How can Thailand overcome its transformation crisis?
A Strategy for Democratic Change

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- Even if the elites manage to settle the political conflict with a Grand Bargain, this will not suffice to overcome the deeper transformation crisis. Thailand's traditional political, social and cultural order is no longer able to satisfy the needs of a globalized economy and pluralistic society.

- Thailand needs to re-negotiate its social contract. The new social contract needs to lay out a division of labor between sectors that reflects the changed balance of power. A democratic governance system is needed that can mediate permanent conflict between groups with particular lifestyles, interests, and identities. The political economy must produce socially just and sustainable growth with a view of providing full capabilities for all.

- However, no such broad societal deliberation process has yet emerged. A number of obstacles hinder the consolidation of democracy. First, a deeply entrenched status quo coalition struggles to uphold the traditional vertical order. Second, traditional ideas continue to provide discursive power to the status quo coalition. Third, collective action problems hamper the formation of a powerful coalition for democratic change.

- Marginalized progressives need to join forces with liberal reformers and enlightened conservatives in a Grand Rainbow Change Coalition. Considering the potentially conflicting interests of actors across the political spectrum and from all sectors of society, a common platform could be to work together to build the democratic arena in which they will later compete.

- In order to level the playing field, a democratic change discourse needs to be constructed that describes why change is needed, and lays out a vision for a Good Society. A democratic change narrative that merges progressive and traditional themes could be helpful to reach out to potential allies.

Contents

I Introduction

For almost a decade, Thailand has been in the grip of a political conflict that has polarized its society and paralyzed its political system. On the surface, two rival "red" and "yellow" alliances[i] are fighting over the control of the Thai state. Many good analyses have recapitulated the course of events, portrayed the actors and their motives, and identified the structural and normative underpinnings of the color-coded conflict. This study will draw from this wealth of knowledge, but does not aim to repeat these findings here. In an earlier paper[1], I have argued that the political conflict is only the tip of the iceberg of a deeper transformation crisis which can only be overcome by re-negotiating the social contract.

In this paper, I will explore why Thailand is struggling so hard to adapt its political system to the needs and realities of a pluralizing society. My first step will be to show why the prevailing strategies currently followed by key actors are ill-equipped to overcome the deeper transformation crisis. Second, I will identify the normative schisms, collective action problems and political economy which hamper Thailand to (re)-negotiate its social contract. Finally, I will present a strategy for democratic change."

II Resolving the political conflict is not enough

After all the ups and downs, twists and turns of the conflict, the outlook for Thailand looks essentially the same as at the outset of the political conflict on the national level 8 years ago. Three basic future scenarios seem feasible: "victory for one side", a "grand bargain", and the "continuation of the current stalemate".

First Scenario: "Victory for one side"

In their quest to capture the Thai state, the "red" and the "yellow" alliances have used different tactical approaches. However, both alliances followed the same "winner takes all" strategy: to score a decisive victory over the other side in order to (re-)impose their ideal order onto society. *Can one side win the political conflict?*

This "winner takes all" approach makes a one-sided victory possible, but unlikely. For the elites, there is simply too much at stake to cease control of the state. For the 'red' and 'yellow' foot soldiers, the resulting order will have a significant impact on their life opportunities. With stakes this high, no side is willing to admit defeat, and keeps on battling.

What would the victory of one side mean for the emerging political system?

Both sides have a proven track record of tampering with checks and balances and violating human rights. Both sides have shown little respect to the rule of law, and resorted to undemocratic and illegal means. Both sides resorted to violent street politics with the hidden intent to provoke state violence with a view to heighten the pressure and to bring down the government[2]. When in power, both sides used disproportional force to achieve political aims. Both sides cracked down on street protesters, resulting in deaths and injuries. Both sides have prosecuted critical dissent and censored the media. Both sides have meddled in the violent conflict in the Deep South. Both sides are involved with money politics, nepotism and corruption. Both sides point fingers at the wrongdoings of the other side while believing that the ends justify their own means[3].

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i   The 'red' and 'yellow' alliances have been shifting over the past 8 years, with plenty of actors and groups joining the struggle, disengaging and even changing sides between camps. As the political conflict divides social classes, organizations and families, supporters of each side can be found in every institution. Both sides are struggling hard to co-opt and control key institutions such as the media, independent commissions, the police and other security sector organizations. The "red coalition" is a loose alliance of capitalist tycoons, progressive academics and activists, and the red shirt movement, mainly supported by middle class and political peasants from the North and Northeastern provinces. After various bans, splits and re-incarnations, Pheua Thai has emerged as its leading political party. The "yellow alliance" is composed of the traditional elites of the network monarchy, business leaders, academics and civil society activists, and the yellow shirts, mainly supported by the Bangkok middle class. The Democrat Party, the principle opposition party, is traditionally strong in the Southern provinces and in Bangkok.

With the immediate threat of the conflict gone, incentives for leaders of both sides would cease to reach out to the masses and take their interests into account. Without any effective opposition, the risk that the victorious side could establish an authoritarian system cannot be dismissed. Democratic or not, the resulting regime would suffer from its birth mark of being imposed onto the other side. If the conflict has shown anything, then it is the unwillingness of Thai citizens to accept paradigm shifts without proper participation in the decision making process. Any order that is imposed upon a society without any inclusive deliberation process will suffer from a lack of legitimacy.

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Second Scenario: A Grand Bargain

Many hopes have been put into the prospect of a 'Grand Bargain'[4] between the warring traditional and capitalist elites.

Is a Grand Bargain likely to emerge?

Both sides seem to have realized that they cannot achieve their goals without the other. Accordingly, there was growing evidence that some sort of mutually beneficial arrangement between the coalitions had been reached behind closed doors. What began in secret one year earlier with the alleged 'Brunei agreement' seemed to have matured enough to see the country through early elections in July 2011, a change of government and the management of the floods.[5] Ever since, the military leadership has shown remarkable political restraint.[ii] The Yingluck government, on the other side, has

gone out of its way to portray itself as the true protector of the monarchy[iii][6]. Evidence seems to suggest a "Grand Bargain" had been reached in the traditional way: as a secretive deal between key patrons, brokered in backroom meetings.

However, the June 2012 row between the Parliament and the Constitutional Court over the charter amendment, as well as the Pitak Siam protests in November 2012 give reason to caution against premature judgments. While these spats may be signs that influential actors are opposing the bargain, it could also be argued that these challengers had to back down precisely because the deal is in effect. Either way, the jury is still out if such an arrangement could see the country through the distortions that are about to come.

What would a Grand Bargain mean for the future political order?

Some sort of elite settlement over the basic rules of the game is indispensable to resolve the immediate political conflict and provide the stability necessary to resolve the deeper transitional crisis. However, there is no guarantee that elites will settle on democratic rules. On the contrary, a Grand Red-Yellow Elite Alliance would be in a formidable position to jointly suppress all calls for democratic change. In short, if the elites are not willing to form a democratic regime, the outcome of a Grand Bargain may well be an authoritarian regime.

Third Scenario: Stalemate and Continuation of the Conflict

The balance of power between the red and yellow

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ii   Despite rumors about an imminent coup during the floods in November 2011, the political row over the charter amendment in June 2012, and the Pitak Siam protests in November 2012, the army chief repeatedly proclaimed the political abstinence of the military. The pull-out of Thai troops from the Preah Villar border region with Cambodia, which led to a spat between the military and the Abhisit government, happened surprisingly smoothly.

iii   Well beyond rhetoric, the crackdown against alleged offenders under the notorious lèse majesté law has continued under the "red govern-ment". Thaksin has reigned in Red Shirt republicanism, and called for sacrifices in the name of reconciliation. See EN 6.

alliance seems to have entered a stalemate. Neither side has been able to score a decisive victory in the past eight years. Both sides face considerable challenges that may weaken their political positions.

The pressure on the Yingluck government from its constituency to keep its campaign promises will increase. At the same time, with the Thai economy starting to feel the impact of the global economic crisis, diminishing state revenues may undercut the ability of the government to deliver. The upcoming struggle over the charter amendment and reconciliation bills will most likely spark a new round of conflict. Political friction between the red base and the Pheua Thai leadership, which can already be seen over the questions of bail-outs for red shirts and the row over the charter amendment, could widen. The jury is still out on the long term viability of the 'red' alliance between billionaires and the poor, between neoliberal capitalists and former Marxists, between Bangkok based academics and hinterland foot soldiers.

The cracks in the yellow alliance started to deepen under the Abhisit government. The interests of the network monarchy[7], the Democrat Party (DP) and the People's Alliance against Dictatorship (PAD) are diverging. With the increasing importance of the electoral mechanism, the DP is threatened by its own chronic inability to win elections. The ability of the PAD and the "Multi-Colored Shirts" to mobilize mass street protests has lately been fading. However, the call of the extremist Pitak Siam group to bring down the government with a coup d'état has drawn a medium sized crowd[8]. This may indicate that while the PAD may be moribund, the potential for anti-Thaksin street protests is still lingering. The military is wary of the red shirt movement and seems focused to hold its sway over its own narrow interests[9]. For now, influential figures behind the scenes seem to have cautiously accommodated the Shinawatra government. Accordingly, the courts and other influential figures do not have the muscle to follow through with another showdown with the legislature and executive. The biggest wild card for all sides is the looming succession on the throne. In sum, the red side is not strong enough to impose its order onto society, and the yellow side seems to lack the strength to stage another undemocratic rollback.[10]

How would the continuation of the conflict impact on the political development?

The assessment of this scenario largely depends on the intensity of the conflict. To be very clear: to spiral out of control into a civil war would spell a tragedy for Thai society. More likely, though, seems the continuation of the conflict pattern that emerged over the past 8 years: phases of escalation, including some violent clashes, followed by phases of relative calm. Contrary to widespread fears over the breakdown of Thai society, so far the political conflict does not have the intensity to seriously disrupt the social fabric. In certain respects, the conflict has even acted as a catalyst in the structural democratization of Thai society. Despite all efforts by the state to suppress regime critics, the conflict between the elite factions opens up space for dissent. Accordingly, the number, depth and intensity of political debates have blossomed. The dissemination of democratic ideas and concepts into the wider society has introduced a democratic discourse into the mainstream. The heavily contested but largely free and fair elections have established the electoral mechanism at the center of the political system[11]. The experience that their votes count, both for the installation as well as the responsiveness of the government[12], has politicized the majority of the population, and may well work to curb the old practice of 'vote buying'. The heavy contest over demanding constituents as well as the emergence of an ideological schism could pave the way for the

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emergence of a consolidated system of political parties that may actually offer real alternative choices over the general direction of society. All these developments can be interpreted as a structural democratization of Thai society.

On the other hand, the paralysis of the political system does not allow Thailand to implement the structural changes necessary to progress on a sustainable development path. With the challenges of the global economic and ecological crisis as well as the entry in to the ASEAN Economic Community ahead, there is a real danger that Thailand's engine of change – the dynamic private sector - will begin to stutter. In other words: the fast changing external world may not allow Thailand much longer to be bogged down in political conflict.

In sum, while all of these scenarios may have certain merits, none of them will lead to a path that allows Thai society to overcome all the problems at hand. Even if the elites do manage to resolve their immediate political conflict, doubts remain over their willingness to install a truly democratic system. None of these scenarios offers an appropriate way to overcome the deeper transformation crisis.

III Re-negotiate the Social Contract to overcome the transformation crisis[13]

Underneath the surface of the political conflict lies a deeper transformation conflict. The transformation crisis is the direct consequence of the fundamental change process that Thai society is currently undergoing. Decades of fast economic growth have created a complex economy that is deeply integrated into the global division of labor. New industries and services have increased social upward mobility, and created new opportunities and lifestyles. Thai society today is more pluralistic in values, identities and lifestyles than ever before[14].

> **As long as the social and political order is not adapted to meet the needs of a pluralizing society, the legitimacy crisis will continue to paralyze the governance system.**

The traditional symbolic order of "Nation, Religion, King" and the normative foundation of *samakhitam* ("unity based in moral principles")[15] have lost much of its cohesive and legitimizing power. In a pluralistic society, permanent conflict between diverging interests, values and lifestyles is the norm, not the exception. In the traditional social order, the place and role of each individual in the social hierarchy was narrowly defined, with little or no opportunities for upward social mobility[16]. The social mobility unleashed by the capitalist development has essentially put people in the driver's seat of their lives. New social actors are being mobilized, struggling to secure diverging interests. In the rural areas, a middle class has emerged which is beginning to make its influence flt[17]. Political expectations have changed: the people demand that the state be more responsive to their needs[18] and be active in removing the obstacles that hinder their ability to live up to their full potential. The provision of public goods is increasingly understood as a social right rather than a charity.[19]

As a consequence, the traditional governance system with its emphasis on abstract rules and uniform enforcement no longer satisfies the needs of a complex economy and pluralistic society. While citizens demand full capabilities[20] for all, the political system only provides basic public goods for a few. Effective mechanisms to negotiate compromises in situations of constant conflict are lacking. More fundamentally even, the top down political process is no longer being accepted. Backroom-deal brokered solutions cannot be imposed onto empowered citizens who demand participation in the decision-making process.

The result is a fundamental crisis of legitimacy of the political[21], social and cultural order. In other words: Thailand's traditional social contract is no longer intact. The traditional division of labor (e.g. the military guarantees political stability; the government nurtures the economy; big business

creates growth and prosperity, which then trickles down via patronage networks to local elites, while the population at large is constrained to rural sufficiency[22]) no longer fits the realities of an economy deeply integrated into the global economy. The underlying balance of power has been challenged by the "red" capitalist elites. The majority of the population no longer accepts the vertical political order with its secretive, coercive top-down mechanisms, and insists on the sovereignty of the people.

As long as the social and political order is not adapted to meet the needs of a pluralizing society, the legitimacy crisis will continue to paralyze the governance system. In order to overcome the transformation crisis, Thai society needs to re-negotiate its social contract.

It has been argued that Thaksin has offered Thailand a new social contract[23]. Indeed, "Thaksinomics"[iv24] fundamentally challenged the traditional vertical order, e.g. so-called "Thai-Style democracy"[25]. With the electoral mechanism at the center of the governance system, Thailand saw the introduction of majority rule. A decidedly capitalist development model brought industrialization and social mobility into the rural areas[26]. Basic welfare schemes gave people social rights instead of harity, and introduced the idea of a responsive state to voters[27]. Formerly passive subjects became active citizens who enjoy political rights. At the same time, Thaksin showed little respect for the rule of law and undermined constitutional checks and balances. Most importantly, Thaksin didn't re-negotiate the social contract but tried to impose it onto society. In any case, "Thaksinomics" was rejected by a significant part of Thai society[28]. Mass protests and

The re-negotiation of the social contract needs to bring about a politically democratic, socially just and culturally pluralistic order.

the fierce opposition of the traditional elites can be interpreted as a vote of no confidence against "Thaksinomics".

The color-coded conflict cannot be separated from the underlying transformation crisis. The very nature of the transformation crisis dooms all attempts to end the political conflict by either imposing a new order or by brokering a secretive "elite grand bargain" without the participation of the majority of the population. Equally important to the results of the re-negotiation of the social contract is the way it is carried out. In order to overcome the legitimacy crisis, the deliberative process must be designed in a way that legitimizes the new order. I suggested earlier that the negotiation process needs to be inclusive, horizontal, rule-based, focused on the big picture and genuinely political[29]. In short, Thais of all walks of life must decide how they want to live together in the future.

In order to overcome the transformation crisis, the political, social and symbolic order needs to be adapted to meet the needs of the complex and pluralistic Thai society of today. The re-negotiation of the social contract needs to tackle the following issues:

A democratic political order

Elites need to settle on the basic rules of the game in order to resolve the conflict, unblock the political system, and provide stability for structural reforms. More profoundly, traditional and capitalist elites need to settle on a new division of labor that reflects the changed balance of power. A few changes in the constitutional and legal framework may be necessary to create an enabling democratic regime. More institutional channels are needed that allow all citizens to fully participate in the democratic process of legitimation, deliberation, decision-making and control. However, what is needed most cannot be

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iv The struggle of the Thai-Chinese 'Thaksinistas' must be seen against the history of state control over the Sino-Thai capitalist class. It is one of the ironies of the color-coded conflict that it is the capitalist tycoons who stand accused of 'populism' for providing basic social services for the poor, see EN 16.

realized only through institutional engineering, rather it must be achieved through a paradigm shift in political culture. The most profound change will be to build a consensus between all relevant stakeholders on the most fundamental principle of democracy: the institutionalized division of power. In other words, the political culture needs to embrace the spirit of "majority rule checked by the rule of law".

A just social-economic order

At the root of the transformation crisis lays a conflict over social justice[30]. People refuse to be constrained to self-sufficiency and demand equal rights and opportunities. Empowered citizens aspire to fully participate in political, social, economic and cultural life. The state is expected to actively remove obstacles for the individuals to achieve their full potential by providing public goods such as health care, education, security, and technological infrastructure. The political economy needs to be guided by a new socio-economic development model that produces the conditions for full and equal capabilities for all.

A pluralistic symbolic order

The traditional symbolic order is losing its ability to define identities and find social cohesion. To paraphrase the traditional narrative, the symbolic order "One Nation. One Religion. One King" is increasingly at odds with a society made up of a multitude of religions, subcultures, lifestyle, sexual and ethnic identities, values, and norms. The question "Who are we as a nation" needs an answer that is in tune with the social reality of a pluralistic society. A new narrative needs to be constructed that can reach out to all citizens by embracing diversity. Social cohesion may be strengthened by opening up more channels for citizens to participate in political, social and cultural life.

IV Why is it so hard to re-negotiate the social contract?

However, no such process of broad societal deliberation has emerged over the past year. On the contrary, public debate is poisoned by polarization, hate speech, character assassinations and cyber mobbing on the one side, as well as censorship and prosecution on the other. When a group of law scholars[31] proposed to reform the notorious Art.112 Criminal Code ("lèse majesté"), a de facto coalition between the 'red' government and its yellow critics made it clear that they would not be prepared to change the existing order. More recently, the debate over the charter amendment and "reconciliation" bills served as another sad example for the absence of a rule-based and goal-oriented process of deliberation.

Three obstacles for democratic change: The status quo coalition struggles to uphold the traditional vertical order. An ideological schism triggers symbolic conflicts, while traditional ideas continue to legitimize the status quo. Third, collective action problems hamper the formation of a change coalition.

This inability to tackle highly sensitive political issues and to organize a demanding deliberation process should not come as a surprise. Several obstacles are undermining the ability of Thai society to organize change and keep the country in a perpetual cycle of conflict. In the following, I will identify three major sets of obstacles that undermine the ability of Thai society to re-negotiate its social contract:

- The potency of the conservative discourse and the lack of orientation in the vertigo of change;

- The power of the status quo coalition that upholds the traditional order;

- Collective action problems in a patrimonial system hamper the emergence of a powerful change agent.

1 The ideological playing field: Conflicting discourses, ideas, norms and identities frame the transformation conflict

In a typical transformation process, traditional norms and practices are still in place, while new ones are emerging. Beliefs, roles, identities and points of reference are pressured by economic and social transformation, but do not immediately give way to a new universally accepted symbolic order[32]. While some people readily embrace new lifestyles and norms, others hold on to life-long beliefs and traditional identities as their solid ground amidst the vertigo of change[33]. In Thailand's political culture, authoritarian and democratic ideals and values co-exist[34], and largely determine attitudes towards key policies and institutions. Reflecting the greater struggle between the two rival orders, charged proxy debates over symbolic issues conceal the real questions at hand.

Hence, winning the sovereignty over the interpretation of key paradigms is one of the major battlegrounds of the color-coded conflict. With its influence on perspectives and beliefs, and its ability to convey legitimacy, the discourse must be understood as a source of power. Mainstream discourses define the political spectrum and shape the attitudes of stakeholders towards political initiatives. Discourse hegemony formats the political field by establishing the point of reference against which all actors must define their interests, argue their case, and justify their positions.

By conveying legitimacy and deflecting criticism, the conservative discourse serves as the ideological foundation of the traditional vertical order. The ability to derive legitimacy from it for their political claims has been a major source of power for those who struggle to uphold the status quo. The dominance of the conservative discourse has eroded, but its reference to traditional values and identities still holds considerable clout.

On the other side of the political spectrum, liberal and progressive discourses are becoming mainstream. The dissemination of democratic ideas and ideals well beyond the educated elites and middle class has leveled the ideological playing field. References to universal values and international standards legitimize claims of those who struggle to build a democratic order.

However, this discursive struggle is not carried out in an informed, rule-based and goal oriented deliberation process over the grand direction of society. Instead, a shouting game that is reminiscent of a 'dialogue of the deaf' polarizes public debates. The inability to engage in public reasoning over the fundamental challenges paralyses the political process and undermines all efforts to resolve the political conflict.

The general lack of orientation caused by this discursive struggle can be exploited by political entrepreneurs to advance their vested interests. Using Orwellian rhetoric, political actors utilize democratic concepts such as the 'rule of law', 'civic education' or 'reconciliation' to disguise a non-democratic political agenda. Lacking a clear understanding of the underlying concepts and schools of thought, people may fall prey to the rival claims to represent truth and good. On the other hand, exaggerating the ignorance of common people is a welcome pretext for those who struggle to uphold the status quo. How this discursive struggle plays out will partly determine the outcome of the political conflict.

In the following, I will investigate some of the prominent symbolic issues in the color-coded conflict. Portraying the opposing discourses around them, I will show how they work to legitimize political claims and shape political agendas. I will analyze to what extent the changes in ideas, identities and discourses are driven by the socio-economic transformation, and how these structural pressures trigger reactionary strategies of re-affirmation. Finally, I will show how the main schisms of the political conflict reflect the underlying nature of a transformation crisis: the

clash between the traditional and the emerging order.

1.1 How to make decisions and ensure social cohesion? Unity in Harmony versus Ex Pluribus unum

1.1.1 Phenomena: Hidden Agendas, White Lies, Hate Speech and Lèse Majeté

With public debate ripe with baseless allegations, suspicion ("hidden agenda"), conspiracy theories, (white) lies and a near inability to accept even factual criticism, Thai politics seems to be an endless circus of grandstanding, showdowns and intrigue. Both 'yellow' and 'red' governments have been censoring the press, shutting down media outlets and suppressing dissent with the draconian lèse majesté and Computer Crime Act. Citizens, in particular in social media, abuse freedom of speech to engage in hate speech, cyber mobbing and character assassinations. The recent row over the so-called "Reconciliation Bill" has deteriorated into a shouting game pro- and contra amnesty.

These phenomena point to fundamentally opposed readings of the role of 'conflict' in the way a society comes to a decision on its grand direction. This leads to diverging analyses of the political conflict and results in different approaches how to overcome the crisis.

1.1.2 The conservative discourse: Unity in Harmony

Conservatives place high value on unanimity. Thus, policy debates are to be limited to secretive backroom deals between "the powers that be" or at least non-public meetings by "those in the know". In the public eye, institutions need to demonstrate unity at all cost. Inside institutions, members are to withhold criticism in the name of 'collective responsibility'[35].

In the view of conservative hardliners, individual dissenters are to be silenced, while the opposition needs to be crushed. Conservatives tend to read the noise of representative politics as societal decay[36]: "If we allow unlimited political struggle, it will become a struggle without order and discipline [mai mi rabiapwinai], and when anarchy [anathipatai] emerges it will present dictators with an opportunity to seize power"[37]. Accordingly, the conservative remedy for the disease of the color-coded conflict is to "re-unite the nation in harmony"[38].

> **Conservatives tend to read the noise of representative politics as societal decay. Hence, their remedy for the disease of the color-coded conflict is to "re-unite the nation in harmony".**

The need for unity is cited as the major reason why Thailand needs a home-grown political system: 'Thai-Style democracy'. The 'Thai-Style democracy' discourse rejects Western democratic institutions as alien to 'Thai realities'[39]: "Thailand works better and prospers under an authority, not a tyrannical authority, but a unifying authority"[40]. "Thai-Style democracy is a system that maintains the people's interest and responds to their needs, and which is able to gather and use the people's opinions' is the true essence of 'Government of the people, by the people, and for the people'".[41] In other words, Thailand does not need 'Western' democracy, because it has always been a true democracy[42].

1.1.3. The liberal discourse: Institutionalize Conflict

In order to prevent conflict from deteriorating into violence, liberals aim to institutionalize conflict. Democracy offers effective mechanisms to express dissent, articulate interests, and negotiate solutions between competing groups. To suppress this dissent, hide conflict of interests and make deals in secret undermines these mechanisms, and hampers the emergence of a political culture that seeks to resolve conflict inside institutions, and not on the streets. In order to produce the acceptance for decisions-made, people participation in all four stages democratic process of legitimation, deliberation, decision-making and control is necessary.

1.1.4. The progressive discourse: Ex Pluribus Unum [v]

Progressives have a dialectical reading of conflict: to debate a controversial question in the open will lead to better solutions for society as a whole. To consider the interests of all stakeholders will strengthen the legitimacy of a decision made, and ensures greater acceptance for its implementation. Not afraid of conflict, progressives interpret the color-coded conflict as the long-awaited opportunity to break the chains of the traditional order and lay the foundations for a democratic society. Accordingly, progressives do not see reconciliation as an end itself, but as a pre-condition for a deeper democratization process. Reconciliation can provide the necessary stability for the politically sensitive re-negotiation of the social contract.

Progressives also advocate a new concept of social cohesion. In a pluralistic society, imposing "unity" may easily be interpreted as elevating one set of values over the other or even as an attempt to negate diverging identities. To emphasize a universal narrative of the nation would then only work to undermine social cohesion. In a society with differing lifestyles and subcultures, social cohesion and national identity can no longer be built on a uniform set of values. Instead, an individual's sense of belonging to the nation will flow from equal participation in political, social, and cultural life[43]. Citizen participation introduces the interests of the majority and of marginalized minorities into the political process, closing the gap between the Bangkok bubble and the needs of the people. To be able to voice dissent and be taken seriously by authorities strengthens the sense of belonging to the nation, and thereby increases both social cohesion and the legitimacy of the political system. In other words, more not less citizen participation is needed to build unity out of diversity (ex pluribus unum).

Uncertain about the external world and one's own place in it, individuals engage in rituals of self-affirmation. Allegiance to the symbols of the (invented) golden past is a way to re-establish firm ground in the 'vertigo of change'.

1.1.5. The underlying problem: The Vertigo of Change Deliberation requires the conditions it is supposed to create.

With the erosion of the vertical socio-political order, top down decision making mechanisms are increasingly being resisted. Citizens no longer accept imposed policies but demand greater participation in the decision making process. However, electoral legitimation only happens every few years, while watching and scrutinizing those in power is often confined to highly committed civil society activists and the media. Hence, deliberation becomes the central stage for participation. Deliberative Democracy requires that every major decision has gone through an inclusive, rule-based and result-oriented process of public reasoning. This calls for the active and responsible participation of all citizens in the democratic process. However, horizontal mechanisms for public participation are either nascent or non-existent. A meaningful process of public reasoning over the grand direction of society has not yet emerged. A broad consensus over the 'rules of the game' that could serve as the basis for a normative framework for deliberation is nowhere in sight. On the contrary, the suppression of dissent hampers the emergence of a political culture that embraces debate as the main mechanism to reconcile differing interests and to bring about better solutions for society as a whole. Without a culture for democratic discussion that could guide rule-based and goal-oriented deliberation, the highly sensitive re-negotiation process of the social contract seems all but doomed.

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v   Latin for "Out of many, one". The unofficial motto of the United States. Being an immigrant nation, the US was ear-lier than other nation states confronted with the chal-lenge to build national identity and social cohesion out of a pluralistic and fragmented society.

Identity crisis in the vertigo of change

"Transition disease" also has a psychological dimension. Rapid transformation of the economy, society, lifestyles, norms and values undermines the "certainties" that are the basis for identities[44]. Everything that seemed natural and self-evident yesterday is called into question today. Uncertain about the external world and one's own place in it, individuals engage in rituals of self-affirmation.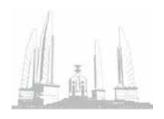 Allegiance to the symbols of the (invented) golden past is a way to re-establish firm ground in the 'vertigo of change'. Uncertainty can also breed aggression against the alleged "gravediggers" of everything that is holy and good, and may even cause violence against scapegoats. The suspicious and highly emotional intensity of the color-coded conflict may have its psychological roots in this identity crisis. Insecurity and identity uncertainty may also play a role in the aversion to submit matters for public debate and the angst of 'losing face' in an open and transparent discussion.

1.2 How to clean up the political system? Virtuous Leaders versus Civic Scrutiny

1.2.1 Phenomena: Corruption, Cronyism, Nepotism, Money Politics

In Thai politics corruption, money politics and cronyism are endemic. Vote buying, election rigging, state sponsored violence and even politically motivated murder are frequent features of Thailand's political system. In the eyes of many, these flaws of "Thai-Style Democracy" have become synonymous with 'democracy'. Accordingly, the attitude of many Thais, particularly the Bangkok middle class, towards democracy is negative[vi].

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vi   The political stance of the Bangkok middle class seems to contradict popular notions that the emergence of a middle class is a major driver for democratization.

Different analyses about the root causes of these problems lead to fundamentally different remedies: are these individual moral failures that can be cured by selecting virtuous leaders, or are they inherent to the system, and can only be addressed by an overhaul of the social and political order? Public debate has largely narrowed these questions to the symbolic issue of whether policy makers should be selected or elected.

1.2.2 The conservative discourse: Virtuous Individuals versus Moral Decay

Conservatives attribute dysfunctional governance to a lack of moral integrity of individual decision makers, as well as the immaturity of those who elected them. Outrage over "vote buying" and "street terror" echo the old derogatory notion that the "uneducated masses" are not ready for democracy[45]. The conservative discourse identifies the roots of the political crisis in the immaturity of ordinary Thais who only seek to enjoy rights, but do not live up to their obligations. If the people abuse their civil rights by selling their votes and protesting in the streets, so the argument goes, their political rights need to be suspended until they are educated enough to be responsible citizens. Tellingly, the conservative education curriculum decidedly leaves out political empowerment and concentrates on character education.

> **Conservatives attribute dysfunctional governance to a lack of moral integrity of individual decision makers, as well as the immaturity of those who elected them.**

Yet the moral outrage that mobilized hundreds of thousands 'yellow shirts' goes well beyond middle class contempt[46]. 'Yellow' rage over corruption, nepotism and money politics is rooted in the socio-cultural tradition of Theravada Buddhism. In Thai culture, social and political status of an individual is reflective of his moral value[47]. Accordingly, at the top of the vertical social and political order must be the highest moral authority. This belief was time and again mocked by the outrageous behavior of some elected politicians. These wrongdoings are

attributed to a disease that has infiltrated the moral body of Thai society. Thus political Buddhists call for a spiritual 'cleansing' of politics[48]. In this discourse, the political crisis can only be overcome if individuals return to virtuous ways. More secular conservatives share the analysis that these wrongdoings are proof that elected politicians are without virtue. However, their remedy focuses on the mechanism that brought these policymakers into office: elections. It is argued that if elections produce such devastating results, then electoral democracy is flawed and should be suspended. Instead, royalist stalwarts suggest to "freeze"[49] the Kingdom and call for the selection of virtuous leaders by the highest (moral) institution[50]. The constitution of 2007 echoes this call, and stipulates the appointment of half of the Senate members, senior judges and members of the independent commissions.

1.2.3 The liberal-progressive approach: Civic scrutiny versus Money Politics

Progressive emphasis on the freedom of speech points to a new understanding of the role of the citizen in the political process. Empowered citizens are able to articulate their positions and promote their interests. In a progressive reading, citizens are to be trusted to exercise their freedoms responsibly when participating in public debate. Hence, civic education must be a tool of emancipation, but not a precondition for full political rights or even an instrument of indoctrination. A progressive civic education curriculum emphasizes the participation of empowered citizens in the democratic process. Empowered citizens monitor and scrutinize decision-makers, and spell social sanctions in cases of wrong doing and abuses of power. Broad citizen participation in the democratic process limits the room for maneuver of corrupt policy makers, and is the most effective way to curb cronyism and money politics.

> **What 'institutional engineers' tend to overlook is that political institutions do not exist outside a given society, but are deeply embedded by personal relationship, cultural traditions and political pressures.**

1.2.4 The underlying problem: How to democratize a patrimonial system?

Patronage relationships dominate all aspects of Thai society, and have a crippling effect on democratic institutions and political culture. Never mind the democratic façade, key decisions are made by a network of patrons in the backroom. The most visible part of this patrimonial system, the endemic corruption, is only the lubricant of a system of personal relationships that trade loyalty against patronage. The patrimonial system has constantly undercut the system of checks and balances, and infiltrated and compromised most democratic institutions. By stuffing courts and independent commissions with their proxies, and lobbying sitting officeholders into compliance, the elites of both sides of the aisle have no difficulty to use the institutions to advance their interests. So while the Courts and the independent commissions are textbook examples of institutions designed to uphold the rule of law and advance the public good[51], in reality, their policies often work to undermine democracy[52]. What 'institutional engineers' tend to overlook is that political institutions do not exist outside a given society, but are deeply embedded by personal relationships, cultural traditions and political pressures. The efficiency of patronage relationships is strengthened by Thai culture and this high respect for social hierarchies.

Replacing patrimonial systems with impersonal, merit-based administrations that can work efficiently to serve the public good requires a major concerted effort by all stakeholders. However, favoring kin over strangers being the default condition of human behavior, patrimonial systems eventually manage to reassert themselves.[53] Functioning self-cleansing mechanisms backed by political will to enforce the rule of law are the only way to keep the governance system effective. Here lies the main challenge of all democratization processes: to turn the vicious

cycle of patrimonialism into a virtuous cycle where increasingly effective self-cleansing mechanisms improve governance performance and wins public trust.

1.3 Who makes the decisions for whom? Majority Rule versus Good Governance

1.3.1 Phenomena: Parliamentary Dictatorship, Hidden Agendas, Populism, Double Standards.

Thai politics is full of heated allegation of "hidden agendas". Conspiracy theories over impending coups d'état and preparations for civil war are blossoming. One yellow side accuses the other of pursuing "Parliamentary dictatorship" or "Singapore style autocracy"[54]. A recurring theme of the 'red discourse' is the call for the end of 'amaat oligarchy' and demands for full sovereignty of the people[55]. Public surveys have shown that authoritarian practices – from staging coups to breaking the constitution - are widely accepted[56]. Attempts to overrule the electoral majority by politicized courts have been so common that they have been coined "judicialization"[57]. The incarceration of alleged lèse majesté offenders, the shutdown of media outlets and the prosecution of red shirt protesters under terrorism charges have been criticized as "rule by law"[58]. The court decisions to bring down 'red' governments in 2006 and 2008, to dissolve political parties and ban hundreds of politicians have been dubbed "Judicial Coups" [59]. Accordingly, the injunction of the Constitutional Court to stop the legislative process over the charter amendment in June 2012 has been regarded as "attempted judicial coup"[60]. The 'red shirt' movement has vowed to fight back against any extra-constitutional interventions into the democratic process.
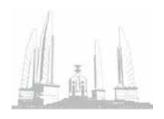
All this seems to indicate that even the most basic principles of democracy, the rule of the majority in the limits of the rule of law, as well as the sovereignty of the people (as stipulated in Chapter 1, Sec.3 of the Constitution) are not universally accepted.

1.3.2 The conservative discourse: Higher principles and elite exceptionalism

The ultimate objective of royalists has been to uphold the traditional political and social order. Unconstitutional intervention in the democratic process – such as the military coup of 2006 and the judicial coup of 2008 – are being justified by recourse to proto-democratic sources of legitimacy. The Thai monarch claims a 'super mandate' from the people, one that trumps the electoral mandates of political leaders[61]. The narrative of the "Good Coup"[62] is based on the idea of 'higher principles' based in natural law such as the 'nation', the 'monarchy', 'unity' and even 'democracy' that exist prior to man-made law. The need to 'keep peace and stability' has been used time and again to justify authoritarian interventions.

Recently, a new discourse warns against the long term fiscal consequences of "populism". Drawing upon lessons from the Eurozone crisis, academics are worried that popular demands for instant gratification together with the populist approach of elected governments to reward supporters will in the long run lead to the bankruptcy of the Thai state[63]. In the conservative discourse, these legitimate worries are being applied without any qualification to all policies that benefit the majority of the population. The synonymous use of "populism" and "popular" unveils conservative unease with majority rule, and even a general disdain for the "uncivilized masses"[vii]. Echoing yellow fears of the sell-out of Thailand[viii], the "bankruptcy by populism" narrative has recently been used by the Pitak Siam group to justify its call for another cou d'état[64].

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vii In the heat of the conflict, elite exceptionalism and middle class contempt may have triggered hate speech such as the "'red germs' occupying the sacred center of Bangkok", see Thongchai Winichakul EN40.
viii Yellow shirts were infuriated by Thaksin's sale of ShinCorp as well as the dispute with Cambodia over the Preah Villar temple.

1.3.3 The liberal approach: Hedging against the tyranny of the majority

Middle classes around the world fear two things: to be harassed by the elites who control the state, or to be outnumbered by the majority of the population. By installing an institutional architecture of safeguards, liberal democracy hedges against the domination of any one group. The notorious battle cry "Parliamentary dictatorship" hints at the anxiety of the minority of the tyranny of the majority[65]. Shocked by Thaksin's un-democratic governing practice and the persistent strength of the 'red alliance' at the polling station, liberals seek to establish as many curbs to majoritarian rule as possible. The rule of the electoral ("populist") majority has been checked with a phalanx of appointed oversight institutions and a politicized judiciary[66]. In theory, independent bodies were established to ensure the democratic quality of elections (Election Commission), good governance (National Anti-Corruption Commission) and guarantee political rights (National Human Rights Commission). Sectors with strategic importance (e.g. media sector, National Telecommunication and Broadcasting Commission; the financial markets, Securities and Exchange Commission) were put out of reach for the majoritarian institutions.

> **The synonymous use of "populism" and "popular" unveils conservative unease with majority rule, and even a general disdain for the "uncivilized masses".**

> **The effectual veto position against majority rule provided by the Courts and independent commissions explains the high stakes in the row over the charter amendment.**

The effectual veto position against majority rule provided by the Courts and independent commissions explains the high stakes in the row over the charter amendment. Calls to keep hands off the independent bodies are usually underlined by warnings about plans to install a Singaporean style "Thaksinocracy"[67]. Accordingly, liberals called for the strict supervision of the (elected) House of Representatives by the (appointed) Constitutional Court[68]. Institutional engineering has also been used to shield the armed forces against "interference" by civilian oversight bodies: the Defense Ministry Administration Act fortifies the predominance of the military over promotions and reshufflings[69].

Contrary to the Western counterparts who emerged out of century long (and often bloody) struggles for political rights, Thai liberals tend to understand 'universal human rights' as a form of 'natural law', e.g. something that is already there but needs to be "discovered". Hence, the default strategy of civil society focuses mainly on "awareness raising" and "creating understanding".

1.3.4 The progressive approach: Building the Good Society

Progressives aim at correcting past and present injustices (e.g. "'double standards") and restore social justice. The state plays a central role in this social engineering mission. In their quest to empower the majority of the population, progressives aim at enlisting the state via electoral victories. Hence, the progressive discourse on 'people participation' puts elections front and center. The narrative "the people must have a say" has succeeded in politicizing the masses, and is gradually changing the public understanding of political rights. In particular, progressives strongly criticize the judicialization of politics ("rule by law"). Along those lines, the political reform process of the 1990s[70], and the color-coded conflict have eroded the acceptance of a "super-mandate"[71] for anyone.

1.3.5 The underlying problem: Change is inevtable

The status quo coalition, in their quest to uphold the traditional order, aims to crush every opposition and suppress every call for change. However, the powerful structural drivers of the transformation process make change inevitable in the long run[72]. While expectations of the performance of the state are rising, the governance capacity of the traditional political system is eroding. Increasing wealth makes people less dependent on handouts for survival, while newly emerging elites offer alternative sources of patronage. This relative decline in power of the network monarchy limits its ability to exclusively decide the grand direction for society. Popular resistance to top-down decision-making limits the ability to implement policies by coercion. Permanent conflict between social groups paralyses the traditional political regime. In short, the transformation process overstretches the vertical governance system, and erodes the legitimacy of the traditional order.

Against this background, the rejection of incremental reforms to adapt the political system to the new realities of a pluralizing society is short-sighted. In particular, the rebuff of nuanced calls for reform the draconian lèse majesté law seems counterproductive. The abuse of the Art.112 Criminal Code may be the single most corrosive factor at work undermining the very order that the status quo coalition struggles to uphold.

The source of legitimacy, sovereignty and law

'Judicialization', in effect, reflects the deeper crisis of the political order: there is no consensus about the proper source of legitimacy. Neither elections nor the 'moral quality of leaders' are universally accepted. If the legitimacy of decision-makers is in doubt, taken decisions are not accepted by all or even rejected by some. The tendency to challenge literally every decision made by elected institutions in Court is a reflection of this legitimacy crisis.

On the other side of the spectrum, the 'red alliance' seems prone to paranoia of every opposition to their political agenda[73]. 'Red rage' against 'judicialization' drives calls for the disbanding of courts and independent oversight bodies[74]. This opens the way to a 'the ends justify the means' attitude that excuses even violent and unlawful activities in the name of the greater good. This self-righteousness of the red shirt foot-soldiers is echoed by Thaksin's infamous 'iron fist and a velvet glove'[75] justification of bending the constitution to brush away all checks and balances to his power. The hasty abrogation of the constitutional order could hamper the emergence of a consolidated democracy. To echo John Rawls, checks and balances are an enlightened institutional choice because the majority of today can become the minority of tomorrow.[76]

The schism over the source of legitimacy and sovereignty of democracy is as old as the invention of politics itself[77]. Plato criticized the lack of a foundation in eternal truth, and claimed democracy could not present the source for its own legitimacy. On the other hand, with the inability to found sovereignty in mythos or logos, sovereignty of the people was the only possibility left.

The schism over sovereignty is reflected in social contract philosophy. Thomas Hobbes thought individuals must surrender their freedom to an authoritarian ruler in exchange for protection against permanent civil war. To give him the free hand, which was thought to be necessary to fulfill his promise, the ruler was placed above the law. For Jean-Jacques Rousseau, the social contract as an accord between free and equal citizens. In this reading, the iron fist of the ruler is no longer needed because democratic mechanisms are effectively mediating

> **'Judicialization', in effect, reflects the deeper crisis of the political order: there is no consensus about the proper source of legitimacy.**

(violent) conflict.[ix] With no more need for anyone to be above the law, the main purpose of the rule of law becomes to safeguard citizens against abuses of power by the ruler (the state).

The necessity to invent the law due to a lack of eternal sources of legitimacy has created unease throughout the millennia. Again and again, attempts have been made to install a foundation of sovereignty in higher principles: divine law, natural law, reason of state, national myth etc.[78]. More often than not, such a glorification of the collective led to suppression in its name. Therefore, the positivist school rejects the idea of 'natural law' and insists that man-made law is all there is. However, from Jacobinian France to Nazi Germany, power created (murderous) positive law via formally due process. The century-old search for social or religious norms that could contain raw power began anew. The German constitution, similar to the international Human Rights regime, thus created a compromise: man made eternal principles[x] that cannot be changed by man.

In postmodernity, with all certainties deconstructed, democracy is the societal order in which people agree to embrace the challenge of uncertainty[79] . In the age of uncertainty, no political project or social order can claim any eternal foundation for legitimacy. Hence, for Jacques Rancière[80], democracy is the (only possible) institutionalization of politics.

"Majority Rule" versus "Anti-Majority ontrol"

However, Thailand's high number of constitutions shows that a consensus on the institutional design

Thailand's high number of constitutions shows that a consensus on the institutional design has yet to emerge. Accordingly, the political conflict is mirrored in the struggle between majoritarian and anti-majoritarian institutions.

of the political process has yet to emerge. The political conflict is mirrored in the struggle between majoritarian (executive, legislature) and anti-majoritarian institutions (judiciary and independent oversight bodies). It comes as little surprise that the 'red alliance' favors unrestricted majority rule, while the 'yellow minority' aims to strengthen anti-majoritarian controls. As long as the balance of power is shifting, it will be difficult to settle on a final institutional architecture. However, in order to build a stable and consolidated democracy, Thai society needs to strike a proper balance between majoritarian and anti-majoritarian institutions.

2 Collective action problems in a patrimonial system

Democratic change is not only hampered by a competitive discursive field, but also by collective action problems that undermine the willingness and ability of individuals to work together to bring about democracy.

The first set of collective action problems is rooted in the organization of Thai society. Thai society is horizontally compartmentalized in silos (e.g. armed forces, bureaucracy, political parties, civil society, private sector etc.) with distinct cultures and specific logics. At the same time, steep hierarchies vertically divide society in social strata with distinct codes, languages and identities. Little communication or direct contact between these silos and strata is making cooperation harder to achieve. Collective action problems are easier to solve if effective mechanisms for information sharing and communication are in place[81].The lack of a deliberation culture, and the shortage of public fora for policy debates make it harder for Thais to understand each other, and build the trust needed for cooperation.

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ix   For Raymond Aaron, democracy is the organization of peaceful competition for the sake of exercising power.

x   Art. 79 III German Basic Law constitutes „eternal fundamental principles" that must not be changed by the legislator: human dignity, human rights, rule of law, democracy, social state, federalism, sovereignty of the people, elections, right of resistance

The second set of collective action problems is related to the institutional framework. The current institutional framework is designed to uphold the traditional order. Most prominently, the draconian lèse majesté directly targets democratic change agents, and systematically works to suppress calls for change. The result is an atmosphere of fear, hampering the emergence of meaningful debate about the grand direction. The possibility of imposing the emergency decree, Internal Security Act[82] and martial law gives extraordinary powers to whoever controls the state apparatus in general, and the armed forces in particular. These powers have been abused to pummel critics, harass democratic activists, and derail coalitions for change.

Third, collective action problems typically arise in a transformation crisis. Civilians and military actors seem to be trapped in a prisoner's dilemma: one side is only willing to cooperate if the other one goes first. For many supporters of democracy, the risk of being a first mover is too high, so they opt for a free rider strategy. This highlights the underlying factor that the color-coded conflict has eroded the most important ingredient for cooperation: trust. The constant suspicion of "hidden agendas" and "ultimate motifs" points to this lack of trust in Thai society. More profoundly, if democratic institutions are only stages for political theatre, while decisions have long been made someplace else, the public will dismiss them as mere facades. However, no society can work without the basic glue of trust, which is needed from simple everyday transactions up to the highly sensitive re-negotiation of the social contract. Hence, rebuilding trust must be the necessary first step in the long road to overcome the transformation crisis.

The color-coded conflict has eroded the most important ingredient for cooperation: trust. No society can work without the basic glue of trust, in particular for the sensitive re-negotiation of the social contract.

For many, identity trumps economic self-interest when it comes to political allegiance. This may explain why so many poor joined the 'yellow' struggle to defend the traditional order, and even support calls to suspend political rights for their own social class.

3 The political playing field: Strong status quo vs. weak change agents

Overcoming the transformation conflict would be beneficial for most Thais. A democratic order would help to mediate conflicts. Democracy has strong incentives to provide public. A functioning democratic system would allow society to focus on pressing economic and social challenges. The puzzle then is: if the majority of Thais would clearly benefit from real democracy, why then isn't a democratic order emerging?

3.1 The status quo coalition upholds the traditional vertical order

The majority of Thais may benefit from a democratic order. However, several groups either benefit directly from the status quo, or feel emotionally attached to the traditional order. First of all, the traditional elites of the network monarchy are leading the status quo coalition that is struggling to uphold the vertical order. In a democratic order, these elites would risk losing political privileges, economic wealth and social status. The Bangkok middle class has also benefitted from the wealth generated by decades of economic growth. More importantly, the collective identity of the Bangkok middle class, like that of millions of Thais, is built upon the traditional symbolic order. In other words: "What it means to be Thai" is commonly associated with "Nation, Religion, King". If identities are challenged, people tend to react aggressively, and often blame scapegoats for the degeneration of the glorified (if invented) past. For many, identity trumps economic self-interest when it comes to political allegiance. This may explain why so many urban poor joined the 'yellow' struggle to defend the traditional order,

and even support calls to suspend political rights for their own social class.

The status quo coalition brings together groups who command over vast resources, is entrenched in tradition and ideology, enjoys high social status and privileges and controls large parts the state apparatus. Therefore, and if history is any guide, democracy does not emerge automatically, but can only be the result of a political struggle between those who benefit from the status quo, and those who push for a new order that reflect the new balance of power. In the short run, it is hard to predict the course of this political struggle, because too many factors shape its dynamics and outcomes.. In the long run though, change seems inevitable, as those who gain in strength by seminal shifts in socio-economic structures tend to prevail eventually.

> **Democracy does not emerge automatically, but can only be the result of a political struggle between those who benefit from the status quo, and those who push for a new order that reflect the new balance of power.**

Hence, the status quo coalition faces a strategic choice: either to embrace change, even if that means short term losses, or to resist change and run the risk of being violently swept away later. However, this strategic choice is being made under the conditions of the existing political economy. Hence, even when those at the top of the hierarchy come to accept intellectually the bankruptcy of the old system and the need to change it fundamentally, they don't have the power to upset the equilibrium established by rent-seekers.[83] History shows that status quo coalitions have time and again suppressed the adaptation of the political order to changing conditions, and set in motion a process of political decline that eventually resulted in their own demise[84].

3.2 Is there an agent that can bring about democratic change?

Every day thousands of activists, academics, bloggers and union leaders struggle for a democratic society, more often than not at high personal risk. However, these brave democrats are regularly outnumbered, outgunned or outmaneuvered by the powerful and deeply entrenched status quo coalition. Hence, democracy can only emerge if democratic-minded actors join forces in a broad societal coalition to struggle for a democratic order. Does such a democratic change coalition exist in Thailand?

To a large degree, Thai political development was influenced by the struggle between royalist reactionaries and liberal reformers[85]. Liberals have understood the need to break out of the vicious cycle of Thai politics (rural vote-buying gets corrupt leaders elected, the Bangkok middle class protests against money politics, the military overthrows the government)[86]. Looking towards the British model of constitutional monarchy, '"royalist liberals"[87] seek to engineer a Parliamentary regime with strong checks and balances to curb the hegemony of one group. Historically, "royalist liberals" have sided with an enlightened monarch to curb dictatorial rule[88]. More recently, the international discourse of 'good governance' gained traction[89]. The reform movement that led to the 1997 constitution sought to promote good governance by strengthening the judiciary and a corona of independent 'political good governance bodies'. However, liberal reformers tend to overlook the asymmetries in power and capabilities in Thai society, and focus only on the institutional architecture. Accordingly, strategies of 'institutional engineering' have so far failed to bring about a consolidated liberal democracy precisely because they left the political economy untouched. The same apolitical approach spoils civil society approaches of "awareness raising" and "creating better understanding": status quo actors are not "unaware", but clearly understand that it is in their interest to uphold the traditional order that gave them their wealth and status in the first place.

Thai progressives seem to ignore the balance of power in Thai society. Instead of coming together, too many prefer to "go it alone". Others shy away from political organization in the center and put all their hopes on the grassroots. Divided over ideological differences and personal animosities, progressives too often fail to join forces with each other, let alone reach out to liberal reformers and enlightened conservatives. As a result, progressive actors are largely marginalized. However, even if progressives would join forces, they would still be no match for the powerful and deeply entrenched status quo coaliton.

A lot of hope has been put on the 'red' and' yellow' movements. Will they be able to assert a democratic order? Without any doubt, both camps have plenty of democratic minded actors in their ranks, and have attracted thousands of supporters who struggle for democratic change. However, the question remains: are the main leaders and factions of the 'red' and 'yellow' alliances genuinely struggling for democracy? So far, both "red" and "yellow" coalitions have largely acted as protest movements against perceived political and social ills, but only reluctantly laid out their vision for a democratic order. As laid out above, both sides have repeatedly used undemocratic means, including violence, to achieve their political goals. Both the 'red' and the 'yellow' discourses promote a flawed version of democracy. While the 'red' side wants to do away with all checks and balances for majority rule, the 'yellow' side seeks to exclude the majority of the population from political life, or at least limit the room for maneuver of the elected majority institutions to a minimum. Therefore, neither the actions by leaders and main factions nor the discourse promoted by each side qualify the 'red' and 'yellow' alliances as truly democratic change agents. Of course, with democratic ideas sinking in, changes in strategy and with new leaders emerging, both alliances do have the potential to evolve into a truly democratic

Even if 'red' and 'yellow shirts' would emancipate from their patrons, it seems is improbable that they could mobilize enough political muscle to bring about democratic change on their own.

change coalition. However, given the track records of 'red' and 'yellow' leaders of recent years, such a development seems unlikely. Leaving democratic credentials aside, even if 'red' and 'yellow' shirts emancipate from their patrons, it seems improbable that they could mobilize enough political muscle to bring about democratic change on their own.

In sum, an agent willing and powerful enough to bring about democratic change has not yet emerged.

V A strategy for democratic change

1 The strategic starting point

The starting point of every democratization strategy must be the realization of the structural asymmetry in the balance of power between those who struggle for democratic change and those who seek to uphold the status quo. In fact, left on its own devices, any solitary social class, movement, network or institution will fail to win the struggle against the status quo coalition. Contrary to the technocratic approach of institutional engineering, a genuinely political approach is needed to mobilize political muscle for the struggle to define the political, economic and social order. Democratic change can only be the outcome of a political struggle between a "Change Coalition" and the status quo alliance.

2 Change coalitions to mobilize political leverage

Only a broad societal change coalition can mobilize enough political muscle[90] to break the impasse and bring about a democratic order. History shows that in most successful democratization processes, it was a broad societal coalition between several social classes, movements, networks and institutions, which brought about lasting change.[91]

Bringing together stakeholders from all sectors and across the political spectrum is not an easy task. Different groups have differing interests, agendas and priorities. Different values and lifestyles can estrange democratic minded actors from each other. Personal histories of past struggles have long put democratic-minded actors at odds with each other. In order to build a democratic change coalition, reform-minded actors need to set aside differences over interests and personal animosities and join forces to achieve the common goals.

This is significantly easier to achieve in limited, short-term single-issue campaigns. There are plenty of examples from all over the world how a broad societal coalition successfully resisted unpopular policies. There are lesser examples of coalitions between actors with differing political viewpoints and sometimes contradicting interests who successfully campaigned for a common policy initiative.

In order to bring about a democratic order, a democratic change coalition between democratic-minded actors from all societal sectors is needed. The outcome of the struggle over the future order will depend on the role played by the government, the Parliament, the judiciary, and the armed forces. Therefore, any successful change coalition needs to include key persons inside all or at least some of these institutions. This will require renewed commitments and sometimes changes of attitudes from all democratic-minded actors. Middle class civil society activists and academics have to be prepared to join forces with the rural and urban poor. Labor unions need to join the greater struggle for democracy beyond immediate workers grievances. Policy makers will need to set money politics aside and set out for paradigm shifting structural reforms.

Only a broad societal change coalition can mobilize enough political muscle to break the impasse and bring about a democratic order.

A Grand Rainbow Change Coalition between progressives, liberals and conservatives could work together to build the democratic arena in which they will later compete.

Students, lawyers, officers, and small business owners need to join the struggle for a democratic order.

The democratic change coalition should bring together democratic-minded actors across the political spectrum. Liberal reformers, progressive activists, civil society and social movements need to come together to challenge the status quo coalition. Liberal and progressive academics and civil society activists should find common ground in their common desire to build a democratic order[92]. Functioning liberal democratic institutions are in the interest of the middle class as well as the majority of the population. Progressives and liberals find common ground in promoting good governance principles such as transparency, accountability, and effectiveness. Red shirts will have to join hands with liberal reformers. Yellow shirts need to set aside personal grievances and embrace majority rule as the basis of a democratic regime. A *liberal-progressive change coalition* could be founded on a common platform of liberal democracy, the rule of law, human rights and citizen empowerment

However given the balance of power, a liberal-progressive change coalition may not be enough to win the struggle against the status-quo coalition. Reaching out to enlightened conservatives may be without alternative for progressive and liberal actors. Enlightened conservatives have begun to understand that a peaceful adaptation of the political regime to the new reality of a rapidly changing society is in their own best long term interest. While they promote a conservative social-economic agenda, they are willing to engage in partnerships to modernize the political system.

A broad societal coalition for change is best suited to tackle the challenges facing a modern society. For

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example, against the background of human security threats such as insurgencies, organized crime and terrorism, the old paradigm of military versus civilian is anachronistic. To tackle new challenges, policy approaches are needed that foster close cooperation between all security sector agencies. Therefore, reform minded actors in the armed forces as well as civilian agencies and civil society need to join forces. Similar constellations can be observed by other sectors. To form these change coalitions, new attitudes by all actors are needed. It will be particularly important to bring civil society at the table, instead of "throwing rocks at the building". A shift in strategy from blunt criticism to constructive engagement has proven very effective in opening the doors for civil society in comparable settings.

A common platform for a politically heterogeneous *Grand Rainbow Change Coalition* will not be easy to find. Progressives demand full capabilities for all to participate in political, social, economic and cultural life. Liberals will insist on constitutional safeguards and strong counter-majority institutions. Conservatives are not willing to compromise on their collective identity rooted in Thai culture, in particular the monarchy.

Bearing in mind that democracy can only consolidate if the vast majority of the people - including powerful spoilers - embrace it, Thai democracy needs to be firmly rooted in Thai culture. Given the deep allegiance of millions of Thais to the traditional symbolic order, a Grand Rainbow change coalition may have to find a way to build a real democracy while holding on to the constitutional monarchy.
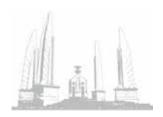
The common platform for the Grand Rainbow Change Coalition most likely will not exceed a basic set of rules-of-the-game for the political system. Institutional changes to the constitutional order will need to strike a balance between majority

Traditional concepts should be adapted to the conditions and needs of a complex and pluralistic society. Many societies have regularly "updated" their ideological and normative foundations in order to shore up legitimacy under changing circumstances.

rule, and anti-majoritarian safeguards. Hence, good governance principle such as accountability, transparency, effectiveness and the rule of law could be the lowest common denominator between progressive activists, liberal reformers and enlightened conservatives. The Grand Rainbow change coalition could also agree to promote a democratic culture[93] that allows for greater participation of empowered and responsible citizens in political, economic, social and cultural life. In short: A *Grand Rainbow Change Coalition* between progressives, liberals and conservatives could work together to build the democratic arena in which they will later compete.

3 Construct a discourse for democratic change

In order to level the playing field for democratic change, a democratic change discourse needs to be constructed that describes what kind of change it promotes, and why such change is necessary and desirable. A change narrative would perform several important functions. First, it would define the common platform using simple, easily understandable language, which will help to reach out to potential allies. Second, a common message is needed to make the case for change to the wider public. Finally, if the change discourse is accepted by many as a "reasonable' position", based on "valid arguments", and promoting "a just objective", stakeholders will be generally more open minded for democratic change.

The ultimate aim will be to gain discursive hegemony for the democratic change narrative. Attitudes and reactions of all stakeholders towards democratic change are by no means simply dictated by a rational calculus of interest. In fact, the definition of interest as well as the chosen course of action is heavily influenced by what someone believes to be true, reasonable and right. What is true, reasonable and right, and, as a consequence, what "what can

be said and done" is defined by the hegemonic discourse. If any discourse will become hegemonic, it will no longer be questioned or challenged. In fact, a vast majority does not even recognize the ideological nature of a hegemonic discourse, but simply believes it to be self-evidently true. Hence, if the democratic change discourse enters the mainstream, it becomes a source of power for change.

What could a democratic change narrative sound like? In order to communicate the common platform of the Grand Rainbow coalition, it would need to combine conservative, liberal and progressive themes in a common message. More so, by merging traditional terminology and progressive ideas, or by rooting international models into Thai culture, a powerful narrative can be created that may resonate strongly in the mainstream discourse. Contrary to the rival concepts presented above, there are plenty of traditional concepts that are in principle compatible with democratic ideas. That is not to say that these traditional concepts, which have been developed in another time and under different circumstances, are applicable in their original meaning. However, these traditional concepts can and should be adapted to the conditions and needs of a complex and pluralistic society. In fact, many societies have regularly "updated" their ideological and normative foundations in order to shore up legitimacy under changing circumstances[94].

Discursive Bridge 1: Buddhist Right Speech and Deliberation

I will show how to combine traditional themes with progressive ideas in two examples below. If the Grand Rainbow coalition deems these common narratives useful, other themes could be constructed in a similar way.

As shown above, Thais need to engage in public reasoning how they want to live together. However, currently public debate is poisoned by hate speech, character assassinations, and cyber mobbing on the one side, while censorship, crackdowns and secrecy dominate on the other side. What is needed is a democratic discussion culture. John Rawls[95] and Jürgen Habermas[96] stipulate that for deliberation to be successful, discussants need to communicate in a result-oriented, rule-based, honest and efficient way. To resolve the tension between "freedom of speech" and "social responsibility", deliberation promotes a two level approach: while it may be legally permitted to say whatever one likes, a responsible citizen should voluntarily refrain from saying certain things. Parallels between these concepts of 'deliberation' and the Buddhist teachings of 'Right Speech' are obvious. "Right Speech" requires speaking truthfully and honestly, to promote good will and to use language to ease tensions. A democratic change narrative should refer to traditional concepts deeply rooted in Thai culture such as 'Right Speech' when promoting a democratic discussion culture.

Discursive Bridge 2: Sufficiency economy and socially just, balanced and green dynamic development

In order to produce the conditions for a Good society with full capabilities for all, Thailand needs a new development model that is poised to tackle the global economic and ecological challenges as well as the domestic social and political shortcomings. Rooted in Thailand's Buddhist heritage[97], Sufficiency Economy aims to formulate alternatives to the neoliberal model of capitalism. 'Sufficiency Economy' "calls for a 'middle way' to be observed, especially in pursuing economic development in keeping with the world of globalization. Sufficiency means moderation and reasonableness, including the need to build a reasonable immune system against shocks from the outside or from the inside. […] In this way we can hope to maintain balance and be ready to cope with rapid physical, social, environmental, and cultural changes from the outside world."[98] Seeking balanced and sustainable development, "sufficiency economy" shares some of the goals of the progressive development models: "It is possible to see the Sufficiency Economy as consisting of two frameworks. One is the inevitability of facing the globalized world in which economic efficiency

and competition are the rules of the game; the other is the need for economic security and the capacity to protect oneself from external shock and instability."[99] However, its appeal for self-moderation has been rejected by progressives as patronizing the poor. Keeping that in mind, to point out the parallels between progressive concepts such as green growth and Sufficiency Economy may help to enlist conservative elites for an alternative development model.

VI In sum

In order to overcome the deep transformation crisis, Thailand needs to adapt its political, economic, social and symbolic order to the needs of a complex and pluralistic society. So far, any attempts to re-negotiate the social contract have failed. Rather typical for a transformation, the coexistence of rival norms and ideas, collective action problems and political conflict over the grand direction undermine the ability of society to settle on a new set of basic rules and a new division of labor. Therefore, technocratic approaches to tackle the crisis are doomed for failure. What is needed is a genuinely political approach: in order to win the struggle against a deeply entrenched status quo coalition, progressives, liberals and enlightened conservatives need to join forces in a Grand Rainbow change coalition. Considering the potentially conflicting interests of actors across all sectors of society, a common platform based on a lowest common denominator is needed: "build the democratic arena now, in which we will later compete". To level the political playing field, a democratic change discourse needs to be constructed that roots democratic ideas in traditional values and concepts.

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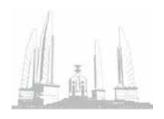
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