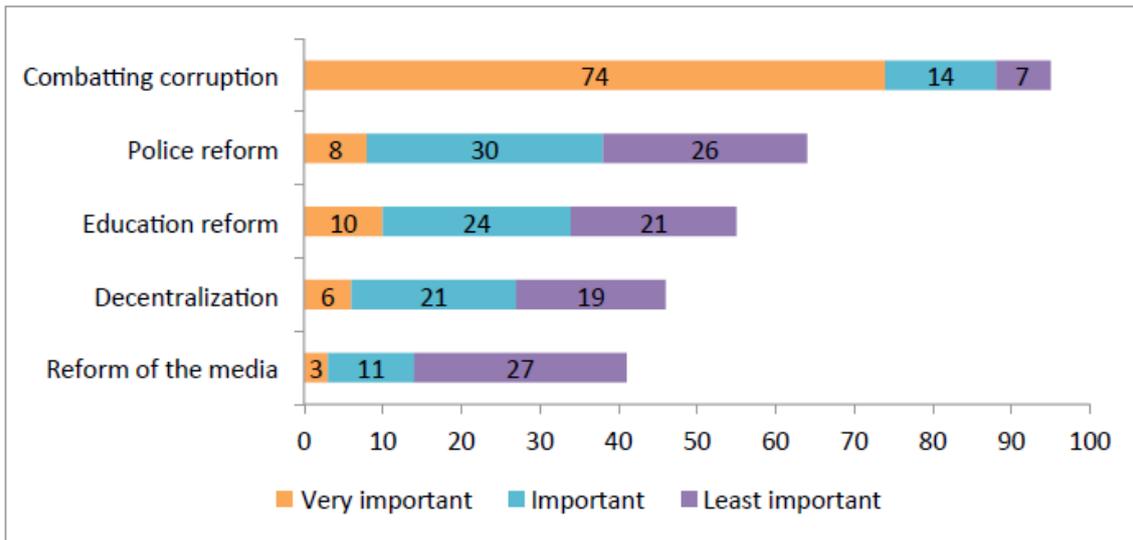


With respect to negative aspects of the previous Democrat administration, the largest percentage of respondents cited the impact of slow administration on national development (55%). They also cited corruption (8%) and weakness in assuming a bold stance on key issues (7%).

**PDRC REFORM AGENDA**

**Prioritizing Issues in the Proposed PDRC Reform Agenda**

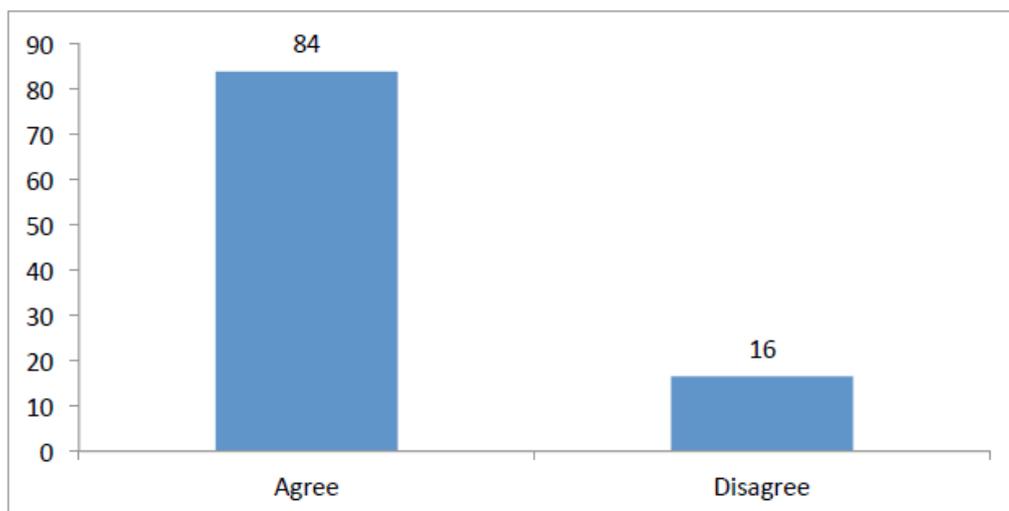
Among the issues included in the reform agenda proposed by PDRC, how do you rank them in importance—very important; important; least important.



Among the issues in the 5 point reform agenda proposed by PDRC, combating corruption ranked first in priority, with 74% of respondents ranking it first, 14% second, and 7% third. It was followed by police reform, with 8% of respondents ranking it first, 30% second, and 26% third. Education reform and decentralization ranked third and fourth in priority, with media reform ranked last.

**Composition of the PDRC-Proposed People's Council**

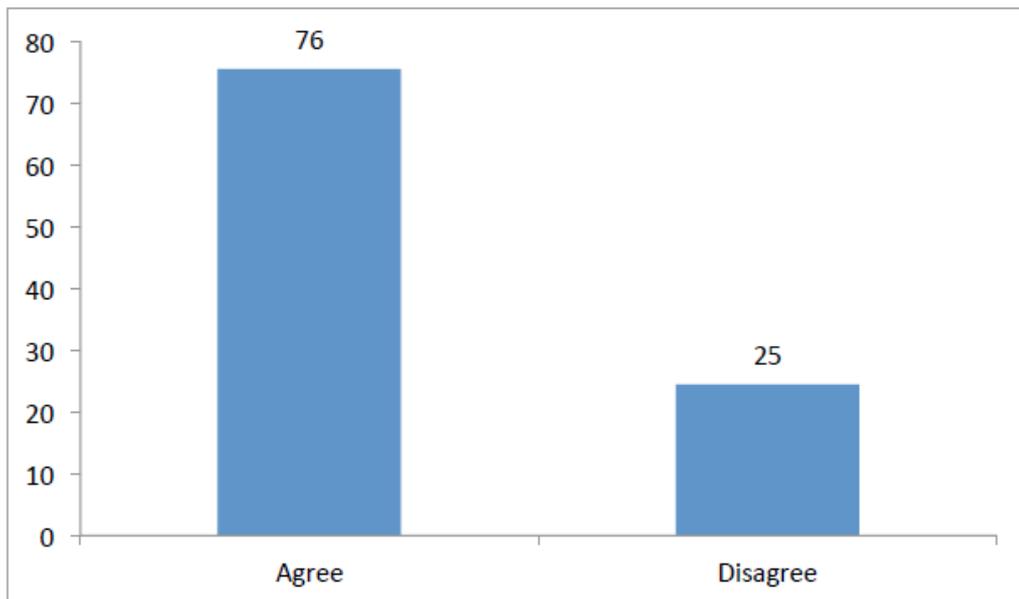
PDRC has called for a "People's Council" to take the place of elected government and preside over a reform process. Some people say that People's Council should include fair representation of all sectors, including those with opposing political views. Do you agree with this statement?



The majority of respondents (84%) agreed that the PDRC-proposed people's council should include fair representation of all sectors, including those with opposing political views.

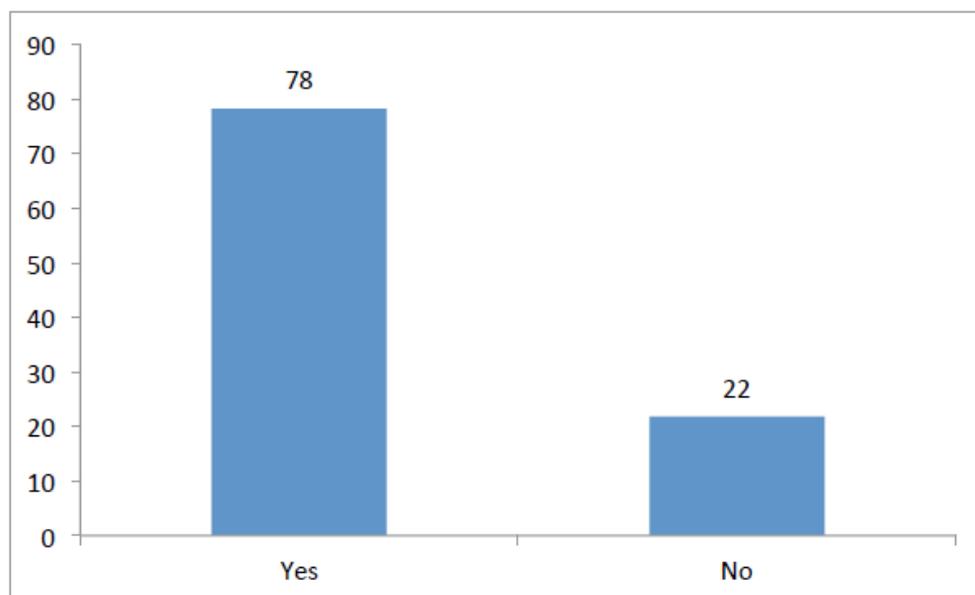
**Formal Commitment to a Reform Mandate**

*Some people say that there should be a legislation (such as a Royal Decree) to guarantee that any party winning the next [February 2, 2014] election must be obliged by it to have reform mandate. Do you agree with this statement?*



Three quarters of respondents (76%) agreed that a formal measure should be taken to guarantee that any party winning the [February 2] election would be bound to follow a reform mandate.

*If the winner of the next [February 2, 2014] election was legally required [by royal decree or other formal mechanism] to initiate a national [democratic; political] reform process, would this lead you to abandon the present political demonstrations?*

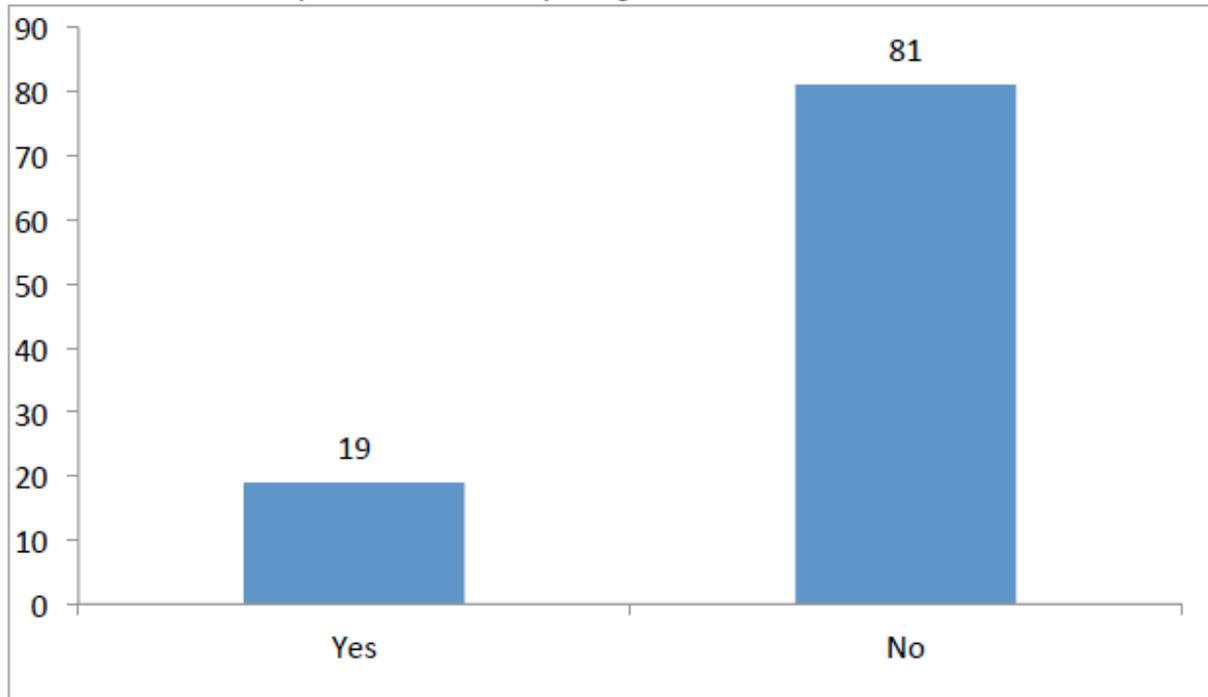


78% of respondents indicated that a legal obligation on the part of the next elected government to initiate a national reform process would lead respondents to abandon the anti-government demonstration

## ELECTION

### Election Boycott

Some people say “the decision of some main political parties to boycott the [February 2, 2014] general election will weaken democracy in Thailand.” Do you agree with this statement?<sup>4</sup>



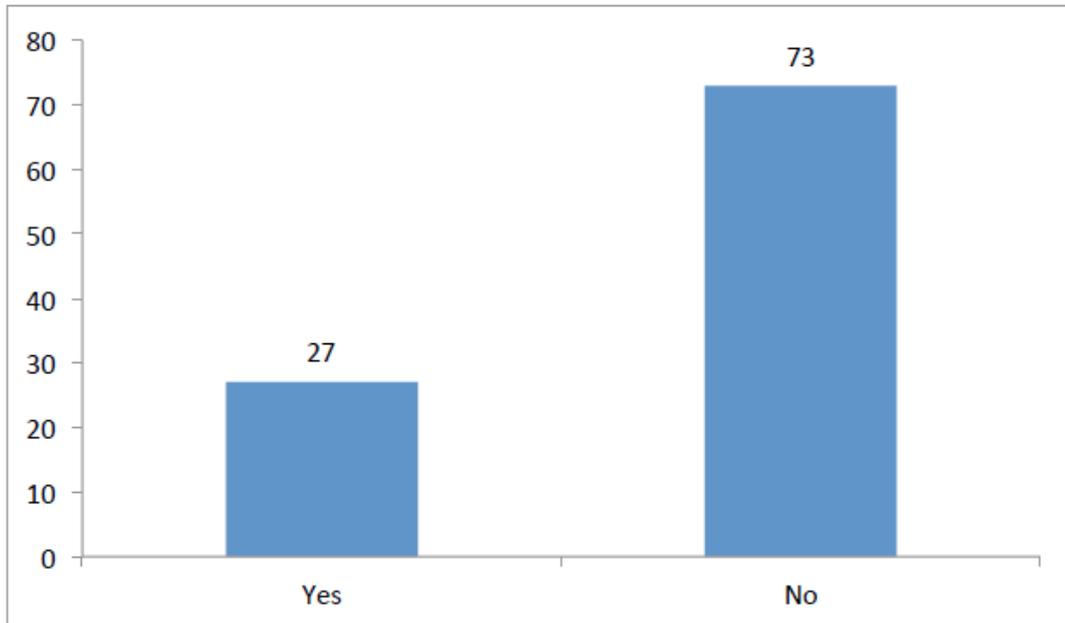
81% of respondents disagreed with the view that democracy in Thailand would be weakened by the decision of some political parties to boycott the [February 2, 2014] general election.

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<sup>4</sup> The Opposition Democrat Party announced its intention to boycott the February 2, 2014 election. (The Asia Foundation, 2014)

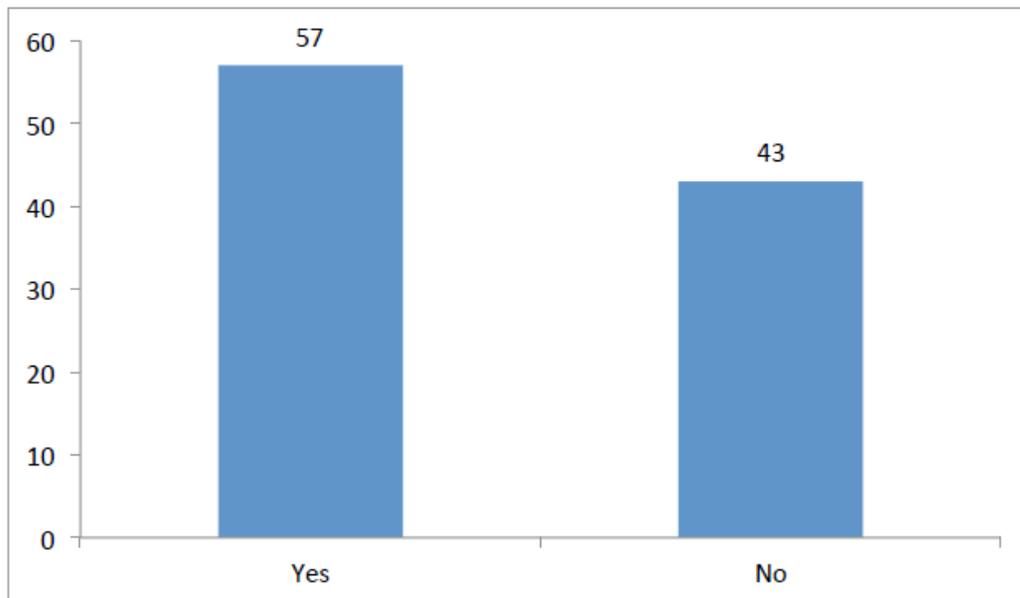
**Authoritarian Intervention**

*In your opinion, given the current political situation, is intervention or a coup by the military justified?*



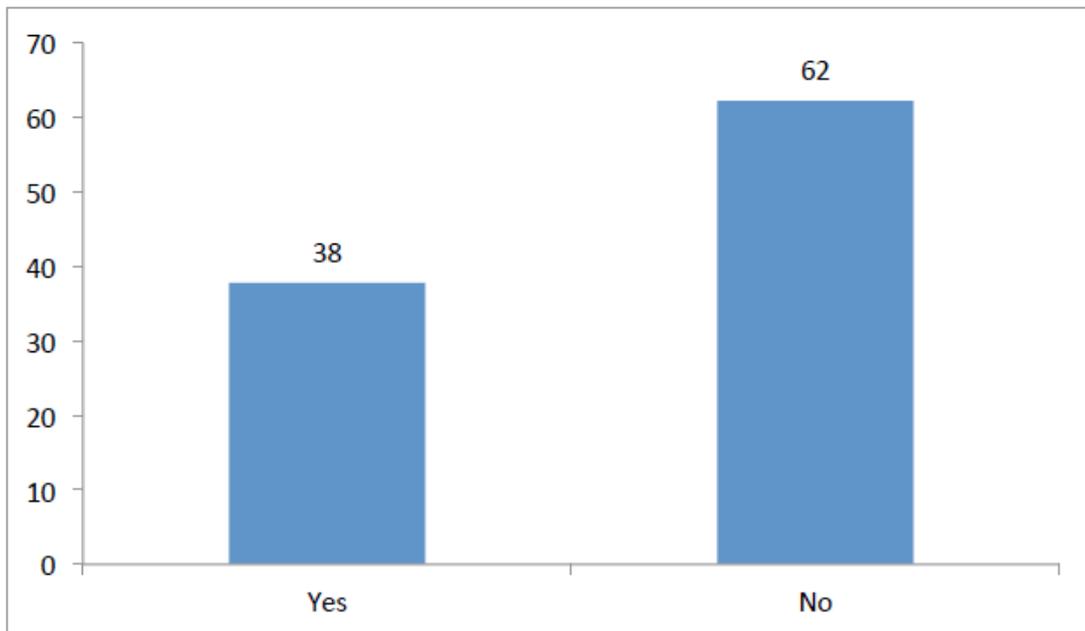
73% of respondents believed that military intervention is not justified in the current political situation, while 27% felt that it is.

*If the current political situation was to deteriorate to the point that violence occurs, would military intervention then be justified to prevent further violence?*



57% of respondents felt that military intervention would be justified if the political situation was to deteriorate to the point that violence occurred, in the interest of containing violence, while 43% disagreed.

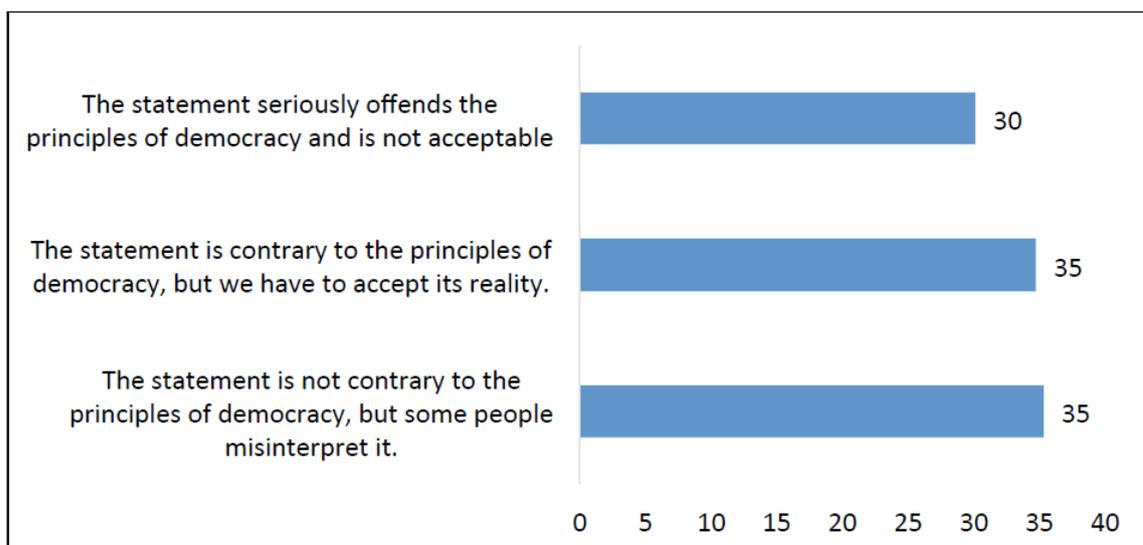
*Do you think that there are some situations where it is justifiable to use violence in order to achieve political objectives?*



While the majority of respondents (62%) rejected the notion that violence can be justified to achieve political objectives, over one third (38%) expressed support for the use of violence in some circumstances.

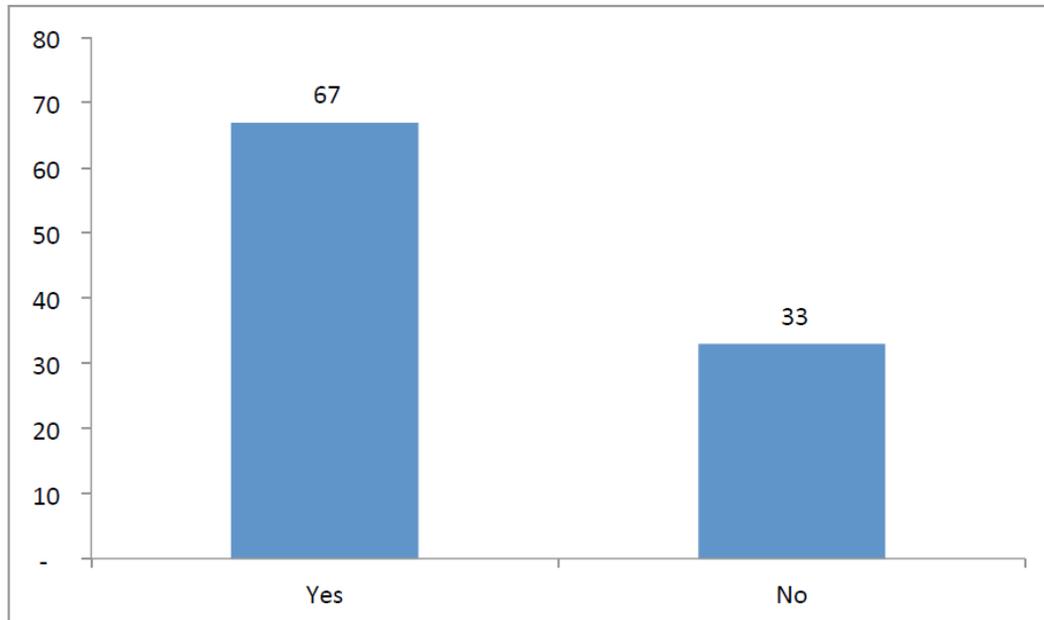
**Equal Voting Rights**

*Some Thais have suggested that "Thais are not yet ready for equal voting rights." Thinking about this statement, which of the following three options is closest to your view?*



Two thirds (65%) of respondents felt that the concept of apportioned voting rights is contrary to the principles of democracy, while one third (35%) felt that this was an acceptable reality. Slightly more than one third (35%) of respondents felt that this was not contradictory to the principles of democracy, but that it was misinterpreted in some quarters.

A survey of PDRC and Red Shirt demonstrators conducted on November 30, 2013, reported that both sides have similar views when asked "What does Democracy mean to you?" citing principles such as everyone has equal rights and freedoms, sovereignty belongs to the people, everyone does their duty, and no corruption. Considering these similarities, do you believe that you could reach a reasonable compromise solution with those who hold opposing political views in the present environment?



While two thirds (67%) of respondents felt that they could personally reach a compromise with those who hold opposing views on the nature of democracy in Thailand, a significant minority of one third (33%) did not agree.

## The Conclusion

### *Why are the PDRC and its ideology dangerous to democracy?*

1. Because one of the PDRC's methods is to generate a sense of "pride" and "being better" than their oppositions. This leads to Thai people discriminating each other regarding to which group they belong to.
2. Because the motivations for attending PDRC political demonstrations diverge from the democratic ideology.

It is not only a problem that the PDRC shows their belief in the inequality of the Thai people but also that they have a poor attitude towards human rights and democracy.

The largest percentage of the motivation is attributed to "To end the Shinawatra family political dynasty" (40%), a rather clearly anti-democratic notion which leads one to ask, "How does the PDRC try to end the Shinawatra dynasty?" If that answer would only include judicial methods and following the rule of law, the methodology at least would fit in well with a democratic structure. Yet not even corruption, as the most significant accusation, does not warrant hate speech or inciting violence, nor does it allow making use of (deformed) laws for political ends. In a democracy, human rights as well as the rights and freedoms of people in a country must be protected whatever or whoever they are.

The second motivation for attending political demonstration of PDRC sees two kinds of thinking. There are 15% for “*To protect the monarchy*” and 15% for “*To ensure that there will be a political reform before the election.*”

“*To protect the monarchy*”: There is actually nothing wrong with this sentence. Nevertheless, this attitude does not support democracy as the PDRC uses it to interpret its opponents as insufficiently patriotic to the king and the country. In that view, people who are not on the PDRC's side are likely to betray the monarchy and in the worst case may even split the country. Such problems influence the stateness problem that has already begun breaking down and seems likely to continue towards regression.

“*To ensure that there will be a political reform before the election*”:

This is a perilous attitude because the PDRC's intended reforms encompass an appointed prime minister and an unelected government, surely from their own ranks. After that, the duration of that unelected regime is perfectly unknown. Such an authoritarian system is devoid of checks and balances, without any influence from the people.

Also, elections are crucial because they offer the best option for evaluating whether the interim government does in fact represent the majority or not. Without elections, actor who did not play any central roles in eliminating the old regime will find it very difficult to emerge and assert a democratic mandate. Furthermore, without elections, the full array of institutions that constitute a new democratic political society – such as legislatures, constituent assemblies, and competitive political parties – simply cannot develop sufficient autonomy, legality, and legitimacy. (Linz & Stepan, 1996, p. 71)

“*To compel Prime Minister Yingluck to resign*”: This statement was approved by 7% of PDRC respondents. While this is not a particularly high share of the respondents, it does reiterate the PDRC's unwillingness to accept the constitution's procedure, as laid down in Article 181, following a dissolution of parliament, i.e. that the prime minister will remain as acting head of state until new elections will bring in a new prime minister and cabinet. Indeed, this demand, as stated above, remains the primary goal of the PDRC in order to bring about a political vacuum and thus install its people's council, as divergent from democratic processes as can be.

Last but not least, there is the motivation “*To delay the February 2 election.*” Even though it is shared by only 1% of PDRC respondents, it encourages people not to go to the elections and may even lead to them preventing others from doing so. Especially the latter is a deeply anti-democratic behavior since the rights and freedoms of an individual must be fully respected and protected in a democracy. (Please find more details on this issue in Chapter IV and the table analyzing the PDRC and the democratic support group and the Red shirt group in the present crisis from late 2013 to April 2014 in Chapter V.)

3. 81% of PDRC respondents do not believe that the decision of the Democrat Party to boycott the February 2, 2014 general election will weaken democracy in Thailand.

This does not fit with democracy either, since political parties need to support democracy. Accordingly, they have to stand for elections and encourage their followers to take part in elections as well as in a democratic political culture. (Please see further details about the functions of political parties to support for democracy in Chapter VI.)

4. PDRC respondents agree with the largest percentage (35%) with suggestion that some people may not yet be ready for equal voting rights.

Interestingly enough, they accept this statement despite believing that it is contrary to the principles of democracy. While this acceptance is rationalized by the claim that some are misinterpreting democracy or that it is simply a fact, it is still unacceptable in a democracy.

### **III. Analysis: The stateness problem as a defect in Thailand's democracy : about to be broken.**

**"The Stateness Problem"** is one of the answers to the question:  
**"Where are the possible defects in Thailand's democracy?"**

This already proves H#4.2:

**H#4.2** The stateness problem is not yet resolved and continues to become more and more difficult.

What is interesting about the stateness issue in Thailand is that it focuses very much on who is part of the nation and who is not. While that was first given rise with the insurgence in the south, it has now encompassed different political ideologies which determine perceived patriotism or lack of it. PDRC demonstrations frequently feature such symbols as the Thai flag, pictures of the king and the royal family, and similar national iconography. By extension, their opponents would naturally be considered not Thai and therefore suspect of betraying their country.

This idea and iconography had been used before, by the yellow shirts group in 2005. Their goal of removing Thaksin from power succeeded, and so the 2013 repeat attempt with his sister resuscitated the same use of the flag and nation as a distinction from the other side.

The military has always played a powerful role in the conservative approach. In 2006, Thaksin was ousted, and the military appointed a new regime. Afterwards, the yellow shirts group disbanded voluntarily but reformed after Thaksin-affiliated parties, led by Samak Sundaravej's People's Power Party (PPP), won a majority in the 2007 general election.

The following paragraphs will provide an overview of the events of 2008, to allow comparison with the present day situation: In May 2008, the yellow shirts group began street protests and in August seized Government House to pressure Samak's coalition government to resign. The yellow shirts group also seized airports in Phuket, Krabi, and Hat Yai, blocking major roads and

highways. Sympathetic state-enterprise labor unions assisted by stopping train services across the Kingdom and threatening to shut off electricity and water services to non-yellow shirt group supporters. (Associated Press, 2008) Armed members of the yellow shirt group, so-called "Srivichai Warriors," seized a government television broadcaster as well as several government ministries. (CNN, 2008) Violence between the yellow shirt group supporters and anti-yellow shirt protesters left dozens injured and one yellow shirt protester dead. (The Star, 2008) Wealthy yellow shirt supporters threatened a bank run that could destabilize the Thai financial system if the Samak government did not resign. (The Straits Times, 2008) Also, following the same plot as the current situation, the yellow shirt group joined forces with the Constitutional Court to accuse Samak of having violated a law which prohibits government ministers from receiving a salary from another job since he was the moderator of a cooking show. The yellow shirt group also surrounded parliament and used razor wire barricades to prevent the legislature from meeting to hear Samak's replacement, Thaksin's brother-in-law Somchai Wongsawat, formally announce his policies.

Nevertheless, even though Sondhi Limthongkul, the leader of the yellow shirt group, originally accepted Somchai as an alternative to Samak, he and his supporters continued their protest. At the height of the sieges, the PAD openly stated that the only person they would accept as prime minister was Abhisit. (Bloomberg, 2008) The result of confrontations between the yellow shirt group and the anti-protesters were hundreds of serious injuries and the death of a young woman, all caused by the explosions of Chinese-made tear gas grenades, which the poorly trained police fired directly at the protestors. (Nation, 2008)

In November, the yellow shirt group blockaded parliament prior to a crucial legislative session, used hijacked public buses to take control of the government's provisional offices at Don Muang Airport, and seized control of Suvarnabhumi International Airport. Thailand was in crisis as violence spread north: On 26<sup>th</sup> of November 2008, the yellow shirt group also threatened to lay siege to the seaports of the eastern seaboard. Their sieges and protests ended only after the constitutional court dissolved the PPP, banned its leaders from politics, and Army Commander Anuphong Phaochinda pressured many PPP MPs to defect to the Democrat Party and elect Abhisit Vejjajiva as Premier. (The Telegraph, 2008) Kasit Piromya, an activist from the yellow shirt group, was appointed Foreign Minister in the new government.

With their goals met, the conservatives, including the yellow shirt group, used their newly established power to amend the constitution in order to turn parliament into a body largely appointed by royal decree. (BBC, 2008) It was strongly opposed to Thaksin's populist economic policies and attempts to decentralize political power.

Of note is what The Asian Human Rights Commission mentioned about the yellow shirt group and their agenda:

*"Although they may not describe themselves as fascist, they have fascist qualities."* (Asian Human Rights, 2008)

Politically, the yellow shirt group was largely composed of royalists, regularly invoked king Bhumibol Adulyadej in its protests, and claimed that its enemies are disloyal to the monarchy. (Al Jazeera, 2008) It had openly called for the military and Thailand's traditional elite to take a greater role in politics.

Returning to the current crisis, it is clear that the same framework is in place today, only that the name and the leader have changed. What should be considered here?

As analyzed before, there are the following 3 main strategies of the plan to return political power to the conservative power group:

The first strategy is to use “fascism” and “nationalism” as the tool for bringing people into the movement

The second strategy is to conspire with powers outside the democratic government such as royalists, military, the Democrat Party, independent government agencies, major businesses, middle classes from Bangkok and the upper south, i.e. strongholds of the Democrat Party.

The third strategy is to use the military as their support for ousting the government in the name of protecting the country from corruption and the like. Likewise, there is a highly similar strategy of initiating a judicial or “silent coup,” with the same end result but a better international press.

After failing to sustain control of the political power seized in the 2006 coup from the Thaksin administration, as the new version of the People's Power Party, i.e. the Pheu Thai Party, won a landslide victory under Yingluck Shinawatra, the conservatives had to once more face a challenge to their control of the country.

The logical step was to retrace the methods that had proved successful in 2006, by calling upon another “people's” movement, i.e. the so-called “People's Democratic Reform Committee” or PDRC. Its leader was familiar to the Thai people as Suthep Thaugsuban had been a member of the Democrat Party. Officially, he had resigned from the party and was now independent, seizing upon the opportunity after the demonstrations had led to the withdrawal of the Amnesty Bill in late 2013. Despite constant denials of a connection between the PDRC and the Democrat Party by him and Abhisit Vejjajiva, their mutual support indicates otherwise. (Please see more details on this in Chapters IV and VI.)

Even though the military still hesitated this time to intervene – not least because their last stay in power had brought severe difficulties and negative reactions from the international community –, the PDRC still pushed the second strategy forward with their allies in independent government agencies. The cases deemed likely to topple the caretaker government concern

the constitutional amendment for a fully elected parliament, the rice subsidy, and related instances of corruption. (Thai PBS, 2014)

Despite the apparent success of the 2014 election with a high voter turnout of 89.23% across the country, the crisis continues. Both the PDRC and the Democrat Party reject the result, claiming that the election has not resolved the crisis and even created a divided country. In a Bloomberg interview with Abhisit, he insists that,

*“The Election Commission has admitted that they cannot hold free and fair elections according to the Constitution.”* (Bloomberg, 2014)

Suthep and the PDRC have also stated after the election that Yingluck must feel threatened by the lawsuit over wasting 3.8 billion Bath of taxpayer money for her unsuccessful general election<sup>5</sup>. Also, he has clearly announced that he will continue the protests and close all government offices and ministries until the government is ousted. (Bangkok Post, 2014)

Of course, in this power grab by the conservative side, a reaction from the democratic support group is only natural. Unfortunately, with a political and social atmosphere as heated as Thailand's, such reactions are likely to involve more violence, reinforcing the animosity and hatred, and thus severely damaging the country even further.

Political debate in a mature democratic society generally does not deteriorate into bloodshed, but rather resolves conflict through debate in a country that is both educated and socialized in a true democratic political culture. In the case of Thailand, though, there are more difficulties than the imperfect transition to democracy and incomplete consolidation. The nature and content of the country's political culture poses another core problem. For example, it has become a significant political tool to damage political oppositions by linking the patriotic sense with the king and the royal family<sup>6</sup>. The conservatives in particular like to use this tool to damage their opponents, as they have shown in their motions to oust Thaksin and his faction from Thailand, as mentioned before.

Accordingly, Thailand's political culture is intertwined with its democratic culture, and that in turn means that Thai people do not have the rights and freedoms that are part of a consolidated democracy.

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<sup>5</sup> On March 21, 2014 Thailand's Constitutional Court has already ruled the 2 February general election invalid. (<http://www.bbc.com/news/world-asia-26677772>)

<sup>6</sup> In the author's view, having a monarch is not in itself a problem for democracy. If a country is fully socialized and educated in true democracy, with political elites that accept the values of democracy as the most important matter, a constitutional monarchy can be perfectly democratic. (Find more details and some good examples of democratic countries, the UK and Germany, how these nations are socialized beyond any doubts in their democracy in Chapter VI.)

Thai people are not fully free to present their political ideas, nor are they strong enough to stand for their beliefs. In a crisis, their preferred mode of a solution is to ask for help or rescue from the king and the military. Such attitudes and behaviors confirm that Thailand's political culture is not congruent with democracy. Accordingly, parts of the population are easily swayed by the PDRC's ideas in this crisis. A prime minister appointed by the king seems a good solution to them, offering a new start for the country. In their eyes, a military coup would be a good option for removing the supposedly corrupt Yingluck administration.

Furthermore, the current situation shows that rather than democracy being "the only game in town," it has hardly been any game at all. Numerous independent agencies are quite willing to ignore the constitution and support authoritarian measures. All of these blows to democracy serve to explain why the stateness problem can arise so easily because of accusations of lacking patriotism. The process seems set to pit Thais against each other.

The PDRC's propaganda raises some Thais' feelings of strength by denigrating others. Examples include such slogans as "Loving Thailand by Giving Respect to the King and the Nation," "Who follows them is a Kon-Dee or good person," "Thaksinocracy and his family must be ousted from Thailand because of their sins of corruption," "If Thaksinocracy is completely removed from Thailand, the problems of corruption would be over," "Our minority is of better quality than the majority of votes," and so on. The faction also keeps pointing out that their protestors are peaceful people from the upper middle class, wealthy and well educated. That is actually a dangerous propaganda because, as stated before, the PDRC also triggers violence. Its guards carry illegal weapons, and moreover, the PDRC hires former officers of the Naval Special Warfare Command, or Navy SEALs, as hired bodyguards for anti-government protesters. (Bangkok Post, 2014)

Such propaganda and attitudes only serves to drive a deeper division into Thai society. Those who consider themselves as Kon-Dee (good people) always believe that everyone who thinks differently or does not support the PDRC's goals, he or she has to be Kon-Lew (bad people) and loves Thaksin instead of the nation and the king. On the other hand, the opponents of the PDRC are dissatisfied and even angry at the PDRC's discriminatory remarks. This discrimination has led some of them to indeed promote splitting up the country. Hatred and mutual discrimination are increasingly rampant in Thailand, rumors are given more and more strength, and the media – hardly free and fair anymore – reinforces all of this. Yet the PDRC's invective against Yingluck and her personal life has finally drawn criticism from the United Nation. (United Nations Entity for Gender Equality and the Empowerment of Women Asia and the Pacific (UN Women), 2014)

In conclusion about the stateness problem in Thailand, the theory by Linz & Stepan (1996) will be further explored here in preparation for the subsequent analysis.

- (1) The demos (population) and nationalism in Thailand do not fully coincide with the demos of the state or democratic regime. Furthermore, Thailand has been affected by the ideology of nationalism from time to time for the purpose of gaining political interest and power. At present, the conflict between the PDRC and the government as well as their respective supporters has severely impacted the authority to govern of the state so far that it can no longer control its function and the state. That's why Thailand's democracy is currently struggling with its consolidation.
- (2) The stateness problem is a crucial crisis in Thailand. The society has already been divided. This problem does not seem likely to be resolved soon as in particular the PDRC refuses any reconciliatory measures. (MCOT, 2014)
- (3) The competing nationalism within one territorial state or the question of who was a citizen of the democratic polity has already become the central issue of Thailand's stateness problem. In particular those who consider themselves Kon-Dee affirm that they are the true citizens of the nation because they, in their own view, are the ones who love and sacrifice for their nation by protesting the Thaksinocracy and the corrupt Yingluck government. Accordingly, they view anyone not with them as someone who does not belong to the country, even if that someone tries to be neutral.
- (4) The greatest peril for Thailand's democracy concerns the model of the people's council. In this model, it would not be the people who have the ultimate power but rather the PDRC by selecting the country's leaders, presumably from those they define as "good people." This would push the country ever closer to an authoritarian regime, and there is no way of determining in advance how long this regime would last and what rights or freedoms would be left for the people.
- (5) Should the Yingluck administration not be able to regain full control because of the PDRC protestors' obstructions of e.g. government ministries, it cannot meet the standards of a functional democracy but would rather fall into a so-called "failed state."
- (6) While the current government remains in place, the PDRC's goals cannot be legally or legitimately enforced. Therefore, the more they keep pursuing these goals while bending or disregarding the law, the more they turn into rebels setting the country ablaze.
- (7) With the PDRC using violence, exacting contributions, or influencing independent agencies, they are taking over some of the functions of the state and subverting its order. The conclusion is that Thailand is already in the middle of a breaking down process.
- (8) As shown earlier, the degree of respect for minorities differs in various states. In Thailand the Yingluck government is weak and finds it difficult to protect either itself or the people who do not agree with the PDRC,

especially in the area of rights and freedoms. For example, even though the Yingluck government had declared a state of emergency (Voice of America, 2014), the administration has been widely criticized for not exercising its power to protect people from the PDRC's aggressive behavior. This applies especially to the early voting day when PDRC followers prevented people from voting, going even so far as to use violence. During these clashes, deaths and serious injuries occurred. (Reuters, 2014) The author would like to stress, though, that a full implementation of the state of emergency might also have been dangerous for the democracy, as this would have yielded unlimited authority to the administration. And therefore, it might exceed the limits of righteousness, repeating an incident that happened under the government of Abhisit Vejjajiva: In clashes with the red shirts group in 2011, 99 unarmed people were killed. (The Wall Street Journal, 2013)

However, in the author's view, Yingluck should present herself and her authority more strongly than only showing her willingness to compromise with the PDRC. At least she should fight for the right to use the emergency decree to protect people and manage violence before it can be forbidden by the civil court. (The Guardians, 2014)

The hypothesis of Linz & Stepan is useful in that it offers options for Thailand's democracy to return to better conditions than can be found at the moment, with reforms based on the following ideas:

- (1) The government and the PDRC's leaders should find a way to talk and reconcile as soon as possible before the country will be damaged even more economically, politically, and socially.
- (2) Whatever happens, the government should continue to run elections until they are completed, allowing the parliamentary process to begin again. This would help Thai politics to return to the order of a democratic regime.<sup>7</sup>
- (3) Democratic norms, practices, and institutions must be secured from political intervention as well as increasing the state policies that grant inclusive and equal citizenship to the entire populace, giving all citizens a common roof of state-mandated and enforced individual rights.
- (4) A variety of publicly supported communal institutions, such as media and schools in different languages, symbolic recognition of cultural diversity, a variety of legally accepted marriage codes, legal and political tolerance for parties representing different communities, and a whole array of political procedures and devices must be allowed. All of this is intended to create what Arend Lijphart described as a "consociational democracy." (Lijphart, 1977)

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<sup>7</sup> Even though the February election was rendered invalid on 21st of March 2014 by the constitutional court, there is hope that another election can be held successfully. Then Thailand would be able to return to the democratic system and have an elected government instead of an un-elected people's council, a certain danger to Thailand's democracy in the future.

Typically, proportional representation (rather than large single member districts, with first-past-the-post elections) can facilitate the representation of spatially dispersed minorities. Some strict adherents to the tradition of political liberalism, with its focus on the rights of individuals and universalism, are against any form of collective rights. But they believe that the combination of collective rights of nationalities or minorities in a multinational, multicultural society and state, with the rights of individuals fully protected by the state, is probably the least conflictual way of articulating such a democratic non-nation-state policy.

- (5) In fact, along with a common political “roof” of state-protected rights for inclusive and equal citizenship, the human capacity for multiple and complementary identities is precisely one of the key factors that makes democracy in multinational states possible. Because political identities are not fixed and permanent, the quality of democratic leadership is particularly important. Multiple and complementary political identities can be nurtured by political leadership. So can polar and conflictual political identities. (Linz and Stepan, 1992)
  - (6) The central proposition of this section has been that, if successful democratic consolidation is the goal, then would-be democracy crafters in charge of that state apparatus must take into careful consideration the particular mix of nations, cultures, and awakened political identities present in the territory. Holding socio-economic levels of development equal, some types of democracy are possible with one type of polity, but virtually impossible if elites in charge of the state attempt to build another type of polity. If territory is culturally multinational, political elites in control of the state could initiate “nationalizing policies” that might not violate human rights or norms for democracy, but that would have the combined effect, in each of the five arenas of the polity (civil society, political society, rule of law, state bureaucracy, and economic society), of greatly diminishing the chances of democratic consolidation. If the real goal is democratic consolidation, a democratizing strategy would require that less majoritarian and more consensual policies be crafted in each of the above arenas.
  - (7) A final policy should stress concerns about *timing*. Potentially, difficult democratic outcomes may be made manageable only if some type of pre-emptive policies and decisions are argued for, negotiated, and implemented by political leaders. If the opportunity for such ameliorative policies is lost, the range of available space for maneuvering will be narrowed, and a dynamic of societal conflict will probably intensify until democratic consolidation becomes increasingly difficult and eventually impossible.
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## Chapter VI Analyzing political culture and political institutions as defects of Thailand's democracy

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For the question;

**Where are the possible defects in Thailand's democracy?**

Some significant answers have already been provided in Chapters IV and V on where the possible defects in Thailand's democracy are located with regard to the areas of the partial regimes, as explained by the concept of defective democracy theory. Specifically, they are not embedded and don't support the functions of one another (H#4.1). Furthermore, the stateness problem in the country, especially during the current crisis, is one of the critical defects in Thailand's democracy (H#4.2)

Nonetheless, there are still more problems to be considered before a full analysis of hypothesis 4 on the defects of democracy in Thailand can be provided.

**H#4** However, its political situation at present is showing some doubts which might lead the country to revert to an authoritarian system. Such an outcome would be the result of the defects in its democratic regime.

These other problems are analyzed in H#4.3 and H#4.4 as follows.

**H#4.3** Thailand's political culture is not congruent with a democratic political regime, neither in terms of behavior, attitude, or constitution.

**H#4.4** There are a number of problems in the design and value system of Thailand's political institutions.

These are of relevance in this Chapter VI because these hypotheses can be analyzed under the theory framework of consolidated democracy by Linz & Stepan (1996) as well as the concept of democratic political by from Roller, Fuchs, and Zagorski (2006)

Therefore, an investigation into how Thailand's political culture and its design of political institutions have led to problems that can obstruct Thailand from having a complete transition and a consolidated Democracy will be conducted in Part I of this chapter.

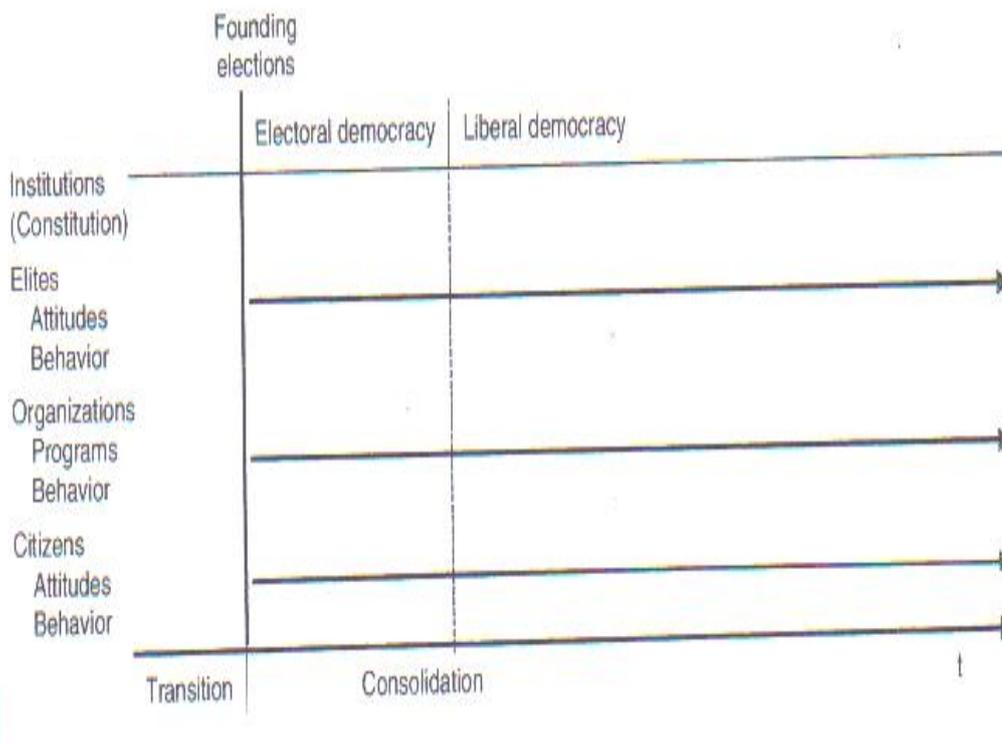
The second part of Chapter VI will be devoted to a comparison of politics with two democratic western countries that have no doubts of their democracy, namely Great Britain and Germany. The objective is to learn why these nations have established a consolidated democracy, considering on the one hand that Great Britain shares the same political system, i.e. a constitutional monarchy, as Thailand but has not suffered similar problems with a *l'èse majesté* law and on the other, that Germany was even divided into two political systems that were fused together in 1989, yet the country achieved a consolidated democracy. The purpose of this part is (1) to analyze how and why democracy in Great Britain and Germany became consolidated as well as (2) to analytically present data and statistics on the differences of

democratic political attitudes (World Value Survey, WVS Wave6 (2010-2014)) between the German and Thai people regarding of their different political culture.

**Part I Evaluation of Thailand's democracy regarding the areas of political culture and the design of political institutions as its defects**

By analyzing and evaluating Thailand's democracy according to the concept of democratic consolidation by Fuchs and Roller (2006), it becomes clear that Thailand's democracy is not consolidated. The main reason lies in the attitudes and behaviors of the country's political actors who have not been able to establish a full democratic political culture but rather just tangentially built democratic-seeming institutions (constitutions). Figure 1 shows the concept of democratic consolidation.

Figure 1. Concept of Democratic Consolidation



**Source:** Fuchs, D. and Roller, E. (2006). Learned Democracy? Support of Democracy in Central and Eastern Europe, in: Fuchs (D.), Roller (E.) and Zagórski (K.). *The State of Democracy in Central and Eastern Europe a Decade After the Breakdown of Communism (II)*, *International Journal of Sociology*, 36 (3), pp. 70 -96.

This research has also highlighted that Thailand not only has had a problem with consolidating its democracy through socialization and democratization process since the beginning of its transition to the democratic system. Beyond that, it also suffers from an incomplete transition and frequent interventions, usually by the military, establishing an authoritarian regime, albeit temporary. Therefore, this part will serve to analytically explain why the transition of Thailand's democracy was never completed and how this factor affects the democratic development in Thailand.

## **I. The transition path of Thailand's democracy and its socialization process**

In this part, the following question is to be answered:

**Where are the possible defects in Thailand's democracy?**

Also, these two associated hypotheses are to be proved:

**H#4.3** Thailand's political culture is not congruent with a democratic political regime, neither in terms of behavior, attitude, or constitution.

**H#4.4** There are a number of problems in the design and value system of Thailand's political institutions.

It is necessary to analyze these according to the concept of democratic consolidation and political culture. That is because these concepts allow a more profound explanation of the real causes for Thailand's lack of a consolidated democracy. The concepts point out that a transition from a nondemocratic regime to a democratic regime does not automatically infer that this new democracy can immediately be considered consolidated. It depends on how a country makes that transition, who controls it, and whether many specific tasks, conditions, attitudes and habits of support for democracy have been established and sufficiently cultivated enough. (Linz and Stepan, 1996)

What follows is an elaboration of the main problems that have significantly influenced Thailand's democracy up to today.

### **First, Thailand's democratic transition has been incomplete since its beginning**

Even though after the revolution in the year 1932, the political elites led by a small group of military and civilians tried to implement the first election, constitution, and democratic institutions as well as their respective procedures, democracy has still not been able to take root in the people's attitudes and behavior as "the only game in town" in Thailand. Considering that it has been 82 years since Thailand transitioned from absolute to constitutional monarchy, this may come as a surprise, yet there is little sign of any consolidation.

***Why can it be said that Thailand has incompletely transitioned to democracy?***

Perhaps the primary reason lies in the reasons for the revolution of 1932: The goal was not to improve society to benefit the people but rather that a number of individuals in the military and civil society perceived advantages for themselves, once absolute monarchy had been abolished. This led to the first election being more of a show rather than a democratic institution. It only encompassed the revolutionaries, the so-called "Khana Ratsadon" or the People's Party, who selected the first prime minister from within their own ranks. Clearly, this goes against the definition by Linz & Stepan, stating that elections should not be only held quickly but must also be free for all the people in a country. (Linz and Stepan, 1996) In looking at this situation, it should be noted that Khana Ratsadon assumed that the Thai people were not ready for democracy; indeed, the People's Party itself does not seem to have embraced democracy but rather was led by self-interest. Presumably, this promoted the military coup led by Colonel Phraya Phahol Pholphayusana only one year later, seizing political power from the first civilian government of Phraya Manopakorn Nititada, the first prime minister of Thailand. The military explained that its action was in effect a counter-coup against the dictatorial policies of Phraya Mano stemming from the "yellow cover dossier crisis." For much of the time since, Thailand's democracy has been under the control of the military, sometimes openly, sometimes by backstage manipulations. There is, though, a steady continuum of the military aligning with outside the democratic regime and thus helping to concentrate political power in the hands of a few powerful groups in Bangkok and other large cities, rather than allowing the wider populace access. Rural areas in particular still suffer from poverty and inequality, with little to no chance in the society.

Not only has Thailand not completed its transition to democracy but it has also had to deal with negative complex-transition paths continuing to impede or derail the transition. Rather than concentrate on the development of democratic processes, Thailand has had to devote most of its energy in the past decades on the instability of its politics. History shows that there were a number of opportunities that could have been spent on better educating its people on democracy, yet those opportunities were squandered, such as in the 1980s when Thailand rather concentrated on becoming one of the richest countries in Southeast Asia.

***The instability of Thailand's politics as analyzed can be described as follows:***

**The negative complex-transition paths to democracy**

- (1.1) The country went from absolute monarchy to a democratic system only in form as it actually continued to be led by an authoritarian system under the hierarchical military**

The first transition of Thailand's democracy happened during the revolution in 1932. It is considered a huge

change, and so the word “revolution” is appropriate here. The significance of this changeover can hardly be overstated as these two systems could not be more different. Absolute monarchy is a system fully centered on the ruler at the center as he personifies the government and the regime; his person, institutionalized yet erratically pervasive, penetrates the state as well as the political and civil society. Democracy on the other hand is the political form that guarantees rights and freedoms to people and puts political power into their hands to rule a country through a government chosen by the people for the people.

Linz & Stepan (1996, pp. 70-71.) explain that the system of absolute monarchy offers a particular opportunity for democratic change. As focuses as that regime is on a single person, the ruler, his disappearance – by abdication, assassination, or a revolution – leads to a collapse of the monarchy. The events in Thailand match this observation: The Khana Ratsadon overthrowing the monarchy led to an instant collapse of the regime. The Khana Ratsadon moved in quickly, holding elections as soon as possible to garner support for their supposedly moral actions. Yet conflicts were brewing behind the scenes, and Linz & Stepan’s next observations were also borne out: A high personalization of power on one leader – such as in absolute monarchy or a sultanistic regime – may also allow close associates to garner power of their own that they may put to use during a changeover. Alternatively, as such a personalized system is already in place, revolutionaries may take over its mechanics as the new sovereigns, while presenting a front of democracy. In that fashion, they skip over the phases of free contestation and free election that are necessary for a full democratic transition and consolidation.

**(1.2) From an authoritarian system led by hierarchical military to a semi-democracy in which the hierarchical military still influences government**

This stage of development was reached by Thailand in 1992, holding until 2006, when the military’s control over politics was considerably more hampered than it had been used to. (Croissant, 2004 reference by James Ockey, 2002) On the one hand, the Black May Uprising in 1992 proved a turning point with the Thai people becoming more wary of a military regime, but also changes in world politics led to the international community react harshly to any coup d'état.

In the years before this turning point, though, the authoritarian system had become more entrenched in Thai politics, despite still calling itself a constitutional democracy. Ever since the original transition, the military’s

level of control was set at a high level. But the coup staged by Field Marshal Sarit Thanarat in 1957 would demolish a number of democratic institutions. Serving as the country's prime minister until his death in 1963, Field Marshal Sarit created his own system staffed by people devoted to him personally. Anyone who wanted to survive under his rule had to bow to his wishes. Equal rights, freedom were practically unknown concepts for most of the people, especially upcountry. The oppressive regime inevitably bred resistance which triggered the popular uprising on 14<sup>th</sup>, October 1973, dominated by Thai university students. The Sarit system was removed; more democratic measures were implemented, although, as stated above, they only managed to edge the country closer towards freedom. The military was forced to adjust to the new situation, even though repeated attempts were made to regain power. The primary strategy of concern to the military here concerns the question of "extrication," in order to manage the preferences, local and in particular international, towards democracy.

Linz & Stepan (1996, pp. 66-68.) analyze that all hierarchical military regimes in fact share one characteristic that is potentially favorable to democratic transition. That is because the hierarchical leaders of the military-as-institution will finally come to the decision that the costs of direct involvement in nondemocratic rule are greater than the costs of extrication. Thus, the reassertion of hierarchical authority in the name of the military-as-institution is a permanent danger faced by the military-as-government.

This often means that, if a democratic regime is an available ruling formula in the polita, the military may decide to solve their internationalization problems and their need for a government by devolving the exercise of government to civilians. Paradoxically but predictably, democratic elections are thus often part of the extrication strategy of military institutions that feel threatened by their prominent role in nondemocratic regimes.

The more the hierarchical military directly manages the state and their own organization on a day-by-day basis before the transition, the more salient the issue of a successful democratic management of the military will be, specifically the task of democratic consolidation.

The more hierarchically led the military, the less they are forced to extricate themselves from a nondemocratic regime due to internal contradictions and the weaker the coalition that is forcing them from office, the more the military will

be in a position to impose very confining conditions on the political process that lead to democratic consolidation. Due to Thailand's long and strong connection with the traditional leadership of the hierarchical military, fully extricating the military from political control is quite a difficult undertaking, adding problems to the consolidation and even developing the attitudes towards democracy in the country.

Further complexity and danger to a consolidation of democracy is supplied by the military's ties with the conservative power group, in particular towards the monarch and the royal family. During World War II, they clearly shared political benefits with each other as the king had to defend against communism's direct threat against him while the military was keen to align with the US in its authoritarian system.

Another clear example of this support was presented in a noteworthy speech by General Prem Tinsulanonda<sup>1</sup>. It was held during a special lecture to some 950 cadets of the Chulachomklao Royal Military Academy at Khao Changoke, Nakhon Nayok province, on July 14, 2006. General Prem touched on the issue of where the loyalty of military officers should lay. He likened the government to a jockey and soldiers to horses, saying that jockeys come and go, but the owner of the horses stays the same. In his metaphor, the king represents the owner of the horses – i.e. the soldiers – who must be loyal to him. The governments, though, are merely the jockeys who are present for only a short time. This speech preceded the coup on 19<sup>th</sup> of September 2006 to oust Thaksin Shinawatra into exile. (Wassana Nanuam, 2014) (More details about General Prem's opinion that a privy councilor is a higher office than prime minister as well as his opinion about Thaksin Shinawatra can be found at WikiLeaks in the number 06bangkok3997 (WikiLeaks, 2006)<sup>2</sup>

### **(1.3) From semi-democracy to the People's Constitution**

This stage is characterized by a number of positive developments that should have supported democracy, since the country no longer was in the grip of a clearly non-democratic regime as had been the case in the preceding

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<sup>1</sup> General Prem Tinsulanonda is a retired Thai military officer who had served as prime minister of Thailand from March 3, 1980 to August 4, 1988. He now serves as the head of the privy council of the king of Thailand, Bhumibol Adulyadej. He still influences Thailand's politics, and any speech he gives or how he acts still significantly influence Thai politics.

<sup>2</sup> This leaked cable is yet another of U.S. Ambassador Ralph Boyce's revealing accounts of his own political bias and the position of those he was close to in the palace. In this cable, Boyce refers to discussions he has had with Privy Council president General Prem Tinsulanonda.

stage. Therefore, the term “transition” is not necessary during this phase.

The economy was booming, influence from the military was pushed back, standards of living rose, and there was a general realization that more opportunities were opening up to raise the standards of education as well. Unfortunately, the government did not focus on creating a solid basis for public goods or improving on the inequality in terms of education, health and transportation. Neither did the administration address the problems that came with the improving economy, including social problems and crime. Despite publicly partaking in the third wave of democratization, to serve their blossoming economy, no serious efforts were made to consolidate the democracy. The result was that these problems persisted even as Thailand had seemed to free itself from authoritarian rulers.

One of the outstanding problems in this period was the Economic Crisis in 1997. Aside from the immediate downturn, it revealed that corruption reached deeply into the administration. While the military had retreated and left a civilian government in charge, political attitudes at the top had not changed and therefore kept democracy – or the functioning of the state itself – from improving. Nonetheless, it has to be noted that the revelation of all these shortfalls, led to the constitution of 1997, also called the People's Constitution, which was targeted at ameliorating the situation of the Thai people benefitting civil society. A side effect was that it opened a door for the person who would significantly influence politics in Thailand for decades to come: Thaksin Shinawatra.

As mentioned before, after the collapse of the Sarit regime, it has become more difficult for the military to gain control. By contrast, the easy success Thaksin found with his populist policies, particularly in the rural areas, positioned him as the primary target of the conservative side. The unprecedented battle between the two factions has become the dominating element of Thai politics. Before, the wrangling for power had been mostly kept within the conservative elites, but now an opposition force had come into being.

Yet it should be noted that not only Thaksin's success has brought significant change to Thai society but also the worldwide transformation through media, technologies, educations, social media as well as democracy as the only internationally accepted ideology. Thaksin and his faction have benefitted from correctly gauging the changing world and which political strategies would prove most popular

among the people, particularly in the rural areas. Communication technology has also been a boon to them, since it permits a better spread of information even to the upcountry or rural regions. The Thai people of today are better informed about politics which in turn influences their political decisions.

Thaksin's style was also unique among Thai prime ministers as he presided in a so-called CEO style, as if running a private company rather than a state. One noteworthy measure of his was hiring a foreign company to survey the needs of the people across the country – noteworthy because no administration before his had seen the need or the necessity to adjust their politics to the country's requirements. Yet his rule was hardly a purely democratic and beneficial endeavor. He pursued aggressive policies, such as the war on drugs during which many people died within only a single year. The country's human rights situation deteriorated sharply. In parliament, politicians from other parties were bribed to vote for his policies. He appointed people from his immediate circle to powerful positions in the police, the military, and the judiciary. (Please find more details of Thaksin's behavior and policies in Chapter II.)

Therefore, as stated early in 1.3, Thailand may not have been under non-democratic rule as in the preceding stages, yet the Thaksin government, with an absolute majority, a CEO style rule, also posed danger to democracy.

Linz & Stepan (1996, pp. 68-70.) note that civilian leaders can see themselves as potential winners and rulers in a future democratic regime if they have deeper links with society at large than the military or an absolute monarchy regime: That makes this section about Thaksin more crucial even though it is not directly connected with the definition of a democratic transition.

**(1.4) The present situation of a battle for power between the conservative power group and the democratic support group**

Finally, after influencing politics from behind the scenes for more than a decade, the military had moved back into the foreground, pushing Thailand's democracy far towards regression again.

With their first attempt successful in 2006, cooperating with the yellow shirt group as well as the conservative power group, the military sent Thaksin into a self-imposed exile and disbanded his Thai Rak Thai Party. The international

community was appalled by the coup d'état, and the unelected government under Surayud Chulanont (2006 - 2008) called for elections in 2007. Yet the Thaksin faction quickly reformed as the People's Power Party, which won the election and would post the next two prime ministers, Samak Suntaravej (2008) and Somchai Wongsawat (2008). These events were surrounded by chaos as well and also saw judicial maneuvers that had an earlier plan for an election canceled, presumably so that the Thai Rak Thai Party could be disbanded and not stand for elections. The conservative power group, with the yellow shirts as their frontline troops, ran demonstrations protesting the government from the Thaksin faction. Along with the turmoil triggered by the outbreak of the worldwide financial crisis, further judicial wrangling first toppled Samak's administration for contravening the conflict of interests law and then deposed Somchai over a vote-buying scandal. A political vacuum was created which was filled by the Democrat Party leader, Abhisit Vejjajiva (2008 - 2011), who also happened to be the only candidate the yellow shirt group would accept. Yet demonstrations would also mar his time in office, this time by the opposition red shirts demanding his resignation.

For a full one third of Abhisit's time in office, a state of emergency was declared. In 2010, it was in force for nearly ten months, even several months after the crackdown on demonstrators in May, resulting in the deaths of 99 unarmed people. The Centre for Resolution of Emergency Situation (CRES) was only disbanded on 20<sup>th</sup> December 2010. Human Rights Watch had been calling on the government to revoke the law since September of that year. However, this defeat was a severe blow to the Democrat Party as well as the conservative power group. Abhisit was forced to dissolve parliament and hold a new election in July 2011 which saw Yingluck Shinawatra and her newly formed Pheu Thai Party swept into office under the slogan of "Thaksin Thinks, Pheu Thai Does."

Yingluck campaigned on a platform of national reconciliation, poverty eradication, and corporate income tax reduction. These policies gained her a landslide victory with 47% of the vote, winning 265 seats in the 500 seat House of Representatives of Thailand. (The Nation, 2011) It was only the second time in Thai political history that a single party won a parliamentary majority, after her brother's party, the Thai Rak Thai Party.

With the Thaksin faction once more in power, the conservative group swung around to repeat its maneuvers with the yellow shirt group, now under

the banner of the PDRC. Their current attempts to reclaim power seem to be even more heavily geared towards non-democracy, clamoring for an unelected people's council. Yet their opposition is wider than it had been before. The red shirt group is joined by other groups supporting democratic action but not necessarily the Shinawatra clan. The military's continued abstinence from intervening has also kept the conservatives' current power grab more difficult than its predecessor in 2006. The military is well aware that the coup would only further exacerbate Thailand's polarized politics, and that the army would be blamed for whatever went wrong. Illustrating the residual strength of the longstanding deal which kept Yingluck in office is one of good signs of Thailand's democracy. (Reuter, 2013)

Nevertheless, the protestors will try their best to push for such an intervention in the days and weeks ahead since a military coup would be the best means for them to advance their goal. (McCargo, 2014) Should the PDRC not be able to push the military towards intervention, it can still call on its alternative strategy to remove Yingluck and her government, the so-called "Judicial Coup." The PDRC, together with the independent government agencies, have charged Yingluck with corruption, such as in the rice subsidy policy, with the intent of toppling her from office, as they had succeeded with the two prime ministers from the Thaksin faction before her. (The Frontier Post, 2014)

Should the PDRC achieve its goals, Thailand would face a serious crisis, not least since the protestors tend to see democracy as a less important matter, but also because this would see the establishment of an unelected, authoritarian regime. (Please find more details about the PDRC protestors' profiles and their motivations in Chapter V.) Therefore, this stage raises doubts about the future of Thailand and the democratic support group. This might be yet another transition of Thailand's democracy.

**Second, a defective democratic political culture and equally defective political institution are the results of the incomplete transition of Thailand's democracy**

**H#4.3** Thailand's political culture is not congruent with a democratic political regime, neither in terms of behavior, attitude, or constitution.

**H#4.4** There are a number of problems in the design and value system of Thailand's political institutions.

**Which key words are relevant here?**

These are (1) socialization and (2) the performance of governments.

As shown before regarding the negative complex-transition paths to democracy in Thailand, democratization is affected by socialization in the country. When socialization forms the primary driver of political culture, it is crucial for generating political attitudes that support democracy.

Because the complex-transitions of Thailand's democracy have trended towards the negative rather than consolidation, the defects in its democracy, in the areas of political culture and political institutions, have become more striking. Democracy can only be fully consolidated or persistent if the attitudes and behaviors of the political actors are congruent with the implemented democratic institutions and procedures, reflecting a central premise of the political culture concept. (Almond, 1980; Almond and Verba, 1963 as well as on the theory of political systems by Easton, 1965) On the other hand, if the political culture of a country is not congruent with democracy, neither will its supposedly democratic institutions agree with democracy nor will it implement any procedures accordingly.

Officially, Thailand is a democratic country under the system of constitutional monarchy. Certainly, the designs and mechanisms of the country are geared for a democratic system, especially when the year 1997 saw the installation of independent government agencies and the People's Constitution supporting the consolidation of its democracy. However, the correct functioning of such structures depends on a political culture fully congruent with democracy. Therein lies Thailand's problem: A large part of its political culture runs contrary to democracy, particularly when it comes to the patronage system and corruption. They are connected because the Thai people feel that their lives are bound to someone else (i.e. neither truly free nor autonomous) who stands above them. Therefore, they believe that it is natural for them to be that person's subject and to find ways to please him or her. In return, they may be rewarded, and thus corruption enters the picture.

So, despite the platform of Thailand's politics being well created to function as a democratic country, its mechanism works still suffer problems of consolidating democracy. This is exacerbated by some Thai institutions and procedures influenced by the non-democratic factions in the political culture.

**First**, the Privy Council is relevant here. The privy council of Thailand is a body of appointed advisors to the country's monarch. The king alone appoints all members of the council, and it has close ties to the military. Under the 2007 constitution, the council was given wide-reaching powers and responsibilities, all with regard to the monarchy of Thailand and the House of Chakri. In 2006, the council, and its president in particular, were accused of interfering in politics, namely the coup d'état of that year.

By itself, this council is not in line with a democratic system but can even endanger said system when it considers itself important to the country and influences the major state organs. The council's

connection to the military in Thailand raises concern as well. It is highlighted by the speeches and actions of Prem Tinsulanonda, the head of the Privy Council. One of the most highly respected men in Thailand, closely connected to the ruler, he often underlines his belief that the king is the real owner of the country. Such an attitude is certainly not congruent with the idea of democracy. In a democracy, the country belongs to the people and is governed by them since only then can it be free and equal for everyone. Further proof of his dubious attitude towards democracy is provided by his ideas about Thaksin Shinawatra. In the WikiLeaks release number 06BANGKOK3997, US Ambassador Ralph L. Boyce's notes from July 2006 state how General Prem felt disappointed by and angry about Thaksin. This was triggered by a provocative remark Thaksin made about the general, calling him somebody who is outside the constitution and wants to throw the government out. Ambassador Boyce comments that actually General Prem felt more disappointed by Thaksin's remark than angry. Yet, he also noted what General Prem shared about his political attitudes in this regard.

*“He's number one.” But Thailand was not like America, Prem added. “We already have a number one.” Thaksin needed to learn that he was the manager of the shop, not the owner. The people upcountry liked Thaksin and voted for him, but they didn't revere him. After he saw the adoring crowds on June 9, a million people in their yellow shirts who waited for hours in the heat just to catch a glimpse of their king, Thaksin should understand that he cannot rival the King for the people's affection, he concluded.” (WikiLeaks, 2011)*

Last but not least, General Prem has alluded to the current crisis with a symbolic reference to Army Chief Prayuth Chan-ocha, whom he asks to read the inscription on the statue of the late Army Chief Kris Sivara which reads:

*“Soldiers stand in the highest honour on which Thai people can pin their last hope.” (Bangkok Post, 2014)*

This has led people to wonder if there is a political implication in that statement, indicating interest in a coup. Still, the army has denied any such implication.

As a conclusion at this point, it can be said that the Privy Council results from the continuing desire of Thai political culture to create institutions focused on its traditional ruler. In principle, there is nothing wrong with such a desire, as there are many functional models of democracy, including those with focus on a monarch, at least outwardly so. Yet the primary core of a democracy is the people rather than a monarch, and the rule of law stands above all of them, including a king. A country's institution may pay homage to a monarch but their workings need to be concentrated on democratic action. The king's role in a democracy is outside of politics, as the Thai constitution also states.

The institutions must serve to inculcate democratic attitudes in the populace.

Yet the Privy Council is not the only element overly focused on the traditional monarchy, since there is also the *lèse majesté* law, Article 112 of the constitution. It has been turned into a political mechanism to decrease the rights and freedoms in the country, and it has especially become a weapon against political opponents. Because of their ties with the monarchy, it seems natural that it is commonly used by the conservative group against the democratic support group. Again, this problem is rooted in the institution of monarchy. (Please find more details of the evaluation on the topic of rights and freedoms in Thailand in Chapter IV.)

**Second**, the *lèse majesté* laws<sup>3</sup> or the crime of insulting the monarch's honor is still applied to a significant degree in Thailand even though it has recently drawn criticism as being misused to target political opponents. Accordingly, this law still poses one of the crucial problems of Thailand's democracy. That is because the content of this law shows that not every person is naturally equal, that the king stands above them and may not be criticized or defamed. This can be analyzed as follows:

- (1) Since the king is not intended to be involved in politics, one might think that this law is irrelevant for public discourse, yet its core still conflicts with the democratic principle of the equality of people.
- (2) This article can be used as a political weapon against the opposition, as has been the case throughout Thai history since 1932 and in particular under the government of the former Prime Minister Abhisit Vejjajiva (Please find more details about this in Chapter IV.)
- (3) Should the king and the royal family actually be involved in politics or even support one or the other political involvement, the law poses a serious problem for dealing with this situation. While the king would have, in essence, contravened or at least bent the constitution, there would be no leeway to criticize him. In fact, such criticism might be punished with a prison sentence of up to 15 years. Fair and just treatment would be difficult to enact here.

One such case is Somsak Jeamteerasakul, a professor of history at Thammasart University. Without clear evidence

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<sup>3</sup> The 2007 Constitution of Thailand, and all seventeen versions since 1932, contain the clause, "The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action." The Thai Criminal Code elaborates in Article 112, "Whoever defames, insults or threatens the King, Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years."

Foreign Law Bureau Office of the Council of State (2007) Constitution of the Kingdom of Thailand, B.E. 2550 (2007) (online) Foreign Law Bureau Office of the Council of State. Available from: <http://www.asianlii.org/th/legis/const/2007/1.html> [Accessed 27 February 2012].

of wrongdoing and no verdict, he received death threats, and the military tried to put him in jail. All of this was caused by the professor's comments about the royal institution and democracy. (Prchathai, 2014) As of the time of this writing, he is still alive and has not been convicted, either.

This reaffirms the view that the Thai people are clearly socialized and educated to consider themselves as the king's property and to respect him as *de facto* divine. This is deeply ingrained in a Thai's nature. Given this deep-seated belief, it is clearly different to inculcate a democratic attitude which just as clearly contradicts that traditional belief. Thailand will need a long-term outlook, with socialization and education towards democracy, to overcome this difficulty. The fear persists though that only conflict and perhaps even war will be necessary to change people's minds enough for democracy to be consolidated.

Fuchs (2007) agrees that such "public support" – as the result of democratic political culture – needs a long time and quality of its aggregation. He uses the assumptions of political culture paradigms formulated in the introduction and the conclusion of the book "Civic Culture" (Almond and Verba, 1980) when he relates them to the persistence of democratic regimes. His paradigms are as follows:

- (1) A crucial factor for the persistence of a democratic regime is a political culture that is in congruence with the regime structure. Formulating casual analytical, democratic culture uses a determinant for the persistence of a democratic regime.
- (2) The political culture of a country essentially derives from the attitudes of the citizens.
- (3) The attitudes that are relevant for the political culture are those that have been internalized through a socialization process and are of a profound and enduring nature. Usually, such attitudes are referred to as value orientations. (Kluckholm, 1951; Van Deth and Scarbrough, 1995; Gerhard, 2005)
- (4) Political culture is a macro-phenomenon. Only if it is considered a macro-phenomenon can it feasibly influence the macro-phenomenon of regime persistence.
- (5) The political culture of the country must be construed by aggregation of micro-data. The distribution of important attitudes of the citizens describes the operationalization of political culture as a macro-phenomenon.

- (6) The civic norms and values underlying the cooperation of the citizens are significant determinations for the functioning of democracy. The normative criteria for its functioning are the responsiveness and effectiveness of the political institutions on the demands of the citizens. (from Civic Community; Putnam)

A regime that wants to remain persistent in the long run requires a political culture that is in congruency with the institutional structure, which can be generally applied to the regime type.

The second and third assumptions postulate that the political culture of a country is essentially based on the attitudes of its citizens.

As mentioned above, public support for democracy is very important for consolidating democracy in a country.

Therefore, as a conclusion on these points, political culture in Thailand is not congruent with democracy, nor is its institutional structure fully democratic since external forces, such as the privy council, have undue influence. Despite having created the trappings of a democracy, the political culture has not assumed the nature of democracy. Instead, it is still to a large degree dominated by such non-democratic elements as the patronage system, corruption, hierarchy, etc.

Moreover, there appear to be difficulties with other systems, such as the mode of elections. Proportional election may not be ideal for Thailand as it does not directly connect politicians with their electorate as would be case for direct, first-past-the-post elections. As a result, political parties tend not to seek information on their constituents' particular needs and to improve on these. Instead, they put together party lists of candidates, ranked by who is most useful to the party. A further system in need of review is the judiciary, primarily the constitutional court which has shown illogical behavior and verdicts to this government in particular.

### **Critical discussions on political culture regarding the ongoing political crisis in Thailand:**

#### **(1) Elections**

##### **The problem:**

The PDRC and its supporters have tried to claim, "*Elections are not the answer of democracy because elections always bring bad politicians.*" The reason for this is their conviction that any election would bring victory for the opposing side, the Thaksin faction,

who, in their view, are “bad politicians,” for one thing involved with the corruption they have been accused of.

**The argument:**

Principally, elections are crucial because without them, there is no easy way to evaluate whether the current government is or is not actually representing the majority. Without elections, actors who did not play a central role in eliminating the old regime will find it very difficult to emerge and assert that they have a democratic mandate. And without elections, the full array of institutions that constitutes a new democratic political society – such as legislatures, constituent assemblies, and competitive political parties – simply cannot develop sufficient autonomy, legality, and legitimacy. (Linz & Stepan, 1996) Dahl (1989) also supports the idea of elections that a “minimalist democracy” or an “electoral democracy” forms the principal base for any consolidation.

As a matter of fact, since the beginning of Thailand's transition to a democratic regime, it has not had problems with elections, even despite the first one rather being a selection process within the revolutionary ranks. Yet the current crisis has seen these difficulties arise, as the conservative power group is facing the near certainty that they, represented by the Democrat Party, cannot easily win over the Pheu Thai Party. (World Value Survey, 2010-2014, p.125.) Due to that understanding, their goal has been to prevent elections or annul any that have taken place, such as the general election in February 2014. On 4<sup>th</sup> February 2014, the Democrat Party leader Abhisit Vejjajiva quoted section 68 of the constitution as his reason for not participating in the February 2 general election. (National News Bureau of Thailand, 2014)

The most critical effect of this undemocratic attitude of the Democrat Party, one of the essential political actors in Thailand, is exacted on their followers, particularly in Bangkok, who filled the ranks of the PDRC demonstrations to prevent or annul the election. The conservative power group distributes propaganda painting elections in a negative light, such as claiming they would return the corrupt politicians of Thaksin's faction to power. As a result, they have convinced numerous followers that only an unelected government of the PDRC's choosing can solve the country's problems. (Please find more details about the statistics about PDRC opinions on reforms before elections in chapter V.)

**(2) “Good” and “bad” people**

*How could the PDRC reform Thailand when its agendas are in contrast to democracy?*

**The problem:**

PDRC posits its idea of a “people’s council” – disregarding its unelected quality – as a benefit to the good people in the society. But who actually are these good people? Who defines which individuals fit that description? Is it the PDRC that may do so as the sole deciding authority? The answer is yes, that is the case. Accordingly, one can hardly imagine that they would allow their political opponents or even neutral parties to be counted among these “good people,” but rather only their own number. The people’s council would undoubtedly be staffed by conservatives, the Democrat Party front and center. It has been impressed upon the supporters of the conservative group that this would allow them to remove the corruption from the system as, according to their propaganda, this is solely due to the Thaksin faction. Without their involvement, the country could be wiped clean, so to speak.

Yet it is important to note that conservative supporters cheer for an unelected prime minister, despite not knowing who that would be or having any say in the matter. This attitude is not only the result of political elites trying to dictate their policies to the people but also of their propaganda, carried by their own television network, the Blue Sky Channel. The network features conservatives talking about their plans and ideas as well as denigrating the Yingluck government. It is interesting that this clear cut propaganda is targeted at well-to-do viewers who are, in general, also well educated, yet accept this distorted information without question.

In particular the PDRC’s division of the Thai populace into “good” and “bad” people is driving a rift into the country. (Please find detailed explanations and analysis about this topic in Chapter V.)

Last but not least, the PDRC’s behavior shows not only that they oppose democracy but also that they break and distort the country’s laws, making use of their allies in institutions such as the constitutional court. The court has on several occasions proven that it is willing to circumvent or reinterpret the constitution in order to push a disliked government out of power, render an election invalid, charge Yingluck’s government of corruption in the rice subsidy case, and finally prohibiting high speed trains from being built in Thailand on the dubious grounds of the country not being ready for such modern transportation. (Please find more up to date details about the current situation in Thailand in Chapter VII.)

### **(3) Political elites as one of the main problems of Thailand's democracy**

Regarding this aspect, research has shown that the difficulties with the political culture of Thailand are triggered by several political actors, especially among the country's elites, who should be taking on a stronger role in supporting democracy and developing an appropriate culture. Yet the Democrat Party led by Abhisit Vejjajiva and the PDRC under Suthep Thaugsuban has instead gone the opposite direction, further regressing Thailand's democracy. As part of that, they have also riled up followers in Bangkok and other areas supportive of the Democrat Party to take to the streets, in the belief that moving away from democracy would improve the country. The Democrat Party in particular is foregoing its democratic role as a parliamentary opposition, resorting instead to street politics, boycotts, and denigrating the government. Beyond promoting anti-democratic attitudes, they are also increasing the stateness problem with their divisive propaganda. The attitudinal dimension is troubled by the willingness of their followers to accept undemocratic leadership from either the people's council or the military.

To better understand the dangers posed by the ideas of the PDRC and the behavior of its supporters, it is necessary to explore the concept of consolidated democracy: Diamond (1999) states that a completed democracy is more than competitive elections. The separation of powers, rule of law, and human rights must also be guaranteed. Fuchs (2006) considers consolidation as beginning when democracy has been implemented on an institutional level either as an "electoral democracy" or a "liberal democracy," referring to the attitudes and behavior of the relevant actors. Following Diamond (1999), actors are differentiated into elites, organizations, and citizens. The concept of democratic consolidation presented in Figure 1 raises two questions: First, at what point is the consolidation completed? Second, are there differences between the actors as far as their importance to the consolidation process is concerned?

Considering the first question, such a threshold cannot be determined theoretically. It is merely possible to offer the following formulations: the more the attitudes and the behavior of political elites, organizations (in this case attitudes have to be replaced by programs), and citizens comply with the normative expectations of democracy, the more democracy is consolidated. Ultimately, this is another conceptualization of the premise of political culture research according to which cultures should be congruent with structure. It can be extended from newly implemented democracies to all democracies: the more the attitudes and the behavior of central political actors comply with the normative expectations of democracy, the more likely democracy will persist.

The second question, concerning the relative importance of the three types of actors, also cannot be decided adequately on either a theoretical or an empirical level. Authors such as Przeworski (1991) and Higley and Gunther (1992) emphasize the role of political elites. Due to their powerful positions and the effect their actions have on citizens, these elites play an important role in the functioning of a democracy and for developing a democratic culture. Disregarding the question of formation of democratic attitudes and its resulting behavior, the consolidation and persistence of the regimes ultimately depend on the acceptance of the citizens: "Democratic regimes are especially dependent on public support." (Mishler and Rose, 2002, pp. 5-36.)

Given this analysis of the question, the following conclusions can be drawn, theoretically and empirically, about Thailand's situation:

1. Thailand's democracy cannot be consolidated because the attitudes and behaviors of some citizens, especially in Bangkok and the upper southern provinces, are not congruent with the normative expectations of democracy in the current crisis. Indeed, these attitudes contribute to the state's collapse.
2. Some political elites especially from the Democrat Party play the leading role in rendering democracy in Thailand get defective. Not only have they tried to prevent the February elections but have gone on to call for their annulment afterwards. Abhsit Vejjajiva as the leader of the Democrat Party charged the constitutional court with this annulment, based on his interpretation of Article 68<sup>4</sup> of the constitution. (National News Bureau of Thailand, 2014)

Nonetheless, at first, the Constitutional Court in Thailand rejected a demand by Abhsit and the Democrat Party to cancel the February elections, but afterwards, they decided to render it invalid on 21<sup>st</sup> of March. (Monday Times, 2014)

Therefore, it can be concluded that democracy in Thailand at the moment is suffering from a number of defects, primarily in the area of political culture. The refusal of the political elites to respect the rule of law and accede to democracy is damaging to the – already lacking – democratic culture, as is their unwillingness to engage in negotiations with the electoral winner. Yet some blame

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<sup>4</sup> Article 68 is the same section that the Democrat Party had successfully invoked to request the invalidation of the constitutional amendment in November 2013. Section 68 prohibits an attempt to undermine "the democratic regime of government with the King as Head of State," or to acquire administrative power by constitutional means, and empowers the Constitutional Court to stop such an attempt, to dissolve any political party guilty of it, and to disfranchise the executives of the dissolved party for five years. The Pheu Thai Party filed a counter-request in response to the Democrat Party on 5 February, seeking the dissolution and disfranchisement of that party's executives on the grounds of section 68. A Pheu Thai Party spokesperson said that the Democrat Party's request to invalidate the election is an attempt to topple the government outside the rule of democracy.

must also be placed on the shoulders of the Yingluck administrations which is not purely democratic in its attitude and behavior, either. The following paragraphs will analyze the behavior of both sides in some greater detail:

First, on the government's side, the cases of corruption and populist policies, such as the rice subsidy, have drawn serious criticism not only from the conservatives. While the populist policies helped the Pheu Thai party into power, the alleged corruption and tax costs fueled the protests against them. (The Guardian, 2014) Also, looking back at previous governments, corruption has always been an overpowering problem, adding to the negative impression of democracy among the populace. As Mishler and Rose (1996, p.557.) state, the "limited history of new regimes" prohibits deeply rooted democratic value orientations from having been generated by socialization processes; instead, that new regime will be compared with the performance of its predecessor, rooted in another political system. If that comparison seems to favor the predecessor, this will lead to "popular support for competing regimes." (Rose, Mishler, and Haerpfer, 1998, p. 91.) As such, only a comparison in favor of democracy can lead to attitudes that accept and support democracy as the new regime. Given the less than stellar performance of democratic governments in Thailand's history, this may explain the lack of consolidation since the people have not learned to trust democracy.

Second, on the side of the PDRC, it should be noted that their connections to the conservative power base, in particular the Democrat Party, are officially disavowed. What is clear, as stated before, is that the Democrat Party does not play its appointed role as a democratic opposition. Both the PDRC and the Democrat Party have opposed elections, a core principle of democracy. A boycott, judicial wrangling, refusing to accept an election as valid – such attitudes support the mistrust of democratic politics. Also considering their disrespect and bending of the law, this does not bode well for any, quite necessary, reforms of the system.

As demonstrated above, Thailand's problems with the attitudinal object "democracy" have grown to immense proportions in the current crisis, highlighting the relative importance of socialization as well as experience or performance for the development of support for democracy.

#### **(4) The Discussion:**

The differentiation between government and regime and the emergence of a competitive political system by the PDRC, attempting to introduce "fascism" or "authoritarianism" to Thailand

Most of Thailand's political history was dominated by the military, with few exceptions, and the conservative power group, up to Thaksin and his party appearing on the scene in 2001. The latter's populist policies have seen greater benefit for rural areas through a democratic government. Yet this has certainly not led to greater appreciation for democracy in the respective regions, but perhaps there is more awareness of a political choice than in the past when the country's politics were stuck in a traditional mode.

In the past, the people's expectation was to be ruled by political elites and the military. With the Thaksin faction, policies were more beneficial to the lower classes, which is what brought them landslide victories in elections. Modern technology, in particular information technology, has played a part in this development as people in the countryside are better connected to the goings-on in their country. To them, the Thaksin faction has the better answers and strategies on how to run Thailand in this changing world.

Fuchs considers information as a source for evaluating the support for democracy, an aspect equally important to socialization or direct personal experience. He says that modern media and communication techniques can foster a diffusion of information about democracy into a community. As an example, he cites the comparisons that people in Eastern Europe drew between their communist systems and the democratic systems of the West, leading to the former's collapse.

Nevertheless, a problematic differentiation between government and regime has occurred in the populace since the start of the crisis in late 2013. That is because (1) people are not satisfied with the government led by Yingluck Shinawatra with regard to the Amnesty Bill and corruption (which had become the PDRC's keyword in attacking the government's legitimacy) (2) people are told that the root of this problem lies in the Pheu Thai Party remaining in office; accordingly, democracy is perceived as meaningless as only Thaksinocracy could win. This means that not only the political differences are deepening but its democratic regime is also breaking down, as evidenced by election boycotts and aggressive behavior towards people with different opinions. This attitude is generated by the exact same political forces that should foster democracy rather than bring it to the brink of regression.

So, considering the differentiation between government and regime, it can be concluded that Thailand suffers from both poor experience with democratic rulership as well as support for an authoritarian or fascist competitive system.

**Conclusion:**

Political culture is one of the significant defects of Thailand's democracy. It has resulted from the failure of democratization after the 1932 revolution. The non-democratic regimes, especially the hierarchical military, only had to extricate themselves from ruling because they realized it cost more than controlling a civilian government from backstage. Those civilian governments, under the influence of the conservatives and the military, did not consider the ordinary people as worth their attention. Accordingly, a democratic political culture never found proper root in Thailand. When major socialization agents (parents, teachers) are themselves not convinced of the benefits of democracy, it is difficult to implant a primary, democratic socialization. Secondary socialization is also not ideally suited for the promotion of democratic values, as it is undermined by the political elites' disinterest and the (powerful) presence of antidemocratic parties. Support for democracy in general at a given time point  $t_1$  can be formalized as follows: (Fuchs and Roller, 2006, pp. 81-83.)

$$SD_{t_1} = b_1 SD_{t_0} + b_2 SF_{t_1} + b_3 SE_{t_1}$$

(*Support for Democracy = Support Development + Support Function + Secondary Socialization Efforts*)

**Also**, when a non-democratic regime is abolished (in the case of Fuchs' study, he is referring to the communist regime in Eastern European countries) and a democratic regime is established, ( $t_0$ ) *support for democracy* as a form of government (SD) is the result of a *comparison* between the experience with the non-democratic regime and information on Western regimes (RC). Such a rational comparison between the advantages and disadvantages of two opposing systems and competing types of regimes does not come into effect without any preconditions. Fuchs and his team assume that the level as well as the sustainability of support for democracy also depends on a long-term, historically grown *cultural tradition* (CT) of the particular country. This tradition goes far beyond the establishment of the non-democratic regime and yields dispositions toward commitment to democratic values such as the political participation of citizens or political tolerance. Empirical evidence on the relevance of cultural traditions for the development of democratic attitudes has been provided recently (Fuchs and Klingemann, 2002). Both assumptions as explained here can be formalized by the following equation:

$$SD_{t_1} = b_1 RC + b_2 CT.$$

(*Support Development = History of transformation and Information + Cultural tradition of particular country*)

**Remark:** When this equation is applied to Thailand, it should be considered that Khana Ratsadon, or the revolutionary group in 1932, did not permit an opportunity to compare the new regime democracy with its preceding non-democratic regime at the same time, as was possible for the Eastern European countries in Fuchs' study. Surveys have investigated the preferences of the Thai people for certain systems, showing no particular preference for democracy, not least because the populace has never experienced a full but only a sham democracy in action. The changeover to the new regime of a constitutional monarchy with a democratic system has only been established by a small group, predominantly from the hierarchical military, and can be

seen as another process of extrication. Worth noting here is that the very first phase of apparent democracy was already cut short within a year by a military coup and another authoritarian regime taking over. These developments also contributed to Thailand never been socialized into a democratic political culture.

It is difficult for democracy to be consolidated when the factors of timing (has there been enough time?) and political culture (does it support democracy?) are insufficient for the aggregation of democratic micro-data. The history of transformation and information about democracy has had next to no impact on the cultural tradition of Thailand. Therefore, there is no real democratic power from the people in the country to challenge the old power groups like the bureaucrats, military, and royal institutions. Considering that these major groups have never transformed themselves, it is naturally difficult to consolidate democracy.

**Therefore**, as analytically seen from the history, Thailand's political culture is still not congruent with the normative concept of democracy. It has even been shown that the situation is deteriorating in the current crisis. A significant reason for that lies in the deep split in society, as one faction supports the conservative power group and wants to protect the monarchy. The other faction's goal is supporting and protecting democracy through the system and the law. While there is some talk of political elites trying make a deal between both sides, a crucial problem remains: Will there be any benefits for the ordinary people? They have been foot soldiers in the elites' squabbling, some of them have died, but after the wheeling and dealing at the top is finished to their satisfaction, what – if any – benefits will be there for the ordinary people?

**Additionally**, with the patronage system, corruptions, hierarchy and so on still firm parts of Thai political culture, of course they will continue to inform the design of its political institution and their functions. As mentioned before, there are a number of institution outside the democratic regime, as the Privy Council, the royals, the military as well as the lèse majesté law or Article 112; these mechanisms and tools are signs of Thailand's defective democracy. Without them being resolved and put in line with democratic thinking, Thailand's democracy cannot be consolidated and continues to be at risk of a rival political regime, as is now the case with the PDRC's push towards authoritarianism or fascism.

**Nonetheless**, as the theory of consolidation and political culture shows that socialization is not the only method for generating support for democracy, but that the "experiences of a government's performance" heavily influence the attitude of a populace towards democracy as a new regime. Fuchs (2006, p. 82) analyzes that the stabilizing or eroding effects are caused, first, by citizens' "experience with the functioning of democracy in their country." This experience refers to the functioning of institutional mechanisms (*EI*) as well as to the performance of democracy in one's own country (*EP*). At any point in time after the "zero-point situation" at the beginning ( $t_1$ ), a retrospective evaluation of those experiences covering the respective time period is conducted. It results in more or less *support* for the *functioning* of democracy in one's own country ( $SF t_1$ ).

The corresponding equation is:

$$SF t_1 = b_1 EI t_1 + b_2 EP t_1$$

(*Support Function = Experience refers to the functioning of institutional mechanisms + The Performance of Democracy in one's own country*)

**Therefore**, it must be empirically accepted that the emergence of the large scale demonstrations in late 2013 was caused by bad experience and dissatisfaction with the government led by Yingluck Shinawatra regarding the Amnesty Bill and corruption. (Please find more details about the PDRC supporters' attitudes toward the government from the survey conducted by the Asia Foundation in Chapter V.) Even though the Amnesty Bill had already been withdrawn from parliament, Yingluck and her government were still forced out of office. This is due to their imperfect capacity of administration as well as their poor reputations with regard to corruption, failing to properly manage their populist policies, most of all the rice subsidy policy for which the National Anti-Corruption Commission or NACC is currently suing Yingluck (The Nation, 2014) and the Amnesty Bill as the original trigger for the demonstrations. While demonstrations, as representations of people power fighting for their rights, might under different circumstances be counted as a positive signal, these protests are orchestrated as a political tool by the PDRC under former Democrat Party politician Suthep Thaugsuban, joined by the conservative power group supported by Abhisit and, again, the Democrat Party. With propaganda against the Thaksin family's alleged corruption, they have succeeded in getting the Amnesty Bill withdrawn, but the situation continues to get more serious as the propaganda devolves into hate speech, in the demonstrations or via their own television channel. For those people who do not have other sources of information, the situation seems clear and the enemy's supposed evil is unquestionably accepted. Violence seems an almost inevitable result, given the situation, but it may yet get worse as a civil war is not out of the question, unless both sides manage to find a solution or negotiation.

**Also**, the other equation to measure Support for Democracy in one's own country is about **the equation for institutional structure** as follows:

$$SS_{t_1} = b_1 SD_{t_1} + b_2 SF_{t_1}$$

(*Institutional Structure = Support for Democracy + Support Function*)

Regarding the institutional *structure* of one's own country ( $SS_{t_1}$ ), Fuchs' theory explains that it is affected by two factors (Easton, 1965): first, whether the institutional structure is perceived as democracy and is legitimized in that. This perception can be conceived as an overflow of general *support for democracy* onto the democracy of one's own country. The second factor is the generalization of experience with the functioning of democracy in one's own country on the evaluation of its type or its institutional structure. Using the notion of a hierarchy of objects, one can talk of a "top-down" (overflow effect) and a "bottom-up" effect (generalization effect).

What is crucial in Thai society at the moment is how the conservative forces behind the PDRC have tried to push a number of institutions both in line with the democratic regime and outside it to remove the Yingluck government even when it is only a caretaker administration with little power to control anything. The dubious nature of this push is underlined by the lack of any legal option in the constitution to remove a caretaker government until a newly elected administration takes its place. Furthermore, no one in the PDRC movement talks about their questionable *Support for Democracy* being problematic; this further affects the factor of *Support Function*.

The willingness to bring in a non-democratic government is the most troublesome aspect as it would bring Thailand's democracy to the brink of destruction.

**Part II      Comparative politics between Thailand and two democratic countries without any doubts about their consolidation: Great Britain and Germany**

- Why and how can democracy become the only game in town?*  
*--- What are the differences of political culture between the consolidated democratic countries Great Britain and Germany & the defective democratic country Thailand*

First, the following should be explained:

*Why were Great Britain and Germany selected for this comparison of politics?*

Great Britain was selected because of some similarities in their political system with Thailand. Both have a parliamentary democracy with a monarch as head of state, and Great Britain also has a lèse majesté law in its legal code, as does Thailand. However, unlike Thailand, Great Britain is a so-called consolidated democracy that has a stable system of law and government. Importantly, the attitudes and behaviors of the British towards their royal family are quite different from Thailand, especially regarding the lèse majesté law. Great Britain has not suffered any problems of instability of the country because of challenges to the royal rule by critics; there is far less insecurity about its monarch and royal family than the fear Thai citizens have. Said fear has allowed this law to become a powerful political weapon against the oppositions or people with different opinions. Use of this weapon has led to defects in Thailand's democracy and also plunged the country into chaos.

Germany is also significant here because of its interesting history reuniting two different political systems; communism in East Germany (before the year 1989) and democracy in West Germany. The processes of this successful unification can be applied to Thailand, especially when it comes to healing the rifts between the deeply divided factions and the concepts for which they stand: authoritarianism through an unelected government on the PDRC side and a democratic system that certainly needs elections and a majority of votes on the other. Of further interest is a study of Germany's democratic consolidation from the start until today, leading to a strong and stable democratic system. This analysis can also be found in this section.

**(1)      Great Britain**

*A consolidated democratic country with a monarch as head of State*

The democracy of Great Britain is considered consolidated and stable with regard to the high statistics of voting in the country as well as its citizens being part of an organization in the society, thus creating a lively civil society.

**Table 1** General election turnout since 1945, by region in the United Kingdom

Year	UK	Great Britain 5	Wales	Scotland	N. Ireland
1950	83.9	84.4	84.8	80.9	77.4
1951	82.6	82.7	84.4	81.2	79.9
1974 Feb	78.8	79	80	79	69.9
1959	78.7	78.9	82.6	78.1	65.9
1992	77.7	78	79.7	75.5	69.8
1964	77.1	77	80.1	77.6	71.7
1955	76.8	76.9	79.6	75.1	74.1
1966	75.8	75.9	79	76	66.1
1979	76	75.9	79.4	76.8	67.7
1987	75.3	75.4	78.9	75.1	67
1945	72.8	73.4	75.7	69	67.4
1974 Oct	72.8	72.6	76.6	74.8	67.7
1983	72.7	72.5	76.1	72.7	72.9
1970	72	71.4	77.4	74.1	76.6
1997	71.4	71.4	73.5	71.3	67.1
2010	65.1	65.5	64.7	63.8	57.6
2005	61.4	61.3	62.6	60.8	62.9
2001	59.4	59.2	61.6	58.2	68

Source: House of Commons Research Papers 01/37, 01/54, 05/33 & 10/36

**Table 2** Electoral registers, 16 October 2012 (for Great Britain (except London) and Wales), 1 December 2012 (London, Scotland and Northern Ireland: Parliamentary electors)

Constituent countries of the United Kingdom, Parliamentary constituencies 1  
Note: C - county constituency; B - borough constituency

Parliamentary constituency	Codes	Total electors (includes attainers)	Total electors (includes attainers)	Attainers <sup>23</sup>	Attainers <sup>234</sup>
		1st December 2011	1st December 2012	1st December 2011	1st December 2012
United Kingdom	K02000001	46.107.152	46.353.871	478.739	469.325
Great	E92000001	38.654.024	38.837.344	402.573	392.354

<b>Britain</b>					
<b>Wales</b>	<b>W92000004</b>	2.298.569	2.301.073	20.339	19.294
<b>Scotland</b>	<b>S92000003</b>	3.941.592	3.985.257	43.940	46.200
<b>Northern Ireland</b>	<b>N92000002</b>	1.212.967	1.230.197	11.887	11.477

1. The constituencies for Great Britain, Wales, Northern Ireland and Scotland are the constituencies that came into effect at the last UK general election in May 2010. In Wales, these constituencies were used for the 2006 Welsh Government elections.
2. Attainer is the term used to describe a person who attains the age of 18 during the currency of the register (i.e. after 1st December 2012 but before 1st December 2013 for the latest data) and is entitled to vote at an election held on or after his or her eighteenth birthday.
3. Attainer figures can fluctuate as a result of changes in local authority practice for contacting and administering those approaching 18 years of age.
4. The figures for attainers for the parliamentary constituencies in Great Britain (excluding London) may include persons attaining the age of 18 outside the currency of the register.
5. Following the Parliamentary Constituencies and Assembly Regions (Wales) (Amendment) Order 2011, the marked parliamentary constituencies in Wales are no longer co-terminus with the corresponding National Assembly for Wales constituencies.

Codes are those used by ONS from 1 January 2011, in line with the UK coding and naming policy for statistical geographies

**Source:** Office for National Statistics, National Records of Scotland, and Electoral Office for Northern Ireland

How Great Britain has developed and consolidated its democracy is quite interesting, especially since the monarch's institution is still be able to suitably take part in any political transformations in the country. That shows the capability of self-adjustment as the significant mechanism of Great Britain's open society. While the king and the royal family have no power to administrate and govern the country as their ancestors had done, they remain in place along with their respective institutions in the country; no matter the changes in the world, there is no doubt about the stability of their institutions. It should be noted that Great Britain's royals rarely use the *lèse majesté* law, even though it has been never removed from the country's constitution. Instead, should such cases occur, they use the same laws available to ordinary British people. Aside from having secure political institutions, the English people have also cultivated important attitudes and political culture: They believe in the responsibility of their political institutions and political leaders under the parliamentary democratic system to guide the country. Furthermore, when political problems arise, these are to be discussed, and the governing classes are expected to explain themselves. These kinds of political attitudes and behaviors are useful for a consolidated democratic

society because they support democracy with respect to the democratic institutions and the law. (Gabriel and Sidney, 1965) Therefore, on the basis of such a democratic political culture, democracy cannot easily be endangered, for instance by a rival group with another political system. In Great Britain, democracy is indeed the only game in town.

Considering the development of Great Britain's politics, there are some interesting reasons to explain why democracy in Great Britain is stable and consolidated:

### **Great Britain has had a long-term socialization of its political culture and political institutions**

#### **(1) The UK's political culture and institutions have been developed over a very long period with tremendous impact on the society.**

##### **(1.1) Origins of Parliament and cessation of the power of English aristocracy**

In 1265, the idea of an elected parliament was first put into practice in England, starting an ongoing electoral tradition for the country. This set the scene for the so-called "Model Parliament" of 1295 adopted by Edward I. By the reign of Edward II, Parliament had been separated into two Houses: one including the nobility and higher clergy, the other including the knights and burgesses, and no law could be made, nor any tax levied, without the consent of both Houses as well as of the Sovereign. Even though England's political history saw a number of conflicts over the kingship, which did spill over into the parliamentary field, yet the innovation was never abandoned. There were modifications, such as under Oliver Cromwell's commonwealth of England, when there was no monarchy, the House of Lords was abolished, with the House of Commons subordinate only to Cromwell. This idea did not take hold, as the restoration of 1660 saw not only the return of the monarchy but also the House of Lords. The parliaments were developed to be a treaty of union for England, Scotland, and Ireland into a new kingdom. Once the terms of the Treaty of Union were agreed in 1706, Acts of Union were passed in both the Parliament of England and the Parliament of Scotland, creating the new Kingdom of Great Britain. The Acts dissolved both parliaments, replacing them with a new *Parliament of the Kingdom of Great Britain* based in the former home of the English parliament.

Towards the end of the 18th century the monarch still had considerable influence over Parliament, which was dominated by the English aristocracy and by patronage, but had ceased to exert direct power: For instance, the last occasion that Royal Assent was withheld, was in 1708 by Queen Anne. At general elections, the vote was restricted to freeholders and landowners,

in constituencies that were out of date, so that seats could be bought in many “rotten boroughs” while major cities remained unrepresented. Reformers and radicals sought parliamentary reform, but during the Napoleonic Wars, the government became repressive to dissent, and progress toward reform was stalled.

### **(1.2) The origins of the Bill of Rights since the year 1689**

The English Bill of Rights<sup>5</sup> is an Act of the Parliament of England passed on 16 December 1689. (Thatcher, Oliver Joseph (ed.), 1907) It was a restatement in statutory form of the Declaration of Rights presented by the Convention Parliament to William and Mary in March 1689 (or 1688 by Old Style dating), inviting them to become joint sovereigns of England. It lays down limits on the powers of the crown and sets out the rights of Parliament and rules for freedom of speech in Parliament, the requirement for regular elections to Parliament, and the right to petition the monarch without fear of retribution. It reestablished the liberty of Protestants to have arms for their defense within the rule of law, and it condemned James II of England for “causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law.” These ideas about rights reflected those of the political thinker John Locke, and they quickly became popular in England. It also sets out — or, in the view of its drafters, restates — certain constitutional requirements of the Crown to seek the consent of the people, as represented in Parliament. In the United Kingdom, the Bill of Rights is further accompanied by the Magna Carta, the Petition of Right, the Habeas Corpus Act 1679, the Parliament Acts 1911 and 1949, the Human Rights Act 1998 and the Equality Act 2010 as some of the basic documents of the uncodified British constitution. A separate but similar document, the Claim of Right Act, applies in Scotland. The Bill of Rights (1688 or 1689) was one of the inspirations for the United States Bill of Rights. Along with the Act of Settlement 1701, the Bill of Rights is still in effect in all Commonwealth realms. (Toporoski, 1996) It is one of the main constitutional laws governing the royal succession. Since the implementation of the Statute of Westminster 1931, the Bill of Rights cannot be altered without the consent of every realm. (Statute of Westminster; 1931 c.4 22 and 23 Geo 5)

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<sup>5</sup> The Act is cited as *The Bill of Rights* in the United Kingdom, as authorized by section 1 of, and the First Schedule to, the Short Titles Act 1896. Owing to the repeal of those provisions, it is now authorized by section 19(2) of the Interpretation Act 1978. In the Republic of Ireland, it is cited as *The Bill of Rights 1688*, as authorized by section 1 of, and the First Schedule to, the Short Titles Act 1896 (as amended by section 5(a) of the Statute Law Revision Act 2007). The short title of this Act was previously “The Bill of Rights.”

**(1.3) Great Britain's political system has been well developed towards consolidated democracy since the late 19<sup>th</sup> century**

This political system has 7 qualifications of democracy: (1) liberty of the citizens, (2) the concept of democracy, (3) the legislative supremacy, (4) the constitutional monarchy, (5) a single state, (6) the parliamentary system, and (7) government by political parties

**Political elites are the important key factors to developing their democracy**

**(2) The good cooperation between feudalists and bourgeoisies as political elites in the country is one of the important factors in consolidating the parliamentary system.**

One of the reasons for these classes supporting the development of the parliamentary system lies in their realization of the changes in the world at the time, especially concerning the wave of democracy and the advantages it would bring. Accordingly, the political system in Great Britain was developed in parallel with the development of capitalism and the industrial revolution since 1760.

**Religious influences in the society**

**(3) Religion even today has a great influence on society, but Great Britain clearly separates it from politics.**

As an example, members of the Conservative party tend to be Anglicans, the particularly British brand of Christianity, while members of the Labour party show a greater distribution of faiths.

**Education is the significant factor for democratizing its democracy**

**(4) Education is the main pillar of the society that makes its people actively participate in politics**

David Butler's survey found that English citizens generally take part in elections from the first time they are allowed to after turning 18 years of age until they die. (Butler and Stokes, 1974)

**The positive influence of interest groups in the society on its politics**

**(5) Interest groups can create a system of bargaining and influence a government**

Richard Rose, an academic, concludes that the interest groups in Great Britain have 4 objectives with regard to a government: (1) They investigate

the government's attitudes and how these can be altered to suit the interest groups. (2) They analyze the goals of a government in administering the country. (3) They consider how a government can create influence through its policies. (4) They learn about the status of their own groups. (Rose, 1965)

**The executive branch has the full power to administrate the country, not permitting easy interventions from other branches or entities outside the democratic regime**

**(6) The king has no power to rule the country, and the system is designed to give the prime minister and his administration full authority to govern**

While the monarch has a number of roles to play in the British democracy, (almost) none of them are by choice. After an election, appointment of a new prime minister is based on which party won the election (or arranged a coalition with a majority of the seats) rather than the monarch's preference. Laws are passed by parliament, and the monarch's role is merely confirmation by signing these. Official speeches, in particular directed at Parliament, are in fact written by the prime minister's office and represent his or her view. Any dissolution of Parliament is decided by the prime minister, whichever the views of the monarch.

**(7) A government is the result of elections**

Hence, the cabinet's goal is to craft policies benefitting the British people, and in turn, the citizens vote for those parties who they would prefer in charge of the country.

**(8) A prime minister of Great Britain has supreme authority to govern the country**

As he is backed by a majority in Parliament, any laws drafted by the Prime Minister are likely to be passed and put into effect.

**The secure Parliament of Great Britain**

**(9) The Parliament of Great Britain is one of the most important institutions in the democratic system**

It has achieved this position due to its long development and has thus become the archetype for parliaments across the world.

The Speaker of the House, presiding over the proceedings, is strictly non-partisan, disavowing any political relations prior to taking office.

**(10) The House of Lords has no true power in administrating the country**

As a closed organization, they merely retain the status quo. The 900 – 1000 members rarely attend meetings, unless the topic concerns them directly. This highlights how little aristocrats are involved in governing, thus promoting the influence of ordinary people who instead rise to political power, as it should be in democratic regime.

**The quality of the bureaucracy in Great Britain****(11) The bureaucracy of Great Britain is stable and strong as should be the case in a single and centralized state should be**

Britain's administrative system is effective in implementing any policies the government decides and stands outside the influence of political parties.

While state functionaries are well educated and highly effective, this is associated with a problem of Great Britain's bureaucracy as graduates of elite schools and universities, i.e. from better off families, are vastly preferred.

**(2) Germany*****Learning from its successful reunification of two different political systems***

Germany is now a federal parliamentary state in western-central Europe. Preceding its descent into authoritarianism in the 20<sup>th</sup> century, the country had already gathered earlier parliamentary experience leading up to the Weimar Republic when it was a fully democratic system. Unfortunately, it was rather unstable, leading first to fascism and World War II before splitting the country in two, physically as well as ideologically: The eastern part fell under the control of communism, while the western part became a democratic country. There, democracy was deeply implanted and solidified, but the true challenge was to come with reunification when the former communist part was merged with the democratic Germany. The strategies and actions involved in consolidating democracy in Germany, along with the way it was supported by the international community, are of great interest when compared to Thailand's current challenges, particularly considering how the two Germans were fused into one democratic nation.

**Timing, political development, and democratization in Germany**

This overview of Germany's history begins with the start of World War I: Germany was a democracy under the limited rule of the Kaiser according to the German Constitution of 1871. In fact, the legal power of the German monarch was not dissimilar to that of his British counterpart. The German constitution put two important powers into the Kaiser's hands. Firstly, he was responsible for appointing and dismissing the chancellor, the head of the civil government. Admittedly, the chancellor could only govern if he had a majority in the *Reichstag*, but this limitation on the emperor's freedom of choice was

more form than an actual constraint, because most members of the *Reichstag* felt it their loyal duty to support whomever the Kaiser appointed. Secondly, the German Army and Navy were not responsible to the civil government, so that the Kaiser was the only person in Germany who could ensure that the nation's soldiers and sailors pursued policies in line with those of civil servants and diplomats. Thus, British journalists and publicists had some justification when during and immediately after the war, they portrayed the Kaiser as the Supreme War Lord and therefore the man who, more than anyone else, decided to make war. However, in the years after 1890, the German upper and middle classes were starting to demand a larger say in the world's councils no matter who was on the throne, and this "urge to world power" was almost bound to bring them into collision with some of the existing great powers. The chief criticism to be made of the Kaiser is that, instead of seeing this danger and using his influence to restrain German political appetites, he shared and indeed increased them, particularly by his determination to give Germany a navy of which it could be proud.

However, even though democracy in Germany continued during and after World War I, it was interrupted for 12 years by Hitler and his fascist Nazi party coming to power through democratic means. Responsible for World War II, the fascist regime ended with the country's surrender.

Afterwards, the remaining German territory and Berlin were partitioned by the Allies into four military occupation zones. Together, these zones accepted more than 6.5 million ethnic Germans expelled from eastern areas. (Richard, 2012) The western sectors, controlled by France, the United Kingdom, and the United States, were merged on 23 May 1949 to form the *Federal Republic of Germany (Bundesrepublik Deutschland)*; on 7 October 1949, the Soviet Zone became the *German Democratic Republic (Deutsche Demokratische Republik, or DDR)*. They were informally known as "West Germany" and "East Germany." East Germany selected East Berlin as its capital, while West Germany chose Bonn as a provisional capital, to emphasize its stance that the two-state solution was an artificial and temporary *status quo*. (Wise, 1998, p. 23.)

West Germany, established as a federal parliamentary republic with a "social market economy," was allied with the United States, the UK and France. Konrad Adenauer was elected the first Federal Chancellor (*Bundeskanzler*) of Germany in 1949 and remained in office until 1963. Under his and Ludwig Erhard's leadership, the country enjoyed prolonged economic growth beginning in the early 1950s, a development that became famous as "the economic miracle" (German: *Wirtschaftswunder*). West Germany joined NATO in 1955 and was a founding member of the European Economic Community in 1957.

East Germany was an Eastern Bloc state under political and military control by the USSR via the latter's occupation forces and the Warsaw Pact. Though East Germany claimed to be a democracy, political power was exercised solely by leading members (*Politbüro*) of the communist-controlled Socialist Unity Party of Germany (SED), supported by the Stasi, an immense secret service, and a variety of sub-organizations controlling every aspect of society.

A Soviet-style command economy was set up; the GDR later became a Comecon state. While East German propaganda was based on the benefits of the GDR's social programs and the alleged constant threat of a West German invasion, many of its citizens looked to the West for freedom and prosperity. (New York Time, 1989)

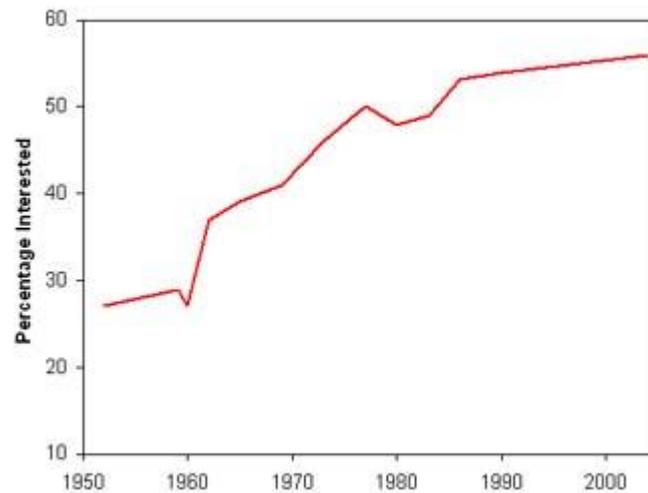
The Berlin Wall, built in 1961 to stop East Germans from escaping to West Germany, became a symbol of the Cold War. Tensions between East and West Germany were reduced in the early 1970s by Chancellor Willy Brandt's *Ostpolitik*. In the summer of 1989, Hungary decided to dismantle the Iron Curtain and open its borders, causing the emigration of thousands of East Germans to West Germany via Hungary. This had devastating effects on the GDR, where regular mass demonstrations received increasing support. The East German authorities unexpectedly eased the border restrictions, allowing East German citizens to travel to the West; originally intended to help retain East Germany as a state, the opening of the border actually led to an acceleration of the *Wende* reform process. This culminated in the *Two Plus Four Treaty* a year later on 12 September 1990, under which the four occupying powers renounced their rights under the Instrument of Surrender, and Germany regained full sovereignty. This permitted German reunification on 3 October 1990, with the accession of the five re-established states of the former GDR.

### **What to learn from Germany in this regard**

The lessons from Germany's example are important because it built a democratic society, in several steps, from a country previously ruled by a monarch, much like Great Britain. Another factor is that it took a long time for democracy to become fully entrenched with a system and a society supporting the democratic system, surely prolonged by the wars and the fascist regime. It is also interesting how much work was still needed after the reunification, in particular in the former East Germany to socialize those citizens to democracy, as Fuchs describes in his article "Learned Democracy? Support of Democracy in Central and Eastern Europe" (Fuchs and Roller, 2006).

In this article, he and Roller (2006) study the extent of support for democracy in the thirteen countries in Central and Eastern Europe as well as in East Germany. In their work, West Germany, representing an established democracy, is included as a benchmark country. Their analysis rests on the assumption that a democracy can be regarded as consolidated only if it is supported by the majority of its citizens. What is interesting in this article is that their empirical analysis is based on comparative surveys conducted from 1998 – 2001, after a decade of experience with the new democratic structures. The results show that in most countries of Central and Eastern Europe, support for democracy is considerably lower than in West Germany. This holds true not only for electoral democracies but also for liberal democracies in Central and Eastern Europe. They conclude by saying that in five countries, the percentage of respondents who can be classified as non-democrats is about 50%. Thus, the consolidation process in most of the new democracies in Central and Eastern Europe is not yet complete.

**Figure 1 Interest in German Politics  
after World War II**



Source: Allensbach Institut

Figure 1, in 1953, shows that almost two thirds of the West German public said they never discussed politics; in the late 2000s though, nearly two thirds claimed that they discussed politics daily during Bundestag elections. Figure 1 displays this growth of citizen involvement visually. In 1952, only 27 percent of the public said they were interested in politics. The proportion of interested citizens grew steadily over the next three decades. Political interest reached a plateau, at a level substantially higher than that of many other European democracies. (Russell, 2005) Some analysts described this pattern as a “participatory revolution,” as an increasing number of individuals became politically engaged. (Kasse, 1982) This revolution not only increased overall political involvement, but also expanded the citizen's role to include a wider array of political activities. In 1959, citizens defined their role in fairly narrow terms: Most were hesitant to engage in group activities; the public tended to adopt an administrative view of politics. Especially at the local level, people were more likely to contact the bureaucracy about a political problem than work with other citizens or contact a politician. Contemporary participatory norms emphasized a more activist role. Group-based activities or direct contact with an elected official slowly became preferred means of participation. The repertoire of potential political action has expanded to include protests, demonstrations, and other direct action methods. (Barnes, 1979)

Citizens in East Germany obviously experienced a very different political environment, but the regime actually fostered many of the same participatory norms. The East German government considered citizen participation as an essential feature of a “socialist democracy.” (Dennis, 1988) Everyone was expected to vote at election time and be involved in the campaign. The state

encouraged people to participate in government-organized social groups and political associations.

Extensive participation in mass organizations was integral to political life in the East. The irony of the German Democratic Republic or GDR was that it stressed participatory norms and citizen involvement while rejecting the principle of citizen influence over policy making. Participation was state-mobilized and encouraged, rather than an expression of citizen interests. In the short run, the extensive opportunities for citizen involvement and public discussion may have tempered public dissatisfaction with the regime. They also gave citizens a limited influence over some aspects of their lives. Yet, social science research indicates that participation in social organizations often develops organizational skills and political norms that encourage democratic political styles. (Verba, S. et al., 1978) By promoting political activity among a public that was knowledgeable about politics and informed about democratic processes in the West, the East German government may have weakened its own legitimacy.

One more thing to note about the success of reunification under the framework of a democratic regime is that Germany has taken part in and was supported in turn by international democratic societies and organizations, especially the European Union in which Germany has taken a leading role. As Linz & Stepan (2006) say,

*“When a country is part of an international ideology community where democracy is only one of many strongly contested ideologies, the chances of transiting to and consolidating democracy are substantially less than if the spirit of the times is one where democratic ideologies have no powerful contender.”*

Also, Merkel, Puhe, and Croissant confirm in this regard that historically, the European Union, and its precursor organizations, the ECCS, EEC, and EC respectively, have proven the most successful international embedding of democracies worldwide, due to the EU's emphasis on economic and democratic reforms. The combination of a market economy-oriented community based on common interests and democratic values makes the EU a unique model in the world. Neither ASEAN nor MERCOSUR nor NATO have comparable effects because they are not committed to the principle of democratic values in the same way. (Merkel, W./Puhle, 2003)

Germany now is governed by the system of a federal, parliamentary, representative democratic republic. The German political system operates under a framework laid out in the 1949 constitutional document known as the *Grundgesetz* (Basic Law). Amendments generally require a two thirds majority of both chambers of parliament; the fundamental principles of the constitution are expressed in the articles guaranteeing that human dignity, the separation of powers, the federal structure, and the rule of law are valid in perpetuity. The president is the head of state and invested primarily with representative responsibilities and powers. He is elected by the *Bundesversammlung* (federal convention), an institution consisting of the members of the *Bundestag* and an equal number of state delegates.

The second-highest official in the German order of precedence is the *Bundestagspräsident* (President of the *Bundestag*), who is elected by the *Bundestag* and responsible for overseeing the daily sessions of the body. The third-highest official and the head of government is the Chancellor, who is appointed by the *Bundespräsident* after being elected by the *Bundestag*. (Basic Law for the Federal Republic of Germany, 2010)

The chancellor, currently Angela Merkel, is the head of government and exercises executive power, similar to the role of a Prime Minister in other parliamentary democracies. Federal legislative power is vested in the parliament consisting of the *Bundestag* (Federal Diet) and *Bundesrat* (Federal Council), which together form the legislative body. The *Bundestag* is elected through direct elections, by proportional representation (mixed-member). The members of the *Bundesrat* represent the governments of the sixteen federated states and are members of the state cabinets. Since 1949, the party system has been dominated by the Christian Democratic Union and the Social Democratic Party of Germany. So far every chancellor has been a member of one of these parties.

**Global assessment of Great Britain and Germany's democracy**

**Table 3 Democracy statistics: Germany vs. United Kingdom**

		
	<b>German Democracy statistics</b>	<b>British Democracy statistics</b>
<u>Civil and political liberties</u>	5.5 Ranked 22nd	5.5 Ranked 20th
<u>Democratic institutions rating</u>	10 Ranked 10th	10 Ranked 6th
<u>Electoral system</u>	mixed member	first-past-the-post
<u>Electoral system type</u>	proportional	plurality
<u>Female candidacy</u>	1,918 Ranked 147th	1,918 Ranked 145th
<u>Female ministers</u>	35.9% Ranked 10th, <b>151% more</b> than United Kingdom	14.3% Ranked 58th
<u>Female parliamentarians</u>	31% Ranked 8th, <b>81% more</b> than United Kingdom	17.1% Ranked 46th
<u>Female suffrage</u>	1918	1918, 1928
<u>First female parliamentarian</u>	1919 (elected)	1918 (elected)

<u>Gender Parity Index in primary level enrolment</u>	0.997818666512099	0.999302769092674
	Ranked 37th in 2004	Ranked 32nd in 2004
<u>Legal equality granted to Jews (year)</u>	1871	1856
<u>Parliamentary elections &gt; Registered voter turnout</u>	79.1%	59.4%
	Ranked 45th, <b>33% more</b> than United Kingdom	Ranked 119th
<u>Parliamentary elections &gt; Total vote</u>	48,582,800	26,365,200
<b>DEFINITION:</b>	The total number of votes cast in the relevant election. Total votes include valid and invalid votes, as well as blank votes in cases where these are separated from invalid votes. More information on valid, invalid, and blank votes can be found at <a href="http://aceproject.org">aceproject.org</a>	
<b>SOURCE:</b>	Institute for Democracy and Electoral Assistance 2003	
	Ranked 8th, <b>84% more</b> than United Kingdom	Ranked 15th
<u>Parliamentary elections &gt; Voting age population</u>	66,313,900	45,804,100
	Ranked 8th, <b>45% more</b> than United Kingdom	Ranked 13th
<u>Parliamentary elections &gt; Voter registration</u>	61,432,900	44,403,200
	Ranked 9th, <b>38% more</b> than United Kingdom	Ranked 13 <sup>th</sup>

**Source:** Nation Master (2014)

Also, Freedom House gives Germany a 1.0 rating for Freedom, 1 for its Civil Liberties, and 1 for its Political Rights (1 = Best, 7 = Worst). Therefore, Germany is accorded the “Free Status” as one of the “best democracies of the world.” The same rating is also accorded to the United Kingdom.

**Comparative study between Germany and Thailand on the topic of political culture**

*: How the countries' respective political cultures differ between Germany as a consolidated democratic country and Thailand as a defective democratic country (analyzed from the data conducted by the World Value Survey, 2010-2014)*

The World Value Survey (2010-2014) investigated the different democratic political attitudes of Germany and Thailand with the same questionnaire. Interestingly, (1) the trend of the statistics from both countries head in the same direction when the questions just concern a general understanding of democracy, and (2) the statistical trends in both countries diverge when the questions deal with the practice and experience of democracy.

**I. The first group of data show democratic political attitudes in Germany and Thailand heading in the same direction**

**V84 How interested would you say you are in politics?**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very interested	20.8	27.7	14.2	9.7	16.2	28.0
Somewhat interested	41.6	41.7	41.5	42.4	38.6	43.5
Not very interested	27.8	22.3	33.0	33.0	30.9	23.7
Not at all interested	9.7	8.3	11.1	14.9	14.4	4.7
Don't know	0.1	-	0.1	-	-	0.1
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very interested	25.0	27.4	22.7	20.6	18.6	23.3	29.5	-
Somewhat interested	50.0	51.5	48.2	52.9	49.7	53.2	45.8	60.0
Not very interested	17.7	15.6	20.1	17.6	20.6	17.1	17.4	40.0
Not at all interested	6.8	5.1	8.6	8.9	11.0	5.7	7.1	-
No answer	0.4	0.5	0.4	-	-	0.7	0.2	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V130 I'm going to describe various types of political systems and ask what you think about each as a way of governing this country. For each one, would you say it is a very good, fairly good, fairly bad or very bad way of governing this country?  
Having a democratic political system**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very good	64.8	64.0	65.4	56.1	63.2	68.8
Fairly good	29.3	30.6	28.0	33.9	30.4	26.8
Fairly bad	3.0	2.8	3.3	5.4	2.8	2.4
Very bad	1.6	1.0	2.2	1.7	2.6	0.9
No answer	0.2	0.5	*	-	0.3	0.3
Don't know	1.1	1.0	1.1	2.8	0.6	0.7
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very good	68.3	71.6	66.7	35.3	59.3	69.9	69.3	40.2
Fairly good	23.5	21.4	25.2	35.2	31.1	21.3	23.8	39.8
Fairly bad	5.5	4.4	5.6	23.5	6.9	6.2	4.0	20.0
Very bad	2.3	2.1	2.2	5.9	2.8	2.0	2.4	-
No answer	0.4	0.5	0.4	-	-	0.5	0.4	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V140**      **How important is it for you to live in a country that is governed democratically? On a scale where 1 means it is “not at all important” and 10 means “absolutely important,” what position would you choose?**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Not at all important	0.1	0.1	0.1	0.5	-	0.1
2	0.3	0.6	-	-	0.8	-
3	1.2	1.4	1.0	2.1	0.9	1.2
4	1.6	2.0	1.2	2.1	1.0	1.8
5	4.0	3.0	5.0	7.2	2.2	4.2
6	3.4	2.9	3.8	4.5	3.7	2.7
7	3.8	3.0	4.6	4.8	4.5	2.9
8	13.2	14.0	12.5	14.3	15.3	11.4
9	12.6	12.4	12.9	14.8	14.4	10.7
Absolutely important	58.8	59.8	57.9	48.0	56.4	64.3
No answer	0.4	0.7	0.1	0.3	0.3	0.4
Don't know	0.6	0.1	1.0	1.4	0.5	0.4
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)
Mean	8.94	8.96	8.92	8.54	8.96	9.06
Standard Deviation	1.70	1.73	1.67	1.96	1.60	1.64
Base mean	(2,026)	(992)	(1,034)	(344)	(689)	(993)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Not at all important	0.3	0.2	0.4	-	-	0.3	0.2	-
2	0.3	0.2	0.4	-	0.7	0.2	0.2	-
3	0.6	0.5	0.7	-	0.7	0.5	0.7	-
4	1.6	1.0	2.2	3.0	2.1	1.7	1.3	-
5	7.4	6.4	8.1	11.8	7.6	7.8	6.6	20.0
6	10.0	10.9	8.5	17.7	11.1	9.8	9.5	39.8
7	8.9	8.9	8.3	17.7	9.7	8.7	8.8	-
8	11.8	11.7	12.1	8.8	16.6	11.3	10.8	20.1
9	10.1	8.0	12.6	5.9	13.8	10.4	8.6	-
Absolutely important	47.3	51.0	45.6	8.8	35.8	46.8	51.9	20.1
No answer	2.0	1.3	1.3	26.4	2.1	2.5	1.3	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)
Mean	8.42	8.52	8.38	6.96	8.15	8.41	8.54	7.01
Standard Deviation	1.91	1.85	1.96	1.69	1.90	1.93	1.89	2.00
Base mean	(1,176)	(602)	(549)	(25)	(143)	(581)	(447)	(5)

**V141**      **And how democratically is this country governed today?**  
**Again using a scale from 1 to 10, where 1 means that**  
**it is “not at all democratic” and 10 means that it is “completely**  
**democratic,” what position would you choose?**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Not at all democratic	0.5	0.8	0.2	0.8	0.3	0.6
2	0.9	1.2	0.7	0.5	0.6	1.3
3	2.8	2.8	2.8	0.7	5.3	1.8
4	4.0	4.8	3.3	4.4	4.0	3.9
5	9.4	8.8	10.0	14.3	6.8	9.5
6	10.1	11.6	8.8	9.7	9.5	10.7
7	20.2	19.0	21.3	20.2	21.7	19.2
8	28.0	28.1	27.9	27.9	27.2	28.6
9	12.4	12.5	12.3	11.3	13.7	11.9
Completely democratic	9.8	9.2	10.5	7.9	9.5	10.7
Missing; RU,DE: Inappropriate response	*	-	*	-	-	*
No answer	0.4	0.7	0.2	0.6	0.7	0.2
Don't know	1.3	0.6	1.9	1.7	0.8	1.5
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)
Mean	7.23	7.15	7.30	7.13	7.23	7.26
Standard Deviation	1.84	1.89	1.78	1.76	1.87	1.84
Base mean	(2,010)	(987)	(1,023)	(342)	(685)	(983)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Not at all democratic	2.9	2.8	3.2	-	3.5	3.0	2.6	-
2	1.7	1.5	2.0	-	2.1	1.3	2.0	-
3	3.6	3.6	3.6	2.9	2.1	3.9	3.5	20.0
4	4.0	3.8	4.5	-	7.6	3.5	3.5	-
5	15.4	13.9	17.4	8.8	14.4	15.3	16.1	-
6	16.4	16.4	16.0	20.6	16.6	17.2	15.2	20.1
7	15.3	15.8	14.2	23.5	20.7	14.6	14.1	39.8
8	16.2	17.0	15.1	17.7	17.2	16.4	15.7	-
9	8.9	8.0	10.1	5.9	4.1	8.4	11.2	-
Completely democratic	14.9	16.7	13.5	5.9	11.7	15.2	15.4	20.1
No answer	0.8	0.5	0.4	14.7	-	1.2	0.7	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)
Mean	6.79	6.89	6.67	6.97	6.53	6.80	6.86	6.60
Standard Deviation	2.24	2.24	2.28	1.55	2.17	2.24	2.27	2.51
Base mean	(1,190)	(607)	(554)	(29)	(146)	(589)	(450)	(5)

**V216** People have different views about themselves and how they relate to the world. Using this card, would you tell me how strongly you agree or disagree with each of the following statements about how you see yourself?

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Strongly agree	38.8	40.0	37.6	42.2	37.7	38.4
Agree	41.3	41.1	41.4	42.2	42.2	40.3
Disagree	12.2	10.7	13.7	9.1	14.3	11.9
Strongly disagree	4.6	5.4	3.8	3.2	3.1	6.1
DE,SE:Inapplicable ; RU:Inappropriate response; Missing	*	0.1	-	-	0.1	*
No answer	0.6	0.7	0.5	0.3	0.5	0.7
Don't know	2.5	2.0	3.0	2.9	2.2	2.6
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Strongly agree	33.5	33.7	32.3	47.1	30.4	32.2	35.9	60.1
Agree	52.4	53.8	52.3	29.4	57.2	51.3	52.7	20.1
Disagree	12.8	11.8	13.5	17.7	11.0	14.9	10.4	19.8
Strongly disagree	0.5	0.3	0.7	-	-	0.5	0.7	-
No answer	0.8	0.3	1.1	5.9	1.4	1.0	0.4	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228J Do you think that honest elections play an important role in deciding whether you and your family are able to make a good living?  
How important would you say this is: very important, fairly important, not very important, or not at all important?**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very important	34.8	38.7	31.1	30.2	32.7	38.0
Rather important	37.1	33.8	40.2	37.3	37.9	36.4
Not very important	17.1	17.1	17.1	23.3	14.4	16.7
Not at all important	5.0	5.5	4.5	5.0	5.7	4.5
Not applicable	0.5	0.2	0.8	0.2	0.9	0.4
No answer	0.6	0.7	0.4	-	0.7	0.6
Don't know	4.9	4.0	5.9	3.9	7.7	3.4
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very important	66.0	67.8	66.4	26.5	54.4	66.4	69.7	19.8
Rather important	24.2	23.4	24.0	41.2	29.7	24.9	21.7	-
Not very important	6.1	6.4	5.2	14.7	11.1	4.9	5.7	40.1
Not at all important	2.8	1.8	3.8	2.9	3.5	2.7	2.4	20.0
No answer	1.0	0.7	0.5	14.7	1.4	1.2	0.4	20.1
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228K Do you think that honest elections are an important factor in whether or not this country develops economically?  
How important would you say this is: very important, fairly important, not very important, or not at all important?**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very important	35.1	37.5	32.7	32.3	29.8	39.6
Rather important	41.3	38.7	43.7	46.1	41.5	39.4
Not very important	13.9	14.5	13.4	13.7	17.3	11.7
Not at all important	3.6	4.6	2.8	4.1	3.6	3.5
Not applicable	0.1	0.1	0.1	0.2	0.1	-
No answer	0.6	0.7	0.4	-	0.7	0.6
Don't know	5.5	3.9	7.0	3.6	7.0	5.1
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very important	77.1	77.8	76.8	67.7	72.4	77.8	77.7	59.9
Rather important	17.5	17.6	18.5	-	22.0	16.6	17.4	-
Not very important	2.3	2.0	1.6	20.5	2.8	2.4	2.2	-
Not at all important	1.6	1.3	1.8	2.9	0.7	1.3	2.0	20.0
No answer	1.5	1.3	1.3	8.8	2.1	1.9	0.7	20.1
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**II. The second group of data shows democratic political attitudes in Germany and Thailand diverging**

**V85** Now I'd like you to look at this card. I'm going to read out some forms of political action that people can take, and I'd like you to tell me, for each one, whether you have done any of these things, whether you might do it, or would never under any circumstances do it:  
**“Signing a petition”**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Have done	42.7	44.1	41.4	37.7	44.4	43.2
Might do	32.2	31.5	32.9	40.6	33.1	28.7
Would never do	23.9	22.7	25.0	20.1	21.3	26.9
Missing; RU,DE: Inappropriate response	0.3	0.6	-	0.3	-	0.5
No answer	0.2	0.2	0.2	-	0.6	-
Don't know	0.7	0.9	0.6	1.4	0.6	0.6
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Have done	11.5	10.4	12.6	11.7	30.4	9.8	7.7	-
Might do	26.8	24.2	28.0	52.9	29.0	29.3	22.3	60.2
Would never do	61.6	65.1	59.4	35.3	40.6	60.6	69.9	39.8
No answer	0.2	0.3	-	-	-	0.3	-	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V87 “Attending peaceful demonstrations”**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Have done	21.1	23.1	19.2	17.1	20.3	23.1
Might do	46.9	48.3	45.6	57.1	53.0	39.2
Would never do	30.5	26.6	34.1	24.9	24.4	36.6
Missing; RU,DE: Inappropriate response	0.4	0.6	0.2	0.3	0.3	0.5
No answer	0.2	0.2	0.2	-	0.6	-
Don't know	0.9	1.1	0.6	0.5	1.5	0.6
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Have done	8.9	8.1	9.8	8.8	16.6	8.9	6.4	-
Might do	26.4	23.5	28.2	50.0	29.7	29.1	21.7	40.1
Would never do	64.6	68.2	62.1	41.2	53.0	61.9	71.9	59.9
No answer	0.1	0.2	-	-	0.7	-	-	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V89 “Attending peaceful demonstrations”**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Have done	10.9	13.0	8.9	9.8	10.2	11.8
Might do	42.6	44.1	41.2	49.1	45.6	38.2
Would never do	41.5	37.1	45.8	39.1	37.8	45.0
CN,DE,SE: Inapplicable ; RU: Inappropriate response; Missing	0.8	1.1	0.6	0.5	0.7	1.1
No answer	0.3	0.5	0.2	0.3	0.7	-
Don't know	3.8	4.3	3.3	1.2	4.9	3.9
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Have done	3.3	3.9	2.7	-	2.8	3.5	3.1	-
Might do	26.5	23.6	28.0	55.8	38.7	28.8	19.7	20.1
Would never do	69.9	71.8	69.3	44.2	58.5	67.6	76.3	79.9
No answer	0.3	0.7	-	-	-	-	0.9	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V142 How much respect is there for individual human rights nowadays in this country? Do you feel there is:**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
A great deal of respect for individual human rights	30.1	31.6	28.6	30.6	32.4	28.3
Fairly much respect	56.3	55.8	56.8	54.6	52.4	59.6
Not much respect	11.4	10.8	12.0	12.6	12.1	10.5
No respect at all	1.0	1.0	1.0	0.6	1.8	0.6
AM: Inapplicable; RU,DE: Inappropriate response; Missing	*	-	0.1	-	-	0.1
No answer	0.3	0.5	-	-	0.8	-
Don't know	0.9	0.2	1.5	1.5	0.5	0.9
<b>(N)</b>	<b>(2,046)</b>	<b>(1,000)</b>	<b>(1,046)</b>	<b>(351)</b>	<b>(695)</b>	<b>(1,001)</b>

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
A great deal of respect for individual human rights	30.8	32.9	28.7	26.5	21.4	30.0	35.2	-
Fairly much respect	30.0	31.0	30.0	11.8	23.4	32.9	28.4	20.0
Not much respect	34.6	32.7	36.2	44.1	49.0	33.1	31.7	59.9
No respect at all	3.0	2.3	3.6	5.9	4.8	2.4	3.1	20.1
No answer	1.6	1.2	1.4	11.7	1.4	1.7	1.6	-
<b>(N)</b>	<b>(1,200)</b>	<b>(610)</b>	<b>(556)</b>	<b>(34)</b>	<b>(146)</b>	<b>(596)</b>	<b>(453)</b>	<b>(5)</b>

**V228 If there were a national election tomorrow, for which party on this list would you vote? If the answer is "Don't know": Which party appeals to you most?**  
[Each country provides codes to cover all major parties in given society]

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Not applicable	6.6	7.9	5.4	8.7	8.9	4.4
No answer;SG: Refused	10.9	9.5	12.1	8.7	13.7	9.7
Don't know	8.6	5.8	11.3	11.6	8.3	7.7
I would not vote	0.3	0.6	0.1	0.3	0.5	0.2
Null vote	0.6	0.8	0.4	0.3	0.6	0.7
DE: Christlich-Demokratische Union/ Christlich-Soziale Union (CDU/CSU) - Christian Democrats	29.4	29.5	29.2	24.9	26.4	33.0
DE: Sozialdemokratische Partei Deutschlands (SPD) - Social Democrats	23.4	27.1	19.8	18.8	20.8	26.8
DE: Freie Demokratische Partei Deutschlands (FDP) - Free Democratic Party	2.4	3.1	1.6	1.9	2.0	2.8
DE: Die Gruenen (/Buendnis 90)	8.5	6.5	10.3	11.3	10.8	5.8
DE: Partei des demokratischen Sozialismus (PDS)	5.7	5.5	5.9	7.9	3.9	6.2
DE: Freie Waehler - Free Voters	0.3	0.1	0.4	-	-	0.6
DE: Graue Panther - Grey Panthers	*	-	0.1	-	0.1	*
DE: Oekologisch Demokratische Partei (OEDP) - Ecological Democratic Party	0.2	0.3	0.2	-	0.7	-
DE: Republikaner, NPD oder DVU	0.8	0.6	1.0	0.7	1.5	0.4
DE: Tierschutzpartei	0.1	-	0.3	-	0.4	-
DE: PIRATEN	0.5	0.9	0.2	1.6	0.1	0.4
DE: AfD/Alternative fuer Deutschland	1.6	1.7	1.5	3.2	1.3	1.3
<b>(N)</b>	<b>(2,046)</b>	<b>(1,000)</b>	<b>(1,046)</b>	<b>(351)</b>	<b>(695)</b>	<b>(1,001)</b>

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
No answer,SG: Refused	1.1	0.8	0.9	8.8	2.1	1.2	0.4	20.1
Don't know	41.8	41.5	42.1	41.3	59.3	40.6	37.9	19.8
TH: Democrat party	23.0	19.7	25.7	38.2	17.3	25.1	22.3	20.0
TH: Pheu Thai Party	29.8	34.0	26.7	5.9	15.8	28.3	36.5	20.1
TH: Chart Pattana Pheu Pandin Party	0.2	0.2	0.2	-	0.7	0.2	-	-
TH: Charthai Pattana Party	0.5	0.8	0.2	-	0.7	0.2	0.9	-
TH: Bhumjai Thai Party	1.2	1.1	1.4	-	-	1.5	1.3	-
TH: Matubhum Party	0.1	-	-	2.9	-	-	-	20.0
TH: Rak Thailand Party	1.4	1.3	1.4	2.9	2.1	2.0	0.4	-
TH: Rak Santi Party	0.3	0.2	0.4	-	0.7	0.3	-	-
TH: New Democracy Party	0.1	-	0.2	-	-	0.2	-	-
TH: Others	0.5	0.3	0.7	-	1.4	0.5	0.2	-
<b>(N)</b>	<b>(1,200)</b>	<b>(610)</b>	<b>(556)</b>	<b>(34)</b>	<b>(146)</b>	<b>(596)</b>	<b>(453)</b>	<b>(5)</b>

**V228A** In your view, how often do the following things occur in this country's elections?  
**Votes are counted fairly.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	77.5	80.8	74.3	66.6	76.0	82.3
Fairly often	8.6	8.1	9.1	14.9	8.7	6.3
Not often	3.4	3.0	3.9	5.6	3.5	2.6
Not at all often	1.2	1.6	0.8	1.4	0.5	1.5
Not applicable	0.2	-	0.4	0.2	0.2	0.2
No answer	0.5	0.7	0.4	-	0.7	0.6
Don't know	8.6	5.9	11.2	11.3	10.3	6.4
<b>(N)</b>	<b>(2,046)</b>	<b>(1,000)</b>	<b>(1,046)</b>	<b>(351)</b>	<b>(695)</b>	<b>(1,001)</b>

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	41.8	43.8	41.6	11.7	19.2	42.5	48.6	19.8
Fairly often	27.2	28.9	25.9	17.6	39.3	27.0	23.8	-
Not often	13.6	12.5	14.4	20.6	14.5	14.0	12.8	20.0
Not at all often	5.5	4.0	6.9	11.8	6.2	6.1	4.4	20.0
No answer	0.7	0.8	0.4	3.0	2.8	0.5	-	20.1
Don't know	11.1	10.1	10.8	35.3	18.0	9.9	10.4	20.1
<b>(N)</b>	<b>(1,200)</b>	<b>(610)</b>	<b>(556)</b>	<b>(34)</b>	<b>(146)</b>	<b>(596)</b>	<b>(453)</b>	<b>(5)</b>

**V228B In your view, how often do the following things occur in this country's elections?  
Opposition candidates are prevented from running.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	3.2	3.3	3.0	3.7	3.4	2.8
Fairly often	14.3	14.2	14.3	17.8	15.9	11.9
Not often	15.1	15.5	14.8	17.2	17.3	13.0
Not at all often	55.7	58.5	53.1	47.3	50.6	62.2
Not applicable	0.2	*	0.4	0.2	0.2	0.3
No answer	0.5	0.8	0.3	-	0.7	0.6
Don't know	10.9	7.6	14.1	13.8	11.9	9.3
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	12.6	12.0	13.7	5.9	9.0	13.3	12.8	20.0
Fairly often	23.1	22.2	23.0	41.1	27.6	22.7	22.1	39.8
Not often	28.1	29.0	28.1	11.8	28.2	30.7	24.9	-
Not at all often	22.5	23.7	22.4	2.9	11.0	22.9	25.9	-
No answer	0.8	1.0	0.5	3.0	3.5	0.7	-	20.1
Don't know	12.9	12.2	12.3	35.3	20.7	9.8	14.4	20.1
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228C In your view, how often do the following things occur in this country's elections?  
TV news favors the governing party.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	15.4	15.7	15.1	17.8	16.3	13.9
Fairly often	26.8	28.6	25.1	28.5	21.0	30.3
Not often	20.5	21.5	19.5	17.1	22.1	20.6
Not at all often	26.6	24.7	28.4	19.5	29.5	27.1
Not applicable	0.3	0.2	0.5	0.2	0.3	0.4
No answer	0.6	0.8	0.4	0.3	0.7	0.6
Don't know	9.7	8.4	11.0	16.5	10.1	7.2
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	13.9	13.6	13.9	17.6	16.6	14.0	12.6	40.0
Fairly often	31.7	34.3	29.5	20.6	29.6	32.4	31.3	39.9
Not often	28.1	29.0	28.0	14.7	25.5	27.3	30.4	-
Not at all often	14.2	13.6	15.1	11.8	8.3	16.6	13.2	-
No answer	1.3	1.2	1.3	3.0	5.5	0.5	0.7	20.1
Don't know	10.9	8.4	12.2	32.4	14.5	9.2	11.9	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228D** In your view, how often do the following things occur in this country's elections?  
**Votes are bribed.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	2.0	2.0	2.0	2.6	2.5	1.4
Fairly often	10.0	10.6	9.3	14.8	10.1	8.2
Not often	15.8	16.1	15.6	21.7	14.4	14.8
Not at all often	61.5	63.1	60.0	48.3	61.5	66.1
Not applicable	0.4	0.1	0.7	0.2	0.4	0.5
No answer	0.4	0.7	0.2	-	0.7	0.4
Don't know	9.9	7.4	12.2	12.3	10.4	8.7
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	20.9	20.0	22.1	17.6	25.5	21.3	18.7	40.0
Fairly often	31.2	33.1	29.7	20.6	33.1	33.0	28.0	39.9
Not often	21.7	22.8	20.9	14.7	17.3	22.8	21.8	-
Not at all often	15.4	14.5	16.5	11.8	6.2	15.1	18.9	-
No answer	0.9	1.2	0.5	3.0	4.1	0.5	0.2	20.1
Don't know	9.9	8.4	10.3	32.4	13.8	7.2	12.4	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228E In your view, how often do the following things occur in this country's elections?  
Journalists provide fair coverage of elections.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	51.2	51.1	51.2	44.2	49.0	55.1
Fairly often	22.8	23.3	22.3	27.5	24.1	20.2
Not often	13.7	15.6	11.9	11.8	14.2	14.1
Not at all often	4.1	3.9	4.3	4.8	4.1	3.8
Not applicable	0.3	0.1	0.4	0.5	0.3	0.2
No answer	0.5	0.7	0.3	-	0.8	0.4
Don't know	7.5	5.3	9.6	11.2	7.4	6.2
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	12.7	14.9	11.0	2.9	7.6	13.9	13.0	-
Fairly often	33.1	34.7	31.6	29.4	28.3	35.6	31.9	-
Not often	29.5	29.5	30.0	20.6	35.1	28.2	29.1	59.9
Not at all often	8.8	7.7	9.8	11.8	9.0	9.6	7.5	20.0
No answer	0.9	1.2	0.5	3.0	3.5	0.7	0.2	20.1
Don't know	14.9	12.0	17.1	32.4	16.5	12.1	18.3	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228F In your view, how often do the following things occur in this country's elections?  
Election officials are fair.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	75.7	78.1	73.3	67.8	74.3	79.4
Fairly often	9.2	8.2	10.2	11.3	9.9	8.0
Not often	3.1	2.9	3.3	5.5	4.2	1.6
Not at all often	1.7	2.8	0.7	1.6	1.5	1.9
Not applicable	0.2	*	0.4	0.2	0.3	0.2
No answer	0.5	0.8	0.3	-	0.7	0.6
Don't know	9.5	7.0	11.8	13.7	9.1	8.2
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	29.6	32.0	28.2	8.8	11.0	31.3	33.6	-
Fairly often	33.2	35.1	32.2	17.6	37.9	34.2	30.6	19.8
Not often	17.7	15.9	19.3	23.5	22.1	17.2	17.0	20.0
Not at all often	6.6	6.4	6.5	11.8	2.8	7.2	6.9	20.0
No answer	0.6	0.5	0.5	3.0	3.5	0.2	-	20.1
Don't know	12.3	10.0	13.3	35.3	22.8	9.9	11.9	20.1
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228G** In your view, how often do the following things occur in this country's elections?  
**Rich people buy elections.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	3.5	2.7	4.3	4.5	3.2	3.4
Fairly often	13.1	14.4	11.9	13.4	12.6	13.3
Not often	16.3	18.3	14.4	22.5	15.6	14.6
Not at all often	55.7	55.7	55.7	45.6	56.5	58.7
Not applicable	0.4	0.2	0.6	0.2	0.4	0.5
No answer	0.5	0.8	0.3	0.3	0.7	0.4
Don't know	10.5	7.9	12.9	13.6	11.0	9.1
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	27.4	26.6	29.2	14.7	35.2	28.9	22.9	40.0
Fairly often	28.1	29.8	26.1	29.4	33.1	26.7	28.2	39.9
Not often	20.2	24.1	16.6	11.8	12.4	21.6	21.1	-
Not at all often	12.5	9.2	16.7	3.0	5.5	13.1	14.1	-
No answer	0.8	0.8	0.4	5.9	2.1	0.5	0.4	20.1
Don't know	11.0	9.5	11.2	35.3	11.7	9.2	13.3	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228H In your view, how often do the following things occur in this country's elections?  
Voters are threatened with violence at the polls.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	1.3	1.3	1.4	1.9	0.9	1.5
Fairly often	4.8	4.5	5.1	5.4	7.7	2.6
Not often	12.9	13.1	12.7	22.2	10.7	11.2
Not at all often	72.5	75.0	70.1	59.6	70.4	78.4
Not applicable	0.3	*	0.6	0.2	0.2	0.4
No answer	0.5	0.7	0.4	-	0.7	0.5
Don't know	7.7	5.5	9.7	10.7	9.4	5.4
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	3.8	3.8	4.0	2.9	5.5	3.4	4.0	-
Fairly often	14.2	14.0	13.9	23.5	15.9	15.2	12.1	40.0
Not often	24.8	25.6	24.3	17.7	27.6	24.9	24.0	-
Not at all often	40.8	42.3	40.5	17.7	20.6	43.8	43.5	19.8
No answer	0.7	0.7	0.5	3.0	2.8	0.2	0.4	20.1
Don't know	15.7	13.7	16.7	35.3	27.6	12.6	15.9	20.1
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**V228I In your view, how often do the following things occur in this country's elections?  
Voters are offered a genuine choice in the elections.**

Germany 2013 (2046)

	TOTAL	Sex		Age		
		Male	Female	Up to 29	30-49	50 and more
Very often	69.8	71.7	67.9	59.2	67.4	75.1
Fairly often	12.8	12.4	13.1	18.9	12.6	10.8
Not often	7.3	6.2	8.3	6.8	8.9	6.3
Not at all often	3.0	4.4	1.7	5.5	2.8	2.3
Not applicable	0.2	-	0.4	0.2	0.2	0.2
No answer	0.5	0.8	0.3	-	0.7	0.6
Don't know	6.4	4.5	8.3	9.5	7.4	4.6
(N)	(2,046)	(1,000)	(1,046)	(351)	(695)	(1,001)

Thailand 2013 (2000)

	TOTAL	Sex			Age			
		Male	Female	Missing Unknown	Up to 29	30-49	50 and more	No answer
Very often	36.8	40.2	34.8	8.8	19.9	37.3	41.7	19.8
Fairly often	30.4	29.2	32.2	23.5	38.5	31.9	25.8	40.1
Not often	13.6	14.3	12.6	17.7	18.0	13.3	12.8	-
Not at all often	7.8	6.6	8.7	14.7	3.5	8.3	8.4	20.0
No answer	0.9	1.0	0.7	3.0	2.8	0.5	0.7	20.1
Don't know	10.5	8.7	11.0	32.4	17.3	8.8	10.6	-
(N)	(1,200)	(610)	(556)	(34)	(146)	(596)	(453)	(5)

**Conclusion**

- 1. The quality of long-time socialization on the basis of developing parliaments and laws are the important keys to the consolidation of democracy in both Great Britain and Germany.**

Both of those countries share a similar history of developing a democracy but also of their parliaments collaborating with an extra-democratic power, specifically a monarch, before their democracies were fully consolidated. Another element is how their democracies indeed devolved power for example to the citizenry in Great Britain, while the German parliament was given more power to criticize the Kaiser. The most important key to their democracies' respective strength lies in the institution of the parliament and how much time both nations invested to create a well functioning democratic system.

In Thailand, both the factors of "time" and "successful transition" have to be scored negatively. Despite 82 years of democracy since the revolution in 1932, there are not that many Thai citizens who see positive sides to their democracy. Indeed, Thailand has not had a straightforward experience of democracy throughout those eight decades, interspersed as it was by both domestic and international interruptions. For example, World War II pushed the country towards an authoritarian system in its defense from communism. On the domestic front, political elites and the military fought and seized political power from one another. This has contributed to the lack of democratic socialization and thus a failure to consolidate Thailand's democracy. This failure continues to negatively impact the current situation.

- 2. Education is crucial for generating a political culture and political institution in support for democracy**

In Germany and Great Britain, according to the study, support for democracy is fostered through their educational system. Aside from the basic support of democracy, the education system also promotes other characteristics in favor of that ideology, namely autonomy, self-confidence to freely discuss and criticize as well as tolerance for different ideas in society. In Germany's special case, the importance of the media for spreading the idea and advantages of democracy to the (former) East Germany has also been a decisive tool to create attitudinal support for democracy there.

Education in Thailand, on the other hand, is struggling in these qualities. Students not only find it difficult to express different ideas but also to disagree with older people or those of higher status. The level of literacy in the country is also falling. As the Nation

reported on 5<sup>th</sup> of September 2013, 1.6 million Thai children were unable to read and write. The paper continued that this was not a new problem but had plagued the country for nearly two decades. (The Nation, 2013) As a result, education can be identified as one of the key problems that can obstruct Thai democracy from being consolidated.

**3. The cooperation between the bourgeoisie or middle class and the monarch in Great Britain and Germany succeeded in creating democratic systems through parliaments and laws and was one of the significant mechanisms in their democratic regimes.**

For Thailand, even though a middle class also emerged but it worked towards a different goal from their counterparts in Great Britain and Germany. This divergence is due to their different cultural cores. The middle class in Thailand was not free to negotiate their interests with the monarch and the political elites because their lower hierarchical status in Thai society kept them from doing so. In other words, they were subjects to their “social betters.” Therefore, it can be seen that there is no real cooperation between the upper (aristocratic) and middle classes in Thailand. Naturally then, the interests of the ordinary people are generally ignored by the aristocratic, conservative powers who, if anything, use them as tools for their interior squabbles over power.

**4. Great Britain and Germany are among the international societies and organizations centered on democracy. Hence, their democracies have had more chances to become consolidated.**

Thailand is counted among the developing countries struggling to transform themselves into democratic countries. It is also part of the Association of Asian Nations or ASEAN, composed of many different countries with great varieties of cultures and religions that are not necessarily conducive to democracy. The European countries, on the other hand, had cultures that were divergent to some degree but all shared the same faith of Christianity as a uniting aspect. Considering this more diverse environment that Thailand is in, it is understandably more difficult for the country to find support for a consolidation of its democracy in the surrounding region.

Rather than Christianity, Buddhism lies at the heart of Thailand's religion, deeply influencing the people's attitudes and behavior. The fundamentals of Buddhism's teachings are quite different from what democracy calls for. For example, when a Thai person is poor or in a lower rank of society, his impulse is not to improve his situation in some way but rather to think that this is the result of misdeeds in a past life, and accordingly, he should accept his lot in this life. By the same token, a person who is richer or of a higher rank is benefitting from a past life's good deeds, so the lower ranked person should naturally be the other's subject. This sort of attitude also leads to other problems in Thai politics, such as vote buying and corruption as well as ways in which the countryside is being influenced.

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## Chapter VII Conclusion and future outlook of Thailand's democracy

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The questions at the start of this work included the following:

**How far has Thailand's Democracy evolved right now?  
To what degree is Thailand's consolidation established?**

**Firstly**, I would like to draw the following conclusion from this research: **Thailand's democracy is definitely defective**, as proved empirically and historically.

**Secondly**, the degree of Thailand's democracy at this point, especially with regard to the current crisis, can be placed in the first distinct scenario that Merkel and Croissant (2004) have described, the so-called "**The Regression Scenario**":

**The Regression Scenario** means being caught in a "cycle of political crises," as the maintenance of democratic norms and structures through liberalism and the rule of law diminish in defective democracies. At the same time, there is an increased concentration of political power in the executive, damaging the principle of the rule of law and leading to further "informalization" of political procedures and decisions. A formally democratic shell remains but important political decisions are made outside of it.

From the definition of the regression scenario explained above, there are 3 significant points on which to analyze current democracy in Thailand:

1. Democratic norms and structures as well as the rule of law are defective.
2. An increased concentration of political power damaging the rule of law and leading to an informalization of political procedures and decisions.
3. Important political decisions are made outside of a formally democratic shell.

With regard to the first point, it can be said that democratic norms and structures along with the rule of law in Thailand are defective. An explanation can be provided by the ongoing political situation led by the PDRC and its efforts to create a political vacuum in Thailand, allowing it to set up its people's council as an unelected government led by an appointed prime minister. This has damaged the rule of law as well as the democratic norms and structures since the PDRC's endeavor is notably supported by the military and the judiciary of the country, readily bending laws towards their shared goal. Accordingly, these groups might find that staging a coup, either military or the "silent," judicial version, may be the best course of action to see the conservative power group return to power. Violence in the streets would support military action; the lack of such would promote a judicial process.

The second point of the regression scenario therefore requires a different approach since it not only the government's side that is accumulating political power and informalizing the procedures and decisions. Rather, the conservative group along with the PDRC and its followers are doing the same, and thus, the third point can be addressed along with the second: Important decisions are not only made outside of a formally democratic shell but

specifically outside the democratic regime and ideology itself. There is a notable drive towards an authoritarian and nationalistic ideology – or “fascism” – replacing democracy, building on patriotic feelings towards the king and his royal family. Thus, the risk of a decrease in democracy is high when the PDRC could still succeed in ousting the Yingluck government and establishing its unelected people’s council.

### **The ongoing crisis**

As stated throughout this work, there is a persistent risk of Thailand’s democracy being pushed further towards the regression scenario. Yet it should be noted that there are also positive signs, such as Suthep Thaugsuban, the secretary general of the PDRC, saying on February 27, 2014 that he is willing to negotiate to end the country’s political crisis if the caretaker prime minister Yingluck Shinawatra is willing to talk with him live, one-to-one, on every national television station. While he and his anti-government protesters had previously threatened to shut down Thailand’s capital, they now agreed to significantly scale back their presence in the streets, in what could be a prelude to eased tensions. (Associated Press, 2014)

Yet this statement can also be seen as part of other signals showing a hidden danger, with Suthep putting up a positive façade. The following signals can be determined:

**The first signal** concerns the reaction of the military: Soldiers have been moved to bunkers in Bangkok, supposedly to be ready to defend the populace from possible violence. (MCOTS, 2014) Yet this concentration has also drawn criticism that defense is not the actual intention but rather that the soldiers are waiting for any outburst of violence as an excuse for a coup d’état – whether that violence is triggered by the PDRC, the red shirt group, or even a third party. Yet this is not the only opinion here since a number of people are convinced that the military have learned their lesson from their last time in office. Not only was it difficult for them to control the country, they also suffered from the severe international backlash over their action. Another international boycott cannot be in the interests of the conservative power group.

**The second signal** concerns the ongoing judicial process against the caretaker prime minister Yingluck Shinawatra for neglect of duty in the management of the country’s rice subsidy program. These charges are leveled at her by the National Anti-Corruption Commission (NACC). Ordinarily, the NACC should function as a neutral organization but in Yingluck’s case, it acts as an accuser along with the Democrat Party. While the NACC states that it has gathered sufficient evidence of corruption in this regard, it has been slow to share the respective documents with Yingluck’s side to prepare her defense<sup>1</sup>. This may be because

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<sup>1</sup> Ms. Yingluck questioned if the NACC uses the same legal standards and works at the same speed in handling cases against all political office holders, or if it discriminates against certain groups. The prime minister complained that she was initially given only 49 pages of case documents to examine. She was given an additional 280 pages on Thursday, she said. This means she only had three days to examine the additional 280 pages before she can defend herself. She said the constitution stipulates that proceedings in investigations of this kind must be based on the rule of law and there must be no unnecessary delays. This must apply to every group, including those holding political positions. Unlike with her case, she noted, no progress had been made in any of the cases made against the previous government, such as that involving the crackdown on the red shirt protest in 2010 which resulted in deaths and injuries, as well as corruption cases that were filed against the Abhisit Vejjajiva administration. Ms. Yingluck said she did not receive justice when she asked to examine evidence and witnesses. She also said the NACC spent only 21 days preparing the case and bringing its charge against her. The prime minister said she needed to exercise her rights as guaranteed by the constitution to examine any evidence and witnesses the NACC uses against her, which would then serve to add credibility to the NACC’s investigation.

the NACC does not gauge its chances of success all that high, not least considering that the constitution in Article 181 determines an unfavorable outcome – to the conservative side – of legally removing the caretaker prime minister. In case of a legal verdict forcing the Prime Minister to step down, it would be the caretaker government's task to select a new acting prime minister until the next elections. This would preclude the conservative side from choosing Yingluck's successor.

**The scenario of greatest concern** is the parliamentary process. On March 2, 2014, the current legislative period in the House of Representatives will come to an end, while the new parliamentarians cannot join the House because of the problems with the 2<sup>nd</sup> February election. This would result in a parliament made up only of the appointed senators, usually representatives of the conservative power group. Accordingly, chances would be very good that this skeleton parliament would approve of the NACC verdict about the Yingluck administration's alleged corruption regarding the rice subsidy; the conservative senators would support the government's dismissal. This would be beneficial to the PDRC's goals of installing a government of its own. Furthermore, the Democrat Party has tried to indict Senate President Nikom Wairatpanij for alleged wrongdoing when he ended the debate on a bill to amend the Thai constitution, proposed by Prime Minister Yingluck's ruling party to convert the Senate into an all-elected body, even though members still wanted to discuss the bill further. He has been accused of malfeasance for not being neutral during the debate. (Jurist, 2014)

The government is also currently under heavy criticism from the political opposition in Thailand, and recent weeks have been marred by political violence. Within hours after the announcement of the charges against Yingluck with regard to the rice subsidy policy, a police officer and three civilians were killed and 64 others injured in clashes in Bangkok's historical district. On March 21, the Thai constitutional court judged petitions filed by the opposition Democrat Party to render the February 2 general election invalid because this was held unconstitutionally and not completed in a single day. The petition also requested the dissolution of the ruling party and a ban on party executives from holding public office for a period of five years. (Jurist, 2014)

Yet a successful ouster of Yingluck and her government would not necessarily allow the PDRC and the conservative power group to peacefully end the crisis and easily govern the country. There are still other groups in the country which are pro-democracy and keen to preserve their rights and democracy. Several of them, front and center the red shirt group, have strongly indicated that they would be gathering their own protesters to demonstrate for democracy in the country. The response to these calls for demonstrations has been strong. (MCOTS, 2014) Their ranks might yet be swelled by ordinary people unaffiliated with the currently active groups, adding support for democracy and opposing any appointed Prime Minister and the PDRC's people's council. Should the latter option come to pass, it seems likely that Thailand would slide into more turmoil, further breaking down the stateness problem.

Another topic of concern deals with the emergence of a group in northern Thailand dedicated to the protection of democracy. It has been claimed by the conservatives that their goal is rather to split off the north and create a new, separate country. This idea comes from an intentionally wrong interpretation of its name. While it is correctly called the "Assembly for the Defense of Democracy of Lanna" (or Sor Por Por Lanna), the PDRC's propaganda has

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distorted it into “The Lanna People's Democratic Republic” (Thai Intelligence News, 2014), thus indicating their alleged separatist notions. The military professes to believe this claim, setting them alongside the red shirt group as willing to divide the country; in its turn, of course, the military would, if necessary, strike to protect the nation's unity. Since that northern group does not actually intend to separate the country but only to protect democracy, there have been no eruptions of violence – and thus no excuses for the military to become involved. However, as stated above, any such violence, from whichever corner, would serve patently well to allow the military to intervene and implement the PDRC's plans. While that would preserve the geographic unity of Thailand, it surely would divide the nation's society.<sup>2</sup> (Xinhua, 2014)

### **Does Thailand's democracy have a chance to become consolidated and its future outlook?**

To my view, it seems to me that the situation is getting more difficult to end without violence and the worst of it is civil war.

That is because the real problem is not only to fight corruption in Thai society or the cry for reform by the protestors. The core of the difficulties lies in the continuous power grab by the conservative power group since 2006, first represented by the yellow shirt group and these days by the PDRC. As seen, this faction has put forth motions to remove the Yingluck government through the constitutional court or the NACC, aiming at a judicial coup. Yet the military can also be perceived as in league with this faction because it is far keener to protect the PDRC rather than their opposition, primarily the red shirt group. This indicates how low the chances of a consolidation of democracy in Thailand are, and how high the risks of a deeper regression into authoritarianism, should the PDRC and its associated parties not stop their aggressive behavior towards decreasing democracy in the country.

However, at the time of this writing, the current crisis has still not been resolved either way. It might end positively for democracy in Thailand, or it might take a turn for the worse with the conservative group staging either a military or judicial coup. (That in turn might lead to more violence or even a civil war before the crisis could finally be resolved.) Therefore, there is still some hope for restoring democracy in Thailand although it seems rather unlikely.

The likelihood of consolidating Thailand's democracy depends on the following factors:

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<sup>2</sup> The latest situation of the ongoing crisis (before the military's coup on 22<sup>nd</sup> of May 2014) deepened the political deadlock. On Wednesday 2<sup>nd</sup> of April 2014, the constitutional court judges voted unanimously to proceed with the petition, which alleged that Yingluck had breached the charter by ordering the transfer of National Security Council (NSC) Secretary General Thawil Pliensri to an inactive advisory post at the PM's Office. The Supreme Administrative Court ruled that Yingluck's order to remove Thawil as the NSC chief was unlawful. The group of appointed senators led by Senator Paibul Nititawan and 28 other senators filed the petition following the Supreme Administrative Court's ruling. The petition noted that the charter did not allow the government to transfer permanent officials for the sake of vested interests. The constitutional court allows Yingluck to defend herself within 15 days. If Yingluck is judged to be wrong according to the verdicts of the court as well as her case of the allegations of her condoning corruption and dereliction of duty, in regard to the controversial rice price-pledging scheme, she and her cabinet would be ousted from their positions. This would trigger the fear of confrontation. The current situation has seen some reactions from the military towards such a motion: On 4<sup>th</sup> April, the top military leaders were going to meet to discuss a possible solution for the country's current woes, likely leading to a confrontation between pro- and anti-government groups, particularly considering the red shirt group's planned rally a day later, on Saturday, 5<sup>th</sup> April. This meeting may be seen as a reasonable precursor for a military coup, in particular should the red shirt group react aggressively to the verdict on Yingluck. Hence, the decisions of both the constitutional court and the NACC are critical in deciding the country's fate. (Nation Multi Media, 2014)

## 1. Negotiations between the government and the PDRC

If negotiations between the government and PDRC should actually take place, despite the Yingluck government rejecting face-to-face talks and Suthep still insisting on continuing the demonstrations and his goals without any constitutional framework (MCOT, 2014), the crisis would be lessened, allowing a chance for democracy to come back into full force. But that would depend on the conditions and the contents of the talk as well as both sides being willing to compromise. United Nations Secretary-General Ban Ki-moon expressed his increasing concern and reiterated his condemnation of the escalation of violence. Offering himself as a mediator in such negotiations would enhance the chances of a positive outcome. He also told the conflicting factions to “engage as soon as possible in meaningful and inclusive dialogue toward ending the crisis and advancing genuine reform.” (Thanyarat Doksone, 2014) Having Ban Ki-moon moderating the talks between Yingluck and the PDRC would also prove beneficial for the Thai people in better explaining to them democracy, since the Secretary-General surely and openly supports democracy. Yet Suthep and the PDRC already rejected him as a mediator, and their rejection seems unlikely to change.

## 2. Continuing elections until they are fully completed in every area

This seems to be one of the most relevant strategies for the government pursue, even though the election commission refuses to do so for fear of violent clashes. With the elections pushed through to completion, that would return the country to the democratic framework with a clear and absolute determination from the polls on who should form the next government. (The Nation, 2014) The constitutional court in March declared the February election invalid, calling for a new election, yet the Democrat Party immediately announced that they would not stand for this election, either, as long as the current government remains in office. The Party representatives added, “The best way out is for Yingluck Shinawatra to resign as prime minister, to pave the way for a non-elected or neutral person to head the government and take care of the election.” (Nation Multi Media, 2014) It is a sad development for Thai politics when one of the large political parties continues to show anti-democratic behavior by boycotting elections and thus helping to diminish the value of democracy in the country.

## 3. Setting priorities for strategies to revive the country while setting the consolidation tasks as the future goal

If Thailand can survive a possible authoritarian or fascist regime as the outcome of this crisis, a later, more or less democratic government should make reconciliation its first priority, along with implementing reforms to establish equality as well as ensuring that law and justice are reliable political institutions in the country as stated in the following hypothesis 5:

**H#5** Reconciliation and improving the law and justice in Thailand are fundamental ways to rescue its democracy from regression. Democracy becoming “the only game in town” for the nation’s political actors should be the primary long-term plan.

The consolidation tasks which Linz and Stepan (1996, pp. 53-65.) define should both represent the standard of measuring if the country's democracy is consolidated and the goal that the country should aim for when consolidating its democratic regime on the behavioral, attitudinal, and of course constitutional levels<sup>3</sup>.

The following 5 important consolidation tasks need to be met to have democracy become the sole political force in Thailand: (1) a lively civil society, (2) a relatively autonomous political society, (3) the rule of law, (4) a useful state, and (5) an economic society, not just a capitalist market.

### A lively civil society

This represents the arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests. It can include social movements and civic associations. They are important as a vehicle for asserting the autonomy of those who want to act "as if they were free."

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<sup>3</sup> Linz and Stepan define their dimensions as follows in Linz, JJ. and Stepan A. (1996) *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe*, Baltimore: JHU Press, P.5-6.

**First,** Essentially, meaning by a consolidated democracy and a political situation in which, so to speak, democracy has become 'The only game in town'

- (1) Behaviorally, democracy becomes the only game in town when no significant political groups seriously attempt to overthrow the democratic regime or secede from the state
- (2) Attitudinally, democracy becomes the only game in town when, even in the face of every political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas.
- (3) Constitutionally, democracy becomes the only game in town when all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms are likely to be both ineffective and costly.

**Second,** The working of consolidated democracy has three dimensions of definitions:

- (1) Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objective by creating a nondemocratic regime or turning to violence or foreign intervention to secede from the state.
- (2) Attitudinally, a democratic regime is consolidated when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life in a society such as theirs and when the support for anti-system alternatives is quite small or more or less isolated from the pro-democratic forces
- (3) Constitutionally, a democratic regime is consolidated when governmental and non-governmental forces alike, throughout the territory of the state, become subject to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.

When we say a regime is a consolidated democracy, we do not preclude the possibility that at some future time it could break down again.

The ordinary citizens in the society should not be forgotten: They are not part of any organization of the examples. They turn up in the streets in protest marches, heckle the police and the authorities, express their opposition first to specific measures, support broader demands, and ultimately challenge the regime.

Normally, they are initially small in numbers and later more numerous and can, in some cases, overwhelm the representatives of the regime, forcing them to consider a growing liberalization and ultimately a regime change. But they would not be able to overthrow the regime and establish a democratic regime if there were no respective processes available.

### **A relatively autonomous political society**

This phrase refers to an arena in which the polity specifically arranges itself to contest the legitimate right to exercise control over public power. The composition and consolidation of a democratic polity must entail serious thought and action concerning the development of a normatively positive appreciation of those core institutions of a democratic political society for example political parties, electoral rules, political leadership. Interparty alliances and legislatures are how society constitutes itself politically to select and monitor a democratic government. A conception of a civil society in opposition to the state is also politically useful: A robust civil society, with the capacity to generate political alternatives and monitor government and state can help transitions get started, help resist reversals, help push transitions to their completion, help consolidate, and help deepen democracy. (But in Thailand, the opposite applies. Please refer to respective details in Chapters IV, V, VI.)

Democratic consolidation requires political parties, one of whose primary tasks is precisely to aggregate and represent differences between democrats. Consolidation requires that habituation to the norms and procedures of democratic conflict regulation be developed. A high degree of institutional reutilization is a key part of such a process. Intermediation between the state and civil society and the structuring of compromise are likewise legitimate and necessary tasks of political society.

### **The rule of law**

To achieve a consolidated democracy, the necessary degree of autonomy and independence of civil and political society must further be embedded in and supported by the rule of law. All significant factors, especially the democratic government and the state, must respect and uphold the rule of law.

A rule of law embodied in a spirit of constitutionalism is an indispensable condition. A spirit of constitutionalism requires more than rule by majoritarianism. It entails a relatively strong consensus over the constitution and especially a commitment to self-bidding procedures of governance that require exceptional majorities to change. It also requires a clear hierarchy of

laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society.

In conclusion, the above three conditions are virtually definitional prerequisites of a consolidated democracy. However, these conditions are much more likely to be satisfied if there is a bureaucracy usable by democratic leaders and institutionalized economic society. Accordingly, democracy is a form of governance of life in which citizens have rights that are guaranteed and protected.

### **A useful state**

To protect the rights of its citizens and to deliver the other basic services demanded by citizens, a democratic government needs to be able to exercise effectively its claim to the monopoly of the legitimate use of force in the territory. Therefore, modern democracy needs the effective capacity to command, regulate, and extract.

#### **- An economic society, not just a capitalist market**

There are two assumptions for the task of an economic society:

- (1) There has never been and there cannot be a non-wartime consolidated democracy in a command economy.
- (2) There has never been and almost certainly there never will be a modern consolidated democracy in a pure market economy

If both of these claims are demonstrated to be sound, modern consolidated democracies require a set of socio-politically crafted and socio-politically accepted norms, institutions, and regulations, creating an economic society that mediates between state and market. Diversity in the economy is necessary to produce the independence and liveliness of civil society so that it can make its contribution to a democracy.

Likewise, if all property is in the hands of the state and all price, labor, supply, and distributional decisions are the exclusive purview of the state in control of the command economy, the relative autonomy of political society required in a consolidated democracy could not exist.

Why do completely free markets not coexist with modern consolidated democracies?

1. Markets require corporation laws; the regulations of the stock market for weight, measurement, and ingredients and the protection of property both public and private, all of these require a role for the state in the economy.
2. Even the best of markets have market failures that must be corrected if the market is to function well.
3. Democracy entails free public contestation concerning governmental priorities and policies.

If a democracy never produced policies that generated government-mandated public goods in the areas of education, health, and transportation, some form of safety net for its citizens hurt by major market swings, and some alleviation of gross inequality, democracy would not be sustainable.

Democratic consolidation requires the institutionalization of a socially and politically regulated market. This requires an economic society, which in turn requires an effective state.

Democracy is more than a regime; it is an interacting system. No single arena in such a system can function properly without some support from one, or often all, of the others. Each arena in the democratic system has an effect on other arenas.

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# Nuchjaree Saneyha

## *Curriculum Vitae*

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### **Professional experience**

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May 2003 – October 2008	Full-time researcher at the Institute of Future Studies for Development (IFD) Bangkok, Thailand
June 2004 – September 2007	Full-time staff at Hope Bangkok Foundation
March 2004 – April 2008	Assistant to the Membership of National Economics and Social Advisory Council of Thailand (NESAC)
2000 – 2004	Internship as an assistant researcher at the Institute of Future Studies for Development (IFD) Bangkok, Thailand
2000 – 2001	Assistant to professors at the Faculty of Political Science, Chulalongkorn University

### **Education**

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2015	Graduated with the title of Dr. rer. pol. from the Institut Sozialwissenschaften: Politische Theorie Demokratieforschung at University Stuttgart, Germany  The dissertation's topic: "Evaluation of Thailand's Democracy: Steps to Consolidation"
April 2009 – May 2015	Studies as PhD. Candidate at the Institut Sozialwissenschaften: Politische Theorie Demokratieforschung, University Stuttgart, Germany
June 22 – July 7 2008	Participation (via scholarship) in the seminar "A Strategic Planning" from the International e-academy for Leadership (IAF), Gummersbach and Hamburg, Germany
April 7 – June 20 2008	Selected to take part in the competitive online seminar "A Strategic Planning" from the International e-academy for Leadership (IAF), Thailand
November 5 2007	Certificate from Professional Training Course "Crisis Analysis" from the United States Institute of Peace, USA.
June 5 2007	Certificate from Professional Training Course "Liberalism – an Examination of Basics" from Friedrich Naumann Stiftung, Bangkok, Thailand
August 2007	Took part in the Leadership Seminar in Prague, Czech Republic, and Cross Culture Learning in Stuttgart, Germany
January 31 2002	Writer and speaker at the seminar "Terrorism" on the topic of "The Relation between Thailand and America 2001" at Thammasart University, Bangkok, Thailand
2000 – 2004	Master (M.A.) in Political Science (International Relations) from the Faculty of Political Science, Chulalongkorn University, Bangkok, Thailand
1996 – 2000	Bachelor (B.A.) in Political Science (International Relations) from the Faculty of Social Science, Kasetsart University, Bangkok, Thailand
March 18 1995	Certificate from Leadership Training for Youth from the Government of Thailand, Bangkok, Thailand
1990 – 1996	Secondary School at Sarawittaya High School, Bangkok, Thailand (also served as vice president of the student council)

Tuttlingen, 22 July 2015