

# Thailand: The Lessons of Protest

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## **Abstract**

Since late 2005, Thailand has seen almost unending street protests by red shirts and yellow shirts against incumbent governments. While there are many lessons from this period of often unruly and uncivil political contestation, this paper concentrates on four that bear on several assumptions associated with the broad literature on democratic transitions. These are: (1) the political intransigence of a conservative elite unwilling to accommodate the rise of electoral democracy and subaltern claims for political voice; (2) the challenges posed to notions that the middle class and civil society have certain “historical roles” as the ballast for democratization; (3) the capacity for so-called independent institutions and agencies, created as checks-and-balances to be captured; and (4) the link between high rates of inequality and political rebellion cannot be assumed.

Keywords: collective action, democratization, monarchy, antidemocratic movements, middle class, inequality

WITH THE EXCEPTIONS of Singapore and Brunei, each of the countries of ASEAN has experienced regime challenging political protests in recent decades. Thailand has experienced more than most. The period since late 2005 has been unusual as one of essentially nonstop protest, which only came to an end on May 22, 2014, when the military overthrew a pro-Thaksin Shinawatra elected government. Since the coup, all protest has been banned and political repression has been extensive.

Thailand's street protests have involved a range of actors, from small ginger groups to huge and aggressive antigovernment protests that have gone on for several months. Throughout the period, however, the most significant and lengthy actions have been by the red-shirted supporters of Thaksin and his various political parties, and those by royalists, often identified as yellow shirts. Both groups have been able to mobilize hundreds of thousands of supporters.

Thailand's political protests present an opportunity for considering the lessons of collective action in the context of a nation where democratization has been debated, challenged, and discarded. Before turning to the lessons, however, some background is required.

### **Context**

In the depths of the Asian Economic Crisis, Thailand's parliament adopted the 1997 constitution, which had been debated since 1992. This constitution was the first to involve a consultative process, even if it remained elite-dominated. The new constitution was innovative in that it took seriously human rights, decentralization, and the establishment of checks-and-balances. The latter were meant to combat the cycle of "money politics" that saw politicians accumulating ill-gotten funds to buy votes and parliamentarians (MPs) in elections.

A defining feature of the constitution was the effort to establish a more stable form of representative government. It did this by making the executive stronger and by establishing a greater degree on party control over MPs. The aim was to prevent "party-hopping" by MPs and to increase the longevity of elected governments. In essence, the desire was to establish a stable, two- (or three-) party system.

As events unfolded, Thaksin was the only prime minister to be elected under the 1997 constitution. He convincingly won polls in 2001 and again in 2005. That constitution was thrown out in the 2006 military coup, which then resulted in the 2007 constitution, essentially drawn up to prevent any Thaksin-like domination of electoral politics. However, as pro-Thaksin

parties unexpectedly continued to win substantial election victories, the military threw out its own 2007 constitution with the 2014 coup.

The 2006 coup was preceded by several months of street protests against the Thaksin government, led by the People's Alliance for Democracy (PAD), a loose alliance of civil society, businesses, elite and royalist groups who opposed the parliamentary power of Thaksin and his Thai Rak Thai Party. PAD came to be known as "yellow shirts" as they donned the colour of the king's birthday and made their protests a royalist revolt against Thaksin's "parliamentary dictatorship." PAD were on the streets from February 2006, having been formed from state enterprise unions and NGOs and royalist opposition groups that began to rally from late 2005. In February and March 2006, PAD organized massive demonstrations (Pye and Schaffer, 2008). Following the 2006 coup, PAD disbanded, but reformed and returned in 2008 to oppose the pro-Thaksin government that had won the 2007 election. When that government was thrown out by a judicial intervention in late 2008, PAD dissolved into several ginger groups promoting ultraroyalism, ultranationalism and a strident opposition to Thaksin. Following another election victory by the pro-Thaksin Pheu Thai Party in 2011, PAD morphed into several protest groups that eventually became the antidemocratic "People's Committee for Absolute Democracy with the King as Head of State" (PCAD) that was on the streets from late 2013 until the May 2014 coup. Its work was completed by the military's intervention.

The yellow shirts came to be opposed by the "red shirts," who were associated with the pro-Thaksin "United Democratic Front Against Dictatorship" (UDD). The UDD first became organized following the 2006 coup and in opposition to the military-backed referendum for the 2007 constitution. In early rallies, it opposed the military, railed against elite interference in politics, supported Thaksin, and demanded elections.

The red-shirt rebellions of 2009 and 2010 against the royalist- and military-backed Democrat Party-led government saw the army deployed to defeat them, resulting in considerable loss of life. The military had not

acted against PAD; indeed, its leadership refused to act on the lawful government's orders in 2008 to clear demonstrators who had occupied airports. Later, in 2013–14, not only did the military refuse to act against the PCAD, it supported and protected the protesters.

The PCAD received considerable support from the opposition Democrat Party. Yingluck Shinawatra's landslide 2011 election victory embittered the Party. Unable to win an election between 2001 and 2011, and closely aligned with palace and military, the Democrat Party came to reject elections as "majoritarianism," railed against alleged corruption by politicians, and gave its support to extra-parliamentary oppositions. The Party's acceptance of street protests began with its support to PAD from 2006. The Democrat Party continued to support antielection and antidemocratic groups, providing the leadership of the PCAD.

This reliance on street-based politics—by both sides—saw some 250 people killed and several thousand injured, most of them red shirts. This period of extended political conflict has been destructive and divisive. Indeed, many commentators have suggested that the conflict has been deep and long because it is a struggle for the future of Thailand's politics.

How did it come to this? The rest of this paper examines four areas that may assist in answering this question and suggests some of the broader "lessons" of political conflict and protest.

### **Lesson 1: Elite intransigence**

There is considerable discussion in the political science literature about successful democratizations and the compromises required from elites to achieve this, often in the face of collective action that threatens elite interests (see Robinson 2006). The Thai case is a reminder that, even in the face of considerable force for change, entrenched elites do not necessarily make the historic compromises that permit democratization. Thailand's decade of protest has been characterized as a struggle of

competing elites, with a rising elite (Thaksin and his political and business allies) challenging the long-dominant conservative elite composed of a coterie of palace-connected senior civil and military officials, big business/old money, and technocrats (Hewison 2008, 205–7).

There was an element of this in the early period of disputation. However, as the conflict deepened, there was society-wide mobilization and remarkable political polarization, with the conflict coming to be defined by the efforts of the royalist elite to defend its economic wealth and political dominance. In this defence, this elite has relied on street mobilization as well as the use of the military, judiciary, and several of the “independent” agencies established under both the 1997 and 2007 constitutions, both now defunct.

The royalist elite’s mobilizations gained considerable support from *Bangkok’s* middle class and from the Democrat Party-dominated mid-South. Its campaigns have had several consistent themes: anticorruption, protection of the monarchy, and a rejection of electoral democracy. It is not unusual to see a middle class opposing corruption. What is unusual, and definitive of this conflict, is the class’s alliance with the royalist elite to defend and promote a feudal institution—the monarchy—while rejecting electoral democracy. This rejection is even more unusual given that uprisings against military authoritarianism in 1973 and 1992 are routinely considered middle-class revolts (Ockey 2001).

In Thailand, there has been an ideological weaving together of anticorruption, protection of the monarchy, and the rejection of electoral democracy. The argument that knits them together begins with the observation that civilian politicians are massively corrupt, gaining election through “policy corruption” or “money politics,” using the electoral system to maintain their power. Politicians can’t be trusted, voters are bought, duped or ignorant, and so electoral politics is the core of the corruption problem. The monarchy is essential, so the argument goes, because the king is the only moderating influence on corrupt politicians, being of the highest moral calibre and “above politics” (Thongchai 2008).

Of course, there *is* massive corruption in Thailand, and it has long existed. This does not seem to have restricted the monarchy, however, and it has become massively wealthy over the past five decades. Politicians may engage in corrupt activities, but so too does the business class, military, police and the bureaucracy; each has long been identified as massively corrupt (Pasuk and Sungsidh 1999). This matters little in the political discourse that it is civilian politicians who are considered corrupt and corrupting. In fact, the principal beneficiary of Thailand's politics since at least the 1950s has been the royalist elite, and it is this elite that has prevented electoral politics from establishing deep roots. The reality is that, since 2000, the majority of the electorate has repeatedly voted for pro-Thaksin political parties that are then thrown out by allies of the royalist elite, be that military, judiciary, or street demonstrators.

The lesson of this struggle is that the royalist elite is unwilling to make the necessary historic compromise that would allow it to live with electoral democracy and with politicians it dislikes. That intransigence amounts to a political bloody-mindedness opposing a compromise that would see a quite limited reorganization of political power in the country.

## **Lesson 2: Civil society, middle class and defining democracy**

A further important lesson of this struggle has been that civil society is not the ballast for democratization as sometimes portrayed in modernization accounts (Barro 1999). In fact, in the political mobilizations of recent years, Thailand's civil society has been dominated by middle-class interests and has been aligned with the royalist elite's agenda.

In his early days in power, Thaksin gained the support of many nongovernment organizations (NGOs) and civil-society organizations (CSOs) for his attention to grassroots issues and for his nationalism. By early 2006, however, this NGO and CSO support had drained away in the face of allegations that Thaksin was authoritarian and corrupt. Interestingly, those actually at the grassroots seemed to appreciate Thaksin's so-called populist policies more than middle-class NGOs. After all, they continued to vote for his parties in large numbers.

This political decision at the grassroots was vilified by the middle class and many leaders of NGOs and CSOs. Those who voted for pro-Thaksin parties were said to be duped or bought and admonished as uneducated and referred to as “red buffalo.” The image was of red shirts being led to vote and to rally by the “populist” Thaksin. The image of the “red buffalo” has been a staple of royalist ASTV/Manager cartoons (see 2bangkok.com 2012).

One of the most revealing debates during the period of conflict has been over the meaning of democracy. All sides have declared that they are the protectors of democracy and have claimed to be motivated by concerns over the nature of Thailand’s democratization. In the 2013–14 demonstrations, street protesters from the PCAD rejected electoral democracy. They not only opposed an election but also blocked candidate registration, the distribution of ballots, and the voting itself. They also demanded that their supporters boycott the election. The PCAD argued that no election could be “free and fair” until the “Thaksin regime” had been destroyed. Their ultimatum was that the Yingluck government should be thrown out, replaced by an appointed government and an appointed reform committee to ensure that the Thaksin regime was uprooted. They were supported by the opposition Democrat Party, which has boycotted elections in 2006 and 2014; both preceded military putsches.

In general terms, this coalition has argued that elections are just one aspect of democracy. The PCAD’s complaint was that pro-Thaksin parties would always win an election because of the support from the uneducated or duped in the countryside and then engage in “majoritarianism” and ride rough-shod over the minority (that is, the opposition and those who did not vote for the pro-Thaksin party).

Both PAD and the PCAD, supported by the Bangkok-based middle class, have campaigned for a “democracy” that is less reliant on the outcomes of voting and elections. Each has demanded a greater reliance on selected and appointed “representatives,” usually opting for ministers or a royally-appointed “national government.” Such calls fit well with the royalist elite’s

long-held desire for “Thai-style democracy” where representation was defined as a process, not as elections. The process involved the father-leader (earlier, a general, then the king, and now looking more like a general again) going out to visit his children-citizens, learning of their problems and their needs, and responding as he thinks best (Hewison and Kengkij 2010).

This paternalism was also evident when the military took power in 2014. The junta’s Orwellian doublespeak on democracy saw that even a coup can come to be defined as an act to strengthen democracy.

[the] NCPO [the military junta] and all Thai citizens uphold and have faith in the democratic system with His Majesty the King as Head of State. [The] NCPO fully realizes that the military intervention may be perceived by the West as a threat to democracy and a violation of the people’s liberty. However, this military intervention was inevitable, in order to uphold national security and to strengthen democracy. (Government Public Relations Department 2014)

This manipulation of governance symbols was also taken up by protesters who championed transparency and anticorruption, defining “true” democracy as an opposition to elections.

Those on the other side also championed democracy, but made a simpler argument. They observed that winning several elections should count for something and asserted that if political reform was needed, as demanded by the PCAD, then electoral democracy was the appropriate platform rather than an unelected and unrepresentative body. They asserted that there could be no democracy without voting. They pointed out that the repeated overturning of some very substantial election victories was an affront to democratic politics.

The lesson has been that the middle class is not the “natural” ballast of democratization. As Fukuyama has observed,

Middle-class people do not necessarily support democracy in principle: like everyone else, they are self-interested actors who want



to protect their property and position. In countries such as China and Thailand, many middle-class people feel threatened by the redistributive demands of the poor and hence have lined up in support of authoritarian governments. (2013, 56)

Yet even this notion of contingency may be questioned for Thailand where a more diverse middle class has been evident. Earlier, Huntington (1991, 18) noted that a cause of democratic reversal was “conservative middle-class and upper-class groups” excluding populist, leftist, and lower-class groups from political power. This has certainly been seen in Thailand, where the Bangkok middle class and the elite have been drawn to antidemocratic positions that emphasize hyper-royalism, hypernationalism and fascist ideology. In contrast, it has been the relatively less well-off workers, farmers, and some *provincial* middle class groups that have been supportive of electoral democracy.

### **Lesson 3: Judicial politicization and the myth of checks and balances**

One of the major complaints of the PCAD was that the elected governments of recent years were able to ignore checks and balances. This was certainly not true for the judicial branch which has been captured by anti-Thaksin political activists and has become an instrument of the royalist elite.

Political philosophy and analysis since Montesquieu has considered the separation and independence of the judiciary important. In many jurisdictions, an independent judiciary and the rule of law are meant to underpin democratic politics. Thailand's judiciary has taken a different path. It was allocated a more prominent role in the 1997 constitution and this was expanded further under the military's 2007 constitution. These constitutions gave the judiciary new political roles, appointing members of “independent agencies” and selecting those appointed to the Senate. These roles and the institutions created, together with the judiciary itself, were to act as checks and balances for the legislature and executive.

However, during Thailand's decade of protest, the judiciary has been politicized and has seen significant judicialization (Hewison 2010). Judicialization is a reliance on courts and judicial means for resolving political and policy predicaments. Over the last decade, hundreds of political cases have been referred to the courts. We can essentially date these processes to the king's call for judges to get involved in sorting out the post-2006 election political crisis, when the Democrat Party and several smaller parties boycotted an election as PAD demonstrated against the Thaksin government. Following the king's advice, judges hastily convened, annulled the election, and jailed election commissioners. This royal intervention inevitably led to the 19 September 2006 coup and made the judiciary a locus for the conservative opposition to pro-Thaksin governments and supporters. The conviction of Yingluck by the Constitutional Court on a charge of having unfairly transferred an official quickly led to the 2014 military coup (The military junta that seized power in 2014 has transferred dozens of senior officials).

The judiciary's politicization has institutionalized a political bias that pro-Thaksin red shirts have identified as "double standards." In addition to the politicized rulings on Yingluck, red shirts have seen the Constitutional Court prevent any constitutional change, riding roughshod over parliament's constitutional mandate on amendment, throw out prime ministers and a government, dissolve several pro-Thaksin political parties in 2007 and 2008, and ban more than 200 politicians associated with those parties.

It is not just the Constitutional Court that has been politicized. Decisions by other courts on, for example, *lese majeste* charges have been legally dubious and deeply biased, with constitutionally guaranteed rights on bail and public trial brushed aside. One of the few agreements in Thailand's contested politics is that the judiciary is a reliable ally of the royalist side. These events are noteworthy for the lesson that supposedly independent institutions can be captured and subverted. Whereas the royalist elite accused Thaksin of capturing the electoral process, that elite has captured and used the judiciary. This has undermined the processes

that underpinned Thailand's democracy and rule of law, laying the foundations for the military coup in 2014 and the repression that has followed.

#### **Lesson 4: Inequality and political mobilization**

The final lesson is about inequality. A consistent narrative of the decade of protest has been of relatively poor, rural-based, pro-Thaksin red shirts opposed by relatively well-off and urban-based royalists. As mentioned, there have been some academic studies that have sometimes cast doubt on this characterization. Debates have raged over whether red shirts are "poor" or just "lower middle class" or whether they are ambitious farmers trying to do a bit better, and so on (Walker 2012).

These debates about socioeconomic status are narrowly conceived, and try to deal with the question of whether Thailand's decade of protest has been a rich versus poor "class struggle." Conceived more broadly, the available national data point to a class element in the political conflict (Hewison 2012). Yet these debates also miss a potentially important political point. Moving attention from incomes and expenditure-driven assessments of socio-economic status to economic inequality reveals a political lesson. Thailand is one of the most unequal societies in Asia. It has had this status since at least the mid-1960s. While the country reduced poverty very substantially since that period, inequality has remained pretty much unchanged. These high levels of inequality and the impacts these have had for a range of outcomes in health, education, and other arenas has been documented by a range of analysts.

Recent theoretical and statistical assessments conclude that while political democracy is usually assumed to prioritize redistribution and reduce inequality, when the political system is captured by the rich or caters to the preferences of the middle class, inequality may be exacerbated (Acemoglu et al. 2013, 1). In Thailand's case, the data suggest that there has been little or no redistribution despite decades of rapid economic growth. Despite this, there has been little political mobilization associated

with economic inequality. This changed with the 2010 red shirt demonstrations that began a process that politicized inequality. This process was associated with the red shirt mobilization of hundreds of thousands of people beginning in March 2010 and the rise of red shirts in print, television, and digital media.

On its rally stage and in its media, UDD messages highlighted a range of economic and political inequities. This included attacks on double standards and the identification of the red shirt struggle as being between aristocrats (*amart*) and commoners (*phrai*). Disparities of wealth and opportunity became powerful political shibboleths, with the UDD calling for “a free and just state,” where the “gap between the rich and the poor is reduced.” It also decried Thailand’s situation as being a “backward country that is totally controlled by conservative oligarchs...”. The UDD wanted a “country of free people with national pride, freedom and equality” (UDD 2010, 5).

The red shirt street protests were crushed by the military, but the political response was a landslide election victory for Yingluck’s Pheu Thai Party. However, the polarization deepened as the vote was spatially segregated. The royalist elite response to this electoral victory was further street demonstrations and the 2014 military coup. The 2014 military junta has also responded to the rhetoric and mobilization of inequality. Coup leader General Prayuth Chan-ocha stresses hierarchy and order, with one blogger suggesting this as a return to the “despotic paternalism” of the Sarit Thanarat regime of the late 1950s (Political Prisoners of Thailand blog, 7 July 2014). Prayuth told the nation, “My principle is that superiors have to look after their subordinates, not the opposite.” He emphasized hierarchical command structures, “The operation of all agencies and organisations must be integrated according to a chain of command, involving commanding officers, colleagues and subordinates.” Prayuth’s vision was a society with a military-like structure. He added, “My principle is for the state to look after people of all ages – be they children, youths, adolescents, adults, and elderly people, in an equal and comprehensive

manner.” His nation was one that would “create a sense of conscience and ideology of nationalism.” The paternalism of the junta, where superiors know what is best, had to be trusted, and it was the nation that created oneness.

The lesson is that high rates of inequality do not mean political rebellion will necessarily follow. Rather, inequality has to be politicized; or in the case of the junta, depoliticized. When it is politicized, it is a highly combustible fuel for political dissatisfaction and requires enlightened public policy embedded in notions of universalism if it is to be kept under control. At the same time, the military coup demonstrates that inequality can also be depoliticized by repression and force of arms.

### Conclusion

Street protests since late 2005 have only ended because of a military coup, Thailand’s second in a decade. The lessons to be found amongst the many factors associated with this often unruly and uncivil political contestation are many, and this paper has concentrated on just four: (i) the political intransigence of a conservative and royalist elite unwilling to allow electoral democracy to take root; (ii) the failure of the middle class as a ballast for democratization; rather, it is a class that has been easily attracted by authoritarian politics; (iii) independent institutions created as checks-and-balances can be politically captured and subverted; and (iv) high rates of inequality do not mean political rebellion will necessarily follow; inequality has to be politicized.

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