A New Social Contract: The Way out for Thailand's Political Transformation Crisis

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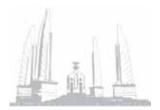Mahidol University

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Part One: The Road Taken[1]

1. Prologue

Within the past 6-7 years, Thai political society has been through many serious political conflicts that are tantamount to small crises. These range from violence caused by masses of red and yellow shirt people to violence inflicted on these groups by governments. The new cycle of conflicts has cut so deeply that it will bring forth major changes in the Thai political society. Many structural and cultural problems that have continued to pile up over the years, but that have been hidden under the carpet, have been uncovered in an uncompromising way which makes it impossible to easily sweep them back under the carpet again.

This conflict involves all institutions/organizations and all sectors of the Thai political society. So far, there have been attempts to find a solution, using all types of political mechanisms and tools, including specialized and informal institutions, but these have all failed to resolve the discord. Many institutions/organizations/sectors were drawn into the conflict, consequently becoming adversarial to one another or not being accepted enough to take any leading role. This all shows that the Thai political society, held together by its original social contract, is on the decline and approaching political transition to a new political society which requires a new alignment of power from all sides.

In this light, the way out from this new round of conflicts is not easy, if we are not able to understand the old social contract's decline in legitimacy. So far, the more we engage in conflict and the more we fight one another, the larger the conflict becomes, involving more and more people and increasing in severity such that it becomes hatred strong enough to inflict physical or verbal attacks. The conflict becomes so deeply rooted in our minds that we can no longer trust each other and hardly even want to live together in the same land.

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1   The main content of this paper is based on lectures given by many Thai academic thinkers speaking at the *Deliberative Focus Group on "A New Social Contract: the Way Out of the Transformation Crisis"* jointly organized by the Fredrich Ebert Foundation and the Institute for Human Rights and Peace Studies, Mahidol University. In addition, I have supplemented certain parts with information taken from other writings and lectures to create a comprehensive presentation of the issues. Any advantage provided by this paper is resultant from the virtues of these thinkers, whose ideas are presented here, while any flaw is solely attributed to my own shortcomings.

What this paper tries to do is to persuade people in Thai society to seriously consider and question themselves: **In the overall context of Thailand's past political history, how does each of our factions really relate socially, politically, economically and culturally? How has Thai political society changed over the past decade? Deep down, how do our factions feel about the past situation and the approaching future changes-why do these sentiments make them express themselves politically with such aggression?** The paper will attempt to answer these questions by compiling the opinions of think tanks and academics to propose solutions and answers, which will be presented topic by topic in *Part One*.

What are the conceptual and ideological strengths, weaknesses and common agreement in the discourse created by each faction to describe its opponent, explain Thai political society, explain its own political struggle; and how do these things translate into the factions' proposals for a political solution? Finally, while all our factions fight furiously through the past many years, how have they created new problems and destroyed our political "merit"? These questions will be analyzed in *Part Two*.

Once we have created a better understanding of the interests and perspectives of the various factions of Thai society, we should be equipped enough to proceed to the solution. To do so, we must understand and answer the following 3-4 questions: **Within the broader context of world political history and in the context of Thai political history, what are our beliefs and assumptions about the causes of the present Thai political crisis? What issues are we in conflict about? Amid this conflict, no matter how far apart our ideas are, is there a possibility for us to find common rules and criteria to contain the conflict and prevent it from completely destroying everything? Finally, what can we do to enable the Thai political society to create a shared space bridging the different opinions and beliefs that influence Thai political society (no matter how polarized they may be) and allow them to discuss and agree on creating a new social contract?** These questions will be answered in *Part Three* of the paper.

No one knows what the Thai political society will look like after this transition and no one has the full authority to dictate the fate of Thai politics. There is no person or institution we can rely on to take us out of this conflict like

in the past; therefore, we must all rely on ourselves. In this context, "we" includes the conflicting sides, both at the mass and leadership levels; players both on the political stage and in the informal space; as well as powerful, influential persons and persons of grandeur in the political, business/economic and community/civil society sectors, etc. No faction has gained or lost more than other factions can accept. There is no way we can avoid facing the truth about Thai political society any longer. No person can suppress these changes and bring back silence and order like in the past and no faction can be totally eliminated from Thai political society, either. In this light, we must all design and agree, one more time, on how to live together without making any faction feel too exploited or beaten.

2. Disparity among the Regions & Thai Political Society in the Past

Results of the July 3, 2011 elections showed the Pheu Thai Party getting around 3-4 million votes more than the People's Power Party in the December 23, 2007 elections, while the Democrat Party received almost 1 million votes less. Results from this latest election illustrate that a transformation has taken place in Thai political society, with more distinct regional polarization. The votes showed clearly that the Pheu Thai Party won landslide victories in the North and Northeast while the Democrat Party was clearly supported by votes from the South. The reason why people in the North and Northeast voted heavily for Pheu Thai, which will be discussed afterwards, has to do with what Thaksin and the (former) Thai Rak Thai Party put in place when they were in power.

The number of votes won by the country's major political parties reflects the need for Thailand to once again consider and focus its attention to each region's political characteristics or identity. These identities are attributable to diverse factors ranging from topography, climate and economic relations with other regions, to culture and self-perception and perception towards people from other regions. While not carved in stone, such identity is rooted within the regions. Furthermore, it has evolved from this original sentiment and somehow continues to influence the formation of present political relations and conflicts through two important political variables: politicians (local/national) and civil servants.

Looking back at each region's power relations and political history, we find that the North (former Lanna) and the Northeast (Lao) shared a history of conflict with Bangkok, which dates back to the end of the 19th century when King Rama V reformed the tax and regional administration system. In those times, the local governor would collect taxes, but with the reform, taxes were collected by the Royal Treasury Department and stored at the Ratsadakorn-bhibhathana Hall. There were per head collections where people had to pay 4 Baht each, which was a very high sum for those days when people were leading subsistence agriculture livelihoods. This resentment for Bangkok political clout became so strong that it lead to the Phi Bun Rebellion in the Northeast, etc. Also, the introduction of the Tesapibal System, in which Bangkok appoints governors (mostly royal blood) to rule provincial towns caused the formerly powerful original rulers, and the locals a great degree of dissatisfaction.[1]

Originally, Thai society did not harbor any concrete ideas about rights, liberties and democracy as today when it was influenced by the West, but rather, power relations among one another was managed through the patronage system of the local feudal lords. In the reign of King Rama V, state administration was reformed and centralized to Bangkok so that the King could have total control. There was a need for him to create a government system as a new tool to help him in the use of his power. While the government system was designed with fractionalized sections that would not turn against the King's power and would not be capable of systematically oppressing the people, the "power" prescribed to these civil servant groups was enough to conveniently exploit or take advantage of the people in various regions. The local feudal lords themselves had changed to what is now known as local "influence" groups and consequently transformed themselves into "politicians" in a more open government system after the October 14, 1973 event. These local politicians and influences still retain much of their power in that they provide support and linkage for the people of those regions. Some are still active at the local level or in nearby regions, while some have opted to take part in national politics. Throughout the past many decades, the localities in all regions of Thailand have been habitually faced with power relation conflicts and conflicts of interest between the civil servants and the people. When such incidents occur, the people will counter negotiate civil servants' "power" by using "influence" from politicians they know or have links to[2].

Looking back analytically into the geopolitics of each region in Thailand, it can be seen that the regions are diverse in their socio-political characteristics and in their power relations with Bangkok. The overall socio-political characteristics of Thailand's region may be described as follows[3].

The topography in the **Upper Northern Region** consists of high mountains that make accessibility difficult for central power. Furthermore, it has its own unique Lanna arts, culture and history. Its economy is rather unstable, in particular the agricultural sector, which may be easily affected by economic influences from China.

Likewise, the **Northeastern Region** is plateau land where agricultural economy depends very much on the climate. It has had little relationship with the central command or Bangkok because of the mountains and the Dong Phaya Fai range, which stand in the way. The Northeastern Region has its own regional arts, culture, language and political history, relating more to those of the eastern and northern areas than to Bangkok, in the southwest. In this respect, the people in both regions did not have any close ties with, or benefit much, from the administration, and when conflicts with civil servants occur, they learn to negotiate with or hope to gain more from politicians.

As for **the Central Region and parts of the Lower Northern Region,** the topography consists of flat plains easily accessible by central power. Furthermore, its art, culture, language and history relate consistently with central command. Its agricultural economy is closely tied to the central administration and it benefits rather strongly from the irrigation system. For these reasons, the region is more open to conservatism from the central part. Although their people know or hope to benefit somewhat from politicians, they do not feel so dependent on them because, to a certain extent, these people see themselves as one with the administration.

The Southern Region is a long peninsular and relies mainly on water transport for communication. It also has its own unique arts, culture, language and political history but has always maintained a relationship with central power. However, this relationship has not always been smooth as there has been a considerable degree of disobedience to the central feudal system. The South holds somewhat of a sentiment that civil servants are out to take advantage of the people while the economy is rather stable and is highly self-reliant, particularly the economy of tree crops and fisheries. Although the region's people are habitually in conflict with the administration, they do not hope to receive any benefit from politicians or to use politicians as a negotiation tool with the government so much. Rather, they play a sort of role in monitoring politicians.

Bangkok is a large city and the center of many things: power, arts and culture, language and political history. It has also originally been the center of the feudal system, so there is a high degree of conservatism embedded in its characteristics. Although at times Bangkok has had to "exercise intelligent compromise"[4] to be more flexible and open to foreigners, especially Chinese and Western merchants since they are contributing factors for the region's economy. The Central Region's economy is quite robust. The people have a liking for the civil service more than for the politicians and are sensitive to changes in political power. With their conservatism, when Thai politics became more democratized, the people here usually place their hopes on having efficient and ethical politicians to help address the country's problems. However, they have continually been disappointed.

The results of the July 3, 2011 elections reflect regional polarization and force us to stop visualizing a unified Thai society as we have always understood it to be. Conversely, we must accept and review the different attributes always existent in the Thai political society. We must concisely construe the political society unit by unit: the North, the Northeast, the Central Region, the South and Bangkok, accepting them as fundamental conditions having always been present in the Thai political society and culminating to the present crisis of political conflict. Socio-economic transformations and highly increased degrees of political awareness have contributed to the situation, especially in the northern and northeastern areas of the country, as will be discussed in the next part of the paper.

3. Changes in Thai Society

3.1. Socio-economic Changes[5]

After 1958, Thai society quickly transformed into a new industrial society. When comparing per capita income, it was found that the people earned 3 times more –

previously earning some 1,000 Dollars/person/year and now increasing to some 3,000 Dollars per person per year (calculated from real income with inflation adjustments). In the past, around 40-60% of Thailand's people were poor but now that figure has reduced to a mere 8%. In other words, the present generation are more affluent that their fathers and grandfathers. On average, everyone became richer.

Although average figures showed people to be richer, disparity also increased. Only 20% of the people earned significantly more, accounting for around 53-54% of GDP, while another 20% earned not so much more or only 4% of GDP. Considering another index, only some 60,000 people owned 40% of all the money in Thai banks. With a disparity level this high and while the rural people saw the luxurious lifestyle of urban people on TV soap operas (The female protagonist living in a beautiful palace and went horseback riding in her free time, etc.) or on TV programs (like the ones where people were interviewed about their lifestyle in their homes, showing bathrooms/bedrooms of the rich and famous) they looked back at their own lives and hoped that in the future their children would become civil servants or have other careers and not be farmers like them.

At the same time, local economy also underwent changes with strong urbanization taking place in Thai society, rural people decreasing in numbers and more people living in cities. At present, there are department stores everywhere and in rural areas, we see a phenomenon called "deagrarianization"[6] where a lesser number of people are farmers. Only 40% of Thais view themselves as farmers and within this 40% a lesser number spend 100% of their time in the agricultural sector. Most rural people work both in the city and the rural area. They come to cities to work in factories and when they are free, they return home to farm. In this fashion, these people are farmers who earn only 1/3 of their income from the agricultural sector and the other 2/3 is earned from other sources. At national level, at present, only 10% of the country's GDP come from the agricultural sector, while 40% come from the industrial sector and 50% come from the service sector.

At present, a rural person takes on diverse jobs-he works as a farmer up-country, a taxi driver in the city; he does small trade or he is a medium scale or large scale merchant and he works as a migrant worker abroad. In particular, working abroad is a very big source of income for rural people and contributes greatly to the changing of their

world views as they do not simply go to work in the South or in Chiangmai, but may travel all the way to Norway, Sweden, Japan, etc. Even minority groups living in the mountains, like in Chiangrai, do not produce just to sell to city people but are included in global logistics and trade systems because foreigners come directly to their village in the mountains or faraway places to do business with them. In this regard, the idea that provincial people are farmers no longer corresponds to the truth. The present day local person may be referred to as a member of the "new middle class", or what is referred to in later academAmid the interconnectedness between provincial areas, large cities and foreign countries, more news and information are exchanged between the regions and the people. Although at present not many people in the villages use the internet, they gather to watch satellite television at a home affluent enough to afford this system. In this light, a lot of news and information are permitted to flow and people can have access to information on what is happening in Bangkok, London or the U.S., all at the same time. On the one hand, community radio also has an increased role. During parliamentary debate sessions, local people will take the day off to listen to what their MP has to say.

Therefore, in the political sense, there may no longer be a clear cut and effective division of the city/countryside. The red shirt people who participated in a movement expressing their political power at great length between 2009 and 2010 no longer see themselves as "Prai" (low class) and now want to demand equal rights vis-à-vis urban people.[7]

3.2. A Changed Political Consciousness[8]

Another important factor affecting the people's political consciousness is the act of decentralization, which took place after the promulgation of the B.E. 2540 (1997) Constitution and the Decentralization Act, B.E. 2542 (1999). Before that, elections were held every 3-4 years, but the decentralization process resulted in more frequent elections for members of provincial councils, *tambon* administration organizations, members of parliament, senators, etc. were all elected to their positions. To the present day, a decade of decentralization has brought forward a new cadre of politicians presenting the people with public goods and making them aware that these goods are a form of democracy, or what is referred to in academic terms as "tangible democracy".

The election process that spread throughout the country created many canvassers, while businesses linked to these people become interconnected in national canvasser networks. From this, the local people saw the benefits of the elections and the differences between a district chief officer (appointed) and a politician (elected). In many cases when the people were not satisfied with a politician, they would rally to take him out of office. Such processes allowed the people to learn about their political rights and change their expectations towards the government. This transition had already begun to form even before the Thai Rak Thai Party became government.

Although a certain degree of decision-making power was delegated to local administration as a result of decentralization, Thailand's basic political power structure and state authority were still centered in Bangkok. The final call for many decisions, especially those concerning large development projects or policies is still centralized. Regional political identities could not withstand the might of central government and local political perspectives and local identities seemed to play second fiddle to central power. Local politicians who once flocked to Bangkok, the capital of centralized power, continue to keep to their own groups while mainly trying to overpower other politicians and civil servants in Bangkok by employing their tact.

In this situation where power was partially decentralized while the central government maintained important decision-making authority, Thaksin and the Thai Rak Thai Party were deemed significant catalysts for change. After the 1997 economic crisis, many people in all sectors of Thailand were affected. While the affluent group lost many parts of their wealth but still retained cash for spending, the groups most severely hit were the daily wage earners, laborers and farmers who could not sell their produce. In this context, the Thai Rak Thai Party was able to come up with new policies that pleased these seriously affected groups. Such policies include the three year debt repayment policy, the village fund policy, the 30 Baht health care policy and the SML policy (small, medium and large village development initiative). Conversely, the Democrat Party was not able to present policies to the people's liking while, after becoming government, the Thai Rak Thai Party was able to keep its promise within a period of 2 years.

During the Thai Rak Thai administration, huge amounts of money were invested in the rural areas compared to previous times. Although it is said that only 20-30% of Thai Rak Thai plans were successful, the success was still large in volume compared to the amounts previously reaching local communities; part of the money being partly lost in corruption along the way. Thaksin and the Thai Rak Thai Party came to power at a time when the people were starting to realize the importance of politics and local elections. Thaksin was also a catalyst for the rural people's political consciousness in that he made them understand that promised policies can actually be implemented. They are tangible; they create results; and they bring forth actual change.

In a sense, Thailand's political conflict crisis, which has been expanding from 2005 to the present, and economic disparity are not the most significant factors leading to Thailand's current dilemma, since much has been done to address disparity during the Thaksin administration. The present issue has to do more with demanding equal rights.[9]

3.3. Sense of Justice[10]

Although the *Law of Karma* as taught by the Lord Buddha was originally intended as a denial for the caste system, which was deeply fixated in Indian society, and although it was later on used in the attempt to explain life – to people in general – as the results of one's deeds, and not the making of family status or caste; the same principle was explained differently when it travelled to Southeast Asia and used to support the social class system as a just institution, since social class was the result of one's doing from a past life.

In the past, the Thai state provided a definition of "good life" and the cultural concept of justice by tying them to *the Law of Karma* in Buddhism. Such stories as the Vessantara Jataka were cited to emphasize sacrifice in this life in order to accumulate merit for the next life, making the lower class Thai person feel there was nothing he could do to improve his life but that he must wait for the next rebirth. Thus the goal of "liberation" was reduced to "going to heaven" and later diminished to having a Buddhist king who provided patronage to the lower classes while the lower class merely did nothing but wait to be provided for by the king or members of the elite. "Tri Bhumi Phra Ruang" was another myth that portrayed Buddhism as supportive to hierarchical

societies when it was communicated to Thai society through the medium of murals, sermons and religious rites. Such interpretative networks were constructed to provide stability in the governing of Thai society, and although there have been attempts to create new explanations using the "Phra Maha Chanaka", which shifts the meaning of sacrifice and acceptance (purported by the Vessantara Jataka) to perseverance in order to reach the goal by oneself, it did not meet much success as the Maha Chanaka was neither as colorful nor as powerful as the Vessantara Jataka.

Before the Thaksin government, the mentioned interpretive network established a reference point for justice within the same social class: when wanting to judge how good their lives were, people in the lower class would compare their lives with the lives of other people in the same class. However, the Thaksin government shifted this reference point to the middle class – not the middle class in large cities or in Bangkok, but the middle class in provincial cities. From the government's policies, the lower class started to realize they could actually change their lives for the better; i.e., a taxi driver who rented his taxi could take a loan of 200,000 Baht from the Thaksin government's village fund and make a joint investment with other people in his family to own altogether 6 taxis, which means he could upgrade himself to a small scale taxi rental business owner.

Another example is the *One District One Scholarship Project*, which provided many scholarships for the children of canvassers to study abroad. Although the quality of education and student welfare service is still questionable, the project created enough impact to make lower class families feel that the dreams they never thought were realizable can now be reached with the help of Thaksin's policies. All this showed that it was possible to have better life quality in this life; that they did not have to accumulate merit and wait for results in the next life. In this respect, this group of Thais saw Thaksin as a person who gave them "a better life".

4. Responding to Change

4.1. Waves of Discontent towards the Thaksin Government[11]

Upon becoming the country's leader, it seemed Thaksin quickly learned the tricks of his trade. Not only did he

sense the people's shared agitation and present himself as a leader who was committed to his people, reachable and one of their kind, but he also proposed to fight the elites, big and mid-sized businessmen, civil servants and the military in order to bring about transformation from elitist politics to people's politics. Formerly, these groups of people were tied together by the hierarchical system bonded by a unified ideology of Nation, Religion and Monarch and employing business and other interest networks to help one another. These networks were neither tightly woven nor fixed but were highly flexible. New businessmen were invited to join the network – at first, these included only Bangkok businessmen, but later on, provincial businessmen were also asked to join the network, and after that, civil servants, military men and members of the court became part of the network. Thaksin portrayed himself as someone who would battle this clique.

However, Thaksin's populist policies ran high risks in the long term as the government needed to find enough income to provide money for rural projects. To prevent public debt issues, the Thai Rak Thai team knew they would have to raise taxes and ordered the Finance Minister to step up campaigns against tax evasion, creating many enemies along the way. Meanwhile, businesses within Thaksin's network were reaping rewards but businesses tied to the Democrat Party were prevented from getting any benefit; i.e., during the elections, canvassers who did not display their allegiance to the Thai Rak Thai Party were taken down such as in the case of *Kamnan Poh*.

Overall, people in the North and Northeast felt they had benefitted greatly from Thaksin and the Thai Rak Thai Party's policies, but about 15% of the people, who follow a professional career in the cities, felt they received nothing tangible except that there was more foreign investment and the overall Thai economy was growing – making them still employed. Meanwhile, Thaksin and the Thai Rak Thai Party's image in the eyes of the urban middle class was that of corruption and use of violence to address the southern border province issue. They also viewed him as an arrogant man volunteering to fight an "oligarchy", especially groups comprising the military and holders of unconstitutional power.

While the Thai Rak Thai government made many structural changes to Thailand's economy and politics, streams of discontent towards Thaksin continued to accumulate.

Eventually, Thaksin interfered in the appointment of military positions since he knew what the Thai Rak Thai Party had been doing all along was a big threat to former power networks and this could lead to a repercussive coup d'état. He knew he needed to control the military first but his intervention was not carried out prudently enough and backfired, adding on to former discontent, especially adding supporters to media mogul's Sondhi Limthongkul's clique.

4.2. Response from Existing Power Groups

From the very beginning of the anti-Thaksin government movement around mid 2005, there were issues concerning the ex-premier's interference with Royal Power. The appointment of the two Supreme Patriarchs and the case of the Auditor General, etc. were factors which effectively tied Royal Power to political conflict. The monarchy continued to be challenged, especially after the People's Alliance for Democracy made the case for a royally appointed Prime Minister – as prescribed in Section 7 of the 1997 Constitution. This proposal created intense opposition.

The issue relating to scope of Royal Power has never been successfully resolved. Since the country changed from absolute monarchy in 1932, the 14 October 1973 incident was the first time a royally appointed Prime Minister was put to power, thereby establishing a norm that Prime Ministers needed to be recognized for their ethical political standards and that the monarchy was a major pillar of this recognition.

The charismatic powers of the monarchy relies on the approval of common people for the King's sacrifice and dedication to his country, as reflected by the various royal projects which have been in existence for around 50 years, since his permanent return to the country in 1951 to the post-economic crisis period in 1997. Of special significance are the rural development projects carried out in remote areas of the various regions. These initiatives bore fruit in such a way that, although the King was not as politically powerful as in times of absolute monarchy, he was able to re-establish his royal hegemony as the focus of the people's hearts and minds and a pillar for charismatic legitimacy of the country's leader in present days[12].

Using Thongchai Winichakul's expression, the monarchy, which shifted from absolutism in 1932, had been made to be "above politics". But the conventional sense of "above politics" – which meant "beyond", "out of", "high and away" from normal politics – was changed to a new meaning of being "on top of" or overseeing normal politics as the monarchy is held to be a superior moral authority. However, this occurrence was never included in any analysis and the monarchy was never analyzed as another prominent political power group in addition to the military and business groups[13].

Once the monarchy was lifted "above politics" in the second sense, the discourse of "democratic rule is less important than moral leadership" was brought forward, as reflected by certain opinions that appointed leaders were good leaders and a far cry from elected politicians who were corrupt and engaged in vote buying[14]. However, the group favoring moral leaders also felt that a Prime Minister who came from the elections was somewhat acceptable if he did not exceed the moral boundary exemplified by the monarchical institution.

In this respect, an elected Prime Minister like Thaksin, who displays an aggressive personality, has a robust economic power base and continues to accumulate political power little by little in many aspects: interfering with and making drastic changes to various existing political structures, being highly popular among the Thai masses despite there being cloudy issues about transparency and conflicts of interest. Thaksin was always a leader working on the fringes of ethical leadership standards until, consequently, he could no longer be accepted for his power conflict with the monarchy.

Considering the afore-mentioned issue, and in light of the politics within the monarchical institution and the fact that the King was ageing, a response to new power centering around the Thaksin government started to form. Initially, it was not expected to have such a wide-ranging effect, but after the political forces of the new and old powers clashed both at the elite level, and later on, at the mass level, the battle between new and old powers spread to the Thai people at large adhering to these two ideologies – aided by communication powers and different levels of mass mobilization.

The coup d'état that took place on 19 September 2006 marked another important turning point for Thai politics and reflected the country's hesitant indecision about such political transition. The involvement of the monarchy as

a "political weapon" used to inflict "lèse majesté" charges during the past political crisis, political issues and conflicts within the monarchical institution and panoramic changes taking place in Thailand's globalized socio-economic and political arena, helped to exacerbate the monarchy's inability to maintain its status as the focal point for unity and stability amidst the nation's 'newly-found' diversity.

Although some members of the monarchical institution and supportive groups were aware of the limitations they faced – that they were no longer able to do things the same way as they did 30-40 years ago – others continued to insist on using original measures and concepts by advocating for original solutions and paradigms that emphasized having "virtuous" persons in power to help handle changes. The principles of "unity and stability" that were tied to "nation, religion[15] and monarch" as established by King Rama VI, were still very much revered by these people in their attempt to create a peaceful Thai society. Meanwhile, support was received from old power groups within the civil service, the judiciary, the military and parts of business networks – who functioned as both the mechanisms and as major allies.

According to members of the old power, change would need to be handled in a way similar to coup d'états and it was necessary to make Po. Lt. Col. Thaksin incapable of returning to office. In addition, judicial activism was put to use to oust the Prime Minister from the People's Power Party and institute Abhisit Vejjajiva as leader, although he came from a less representative party. The belief that the military was behind this set of circumstances drove the new power groups and the people who were able to "have a good life" from the Thaksin government's policies into a frenzy as they felt that their rights were taken away. The result was a political movement which evolved into the Red Shirt Movement from 2009 to 2010, which was larger and lasted longer than the October 14, 1973 people's movement.

Meanwhile, after the April-May 2011 incident, old power influences emerged with the "reconciliation" concept. It was, however, based on original concepts of unity and tended to imply that everyone had to "think alike" and likewise adhere strongly to Nation, Religion and Monarch; but in present day Thai society there are diverse political opinions regarding the path society should take. Many concurred with the two loosely held major ideologies. These groups became more prominent and manifested themselves as the yellow shirt and red shirt groups. The issue of thinking alike or thinking different was the root cause for the political stagnation and decline occurring during the past 6-7 years[16].

In an attempt to respond to swift and drastic changes by using original concepts focusing on unity in Nation, Religion and Monarch; legal measures were employed to force compliance from many. The role of the military that became apparent after the coup and the use of increased legal enforcement in Thai society resulted in considerable institutional changes. Ultimately, a law was made to take away the Prime Minister's absolute power supremacy over the military: according to the new Defense Act, the Prime Minister could not dismiss the Army Commander as the dismissal committee consisted of many military persons and only 1-2 members were from the civil service. These phenomena reflect the shift of Thai political might away from parliamentary processes and the people, and towards supporting the old power groups, which consequently resulted in a high degree of opposition from the red shirts[17].

The new round of political crises was built up from increased political pressure and power accumulation. For a long time, attempts were made to keep conflicts from expanding to society's core and the Thai people were made to believe they were unified – al

The three southern border provinces of Thailand is a very good example of a case where Malay-Muslim identity did not have much of a place in national politics and caused the outbreak of a new round of violence, starting from the weapon-robbing incident on 4 January 2004, and continuing to the present. There is no sign of this conflict ending easily. Meanwhile, the **upper southern region** of Thailand was becoming a new area affected by environmental problems from various development projects, especially those in coastal areas with businesses moving out from the eastern seaboard and relocating themselves in this region. These projects were opposed by the locals who would not easily allow encroachment or let their natural resources be destroyed. Part of the reason for this reaction might be attributed to the local people's political consciousness as they felt that they were in no way inferior to people living in the central regions. Furthermore, these people harbored an attitude of self-reliance, not wanting to count on civil servants, politicians or even NGOs.

Originally, the **North and Northeastern regions** of Thailand were set in a geography neither easily accessible to traditional power nor having close ties with the administration. The people were faithful only to His Majesty the King for the Royal Projects that provided assistance and development to remote mountainous areas (which slackened considerably during later times as he aged), but such loyalty did not extend to state administration. Conversely, both regions hoped to rely more on politicians to help them negotiate matters with the civil service but these politicians tended to adopt the civil servants' stance in their work: having no clearly defined development policy to actually uplift the lives of the people. When the Thaksin government gained access to these people and volunteered to make changes to parts of the civil service that were obstructing their development and proposed many policies that would provide them with real and tangible benefits, it was readily welcomed and thus won the hearts of the people.

Among the different regions, it seemed that only the **lower north and central regions** had close ties with the political center in Bangkok, which were quite free of polarized conflicts. Even so, the regions did not hope to depend solely on public administration but they sometimes also had close ties with new politicians from medium-sized and small parties.

As mentioned earlier, the political decision-making and power structures of the Thai state had not been extended to local areas and regions, so whenever a conflict of any sort occurs, discord is channeled to the political center in Bangkok. This round of political conflicts in Thailand is considered a major occurrence at the national level, and when conflict is channeled to the heart of the country, it brings forth the emergence of two major political movements. Since the country's political structure is rather centralized and monopolized, the goals of both movements were ultimately set at seizing state power, thereby increasing the stakes to a level that would make losers lose all, paving a way for an even more polarized grouping, as both had been "riding the tiger" and had come too far to easily get off the tiger's back and return.

In such a situation, there is increasingly high risk of violence and major bloodshed, as minor occurrences had taken place before between 2008 and 2010. Therefore, the way forward to address the political conflict in Thailand is to take into

consideration the provision of space for local and regional political identities, to allow them to be more participative and to relax the rigid control of centralized power, so that clashes may be reduced between the regions, and so that Thai politics may be facilitated through a smooth transition with minimal casualties.

Part Two: the Conflict

5. Four Hypotheses about the Thai Political Crisis

In the debate on the causes for political crises in Thailand, four main approaches have emerged[18].

The first hypothesis is that ever since the People's Party (Khana Ratsadon) staged a coup and changed the country's administration in 1932, the monarchy had never really been under the Constitution.

The second hypothesis is that Thai democracy has not yet matured. In another sense, this hypothesis sees constitutional monarchy as a transit point between absolute monarchy and the republic system, implying that Thailand needs to continue its transition from constitutional monarchy to republic.

The third hypothesis is that Thailand's political crisis is merely the result of corruption and the vicious political cycle, although people try to relate this situation to the monarchy by claiming the monarchy is not under the Constitution.

The fourth hypothesis is whether governed by a constitutional monarchy, a presidential system, a majority vote democracy or an ethics-based democracy, conflicts will never be eliminated. In other words, democracy is a never-ending system and process.

Some, or maybe all, of these approaches raise important factors that may have contributed to the Thai political crisis. **This paper tends to agree with the fourth hypothesis**. This approach has important implications: it seems impossible to set a goal for the Thai political society, which is currently faced with a crisis, to return to a state of peace

and calm like in the past. On the other hand, breaking free completely from past traditions is equally unrealistic (because old powers will not easily relent, except in cases of guillotining or bloodshed like in major revolutions of the past of present day democratic countries – England, the U.S., France, etc.)

Furthermore, making haste to overthrow certain institutions that provide social cohesion and, to a certain extent, a solid base for the nation state and its people, may bring forth an anarchic situation which will consequently lead to a new form of dictatorship – one that uses the nation's stability and people's safety as an alibi – as evidenced in many countries. An example is the case of Napoleon Bonaparte, who rose to power after the Age of Terror following the French Revolution. In this light, our shift towards a socio-political democracy may very well be a never ending process, meaning that although we can never install pure democracy in every social institution, we must proceed in a civilized manner while taking care not resort to violence against each other.

In its political development, Thai democracy was not so thwarted that everything was left to the decision of the powerful and no basic democratic principle remained intact – like in the meaning of "Thai Democracy" from the past when the military were powerful. A democracy that corresponds to the background of Thai political culture may not necessarily be like any democracy elsewhere (for example, Australia, Germany and many other European countries), since each country and each society has its own unique issues about democracy. Although these countries all emphasize the freedom of expression in principle, it is still prohibited to express ideas that the holocaust never took place, for example. This prohibition is so extreme that there is a Law against the Minimization of Crimes Committed by the Third Reich[19]. Thai society needs to develop a form of democracy that preserves basic democratic principles while constructively addressing important issues in the Thai political society.

In another sense, we should construct our democracy as a Thai "deliberative democracy" – one which facilitates deliberation and exchange between different and diverse political views and ideologies, providing them with space for broad public debates on all issues of concern to the public. All of this should be done to promote awareness and understanding of differences to such an extent that

it is sufficient to create consensus rather than to just mobilize one's majority vote without taking heed of, acknowledging or hearing out other's arguments.

Therefore, if both the supporters of change and the conservationists aspire to goals that are beyond these mere objectives, **and if we set our goals to create capacity for the Thai political public to tolerate ideas, opinions, beliefs or ideologies which differ from their own and equip them with the capability for constructive debate and exchange while honoring and respecting one another,** our goals would be more plausible. An example of issues to be discussed, without having to kill, hurt or use violent means on one another, may be what role the monarchical institution should have, and what the scope of its powers should be. We cannot rid human society of conflict or differences in ideas, and we cannot maintain a sustained period of peace if no space is provided in that particular political society for differing opinions.

Most importantly, whatever political system will prevail in Thailand, the outcome of this crisis will never be worth its cost if there is loss of life from any of the factions, because there is no guarantee whether the ideology or ultimate goal they are fighting for would turn out to be a true and valid one[20]. **Thai society needs to change its stance and regard conflict as a social normalcy.** What is beyond normal is the use of force in handling conflict, which must be eliminated, and ways must be sought to transform the powers of normal conflict to a constructive medium that can be used to bring more innovation to Thai society.

Once we have the basic conviction that conflict is natural in a society and that it is necessary to prevent the power of this conflict from leading to violence from any of the factions, as well as to channel that energy for constructive use, this new round of political conflict can be viewed as good opportunity to assess past developments in Thai politics, and attempt to design and seek out solutions for an equal and just co-existence in a political system that is both ethical and democratic. Before we reach that stage, there is a need for us to understand the discourse of both sides, so that we may find the strengths and weaknesses of each side and seek ways to integrate the two ideologies or to transcend such extreme polarization altogether.

6.   Discourse and the Conflicting Parties[21]

In this round of Thailand's political conflict, although the polarization is not rigid or fixed, it is undeniable that there is a clear rift between ideas diverging into two polarized political and ideological factions. Conflict is present among the elites between old and new power groups, which has now expanded to the masses, as expressed by the "yellow shirts", or People's Alliance for Democracy (PAD), and the "red shirts", or United Front of Democracy against Dictatorship (UDD). When considering the discourse present in the arguments from the two sides, one sees validity and faults in both; so in order to comprehend Thailand's major discord, one needs to understand the discourse used and the principles underlying each faction's argument.

This round of political discord manifested itself clearly in 2005 and continued to expand during the next 6 to 7 years until a polarization between the colors – the two ideologies: "the yellow shirt movement" and "the red shirt movement" –

emerged. At present, the two factions represent two ethical value systems which have actually been in somewhat of a conflict all along, and which now manifest themselves as two sets of discourse clashing once again in Thai politics' present day transitional crisis. In this discord, there is no easy compromise as in the past. The two sets of discourse were generated to centralize concepts regarding opposition political cliques. The first discourse was on "vicious capitalist politics" on the one hand, produced by a social movement ("the People's Alliance for Democracy"/PAD), while the second discourse was on "amat-prai" (aristocracy-commoner) and "bureaucratic polity" or "oligarchy" on the other hand, produced by another social movement: "the United Front of Democracy against Dictatorship" (UDD) (See table 1).

Nonetheless, such discourse is produced to accentuate the characteristics of those in power, who the discourse maker opposes. There is a tendency for this kind of branding to mislead as there exists the possibility for both factions to

Table 1: Analysis of Discourse Presented by Political Factions in Thailand (2005-2010)

discourse (produced by opponent)	bureaucratic polity, *amat-prai* (aristrocracy-commoner), oligarchy	vicious capital politics
value system	ethics based-not much emphasis on democracy	democratic-not much emphasis on ethics
origin of ruler	appointed	elected
power holding groups	royal court network, privy councilors, court of law, military	globalized capital political business network
issue fought	corruption in the government	dictatorship by "father knows best"
system of government	liberalism/conservatism	democracy
power management	limit/check and balance ruler's power	decentralize power to the people
emphasis	Rights and liberties over the people's physique, life and property and the rule of law	Equity and sovereignty belong to the people

prove themselves to be merely authoritarian in the end. When considering the many assumptions, hypotheses and goals, underlying each faction's arguments, we find that both ideologies are supported by a certain degree of logic. In this light, we should be able to do more than just hurl insults at each other, as is happening at present.

In the context of each faction's political values, we may say that this round of conflict is a clash between the "ethics based-not much emphasis on democracy" politics of one faction and the "democratic-not much emphasis on ethics" politics of the other faction. These value systems represent what many Thai people believe in, and even those not joining the two polarized movements may subconsciously support the

People adhering to the first kind of value feel something must be done to address politicians' decline in morals and ethics. They see politics as an arena full of evil, lies and slander, where one would eliminate political rivals as a normal practice and buy votes just so one could have the chance to run the country. In this kind of politics, one would engage in corrupt practices to systematically and shamelessly cheat the people of their tax money, without fearing that it was a sinful deed. One could even change the rules of the game to benefit oneself and one's kind. Those having faith in the first value type feel they need to find "a good person" to rule the country, to eliminate the evil people from the land – or if elimination is not altogether possible, to render them incapable of rising to power and to find "good people" to control their conduct. For a long time, this value type has been deeply rooted in Thailand's political culture. It is a "conservative value" that puts emphasis on the leader for his ability to create a good political society. This is why, in such an ideology, there is the willingness to accept coup d'états as a means for the betterment of the country and the ridding of "evil people", in an attempt to prevent them from gaining power.

People adhering to the second political value type believe there is no way to tell who is better than others. If we judge a candidate from their conduct and personal ethical standards, this type of judgment would show only their personal attributes and would not necessarily tell if they would be able to augment the political system once they become leader because the skills and capabilities required for these tasks are different skill sets. In other words, it means that personal "moral benevolence" and "political

benevolence" are completely different things. Political benevolence puts emphasis on having a good political system in which, regardless of who the leader is, that political system will still be able to maintain its "benevolent" character[22]. While the first value type places emphasis on the selection of an "ethical person" to rule the country and make changes for society's betterment, the second value type emphasizes the need for people to be responsible for themselves and to be provided with the opportunity for trial and error – not be influenced or forced by greater power from any "ethical person" or group. This school of thought wants citizens in general to have the ability to "think for themselves", therefore favoring democratic elections.

In another sense, the difference between the two political value systems is essentially the origin of the leader. While the first value type supports the appointment system, which gives selection power to a number of "ethical persons" representing "minority vote", the second value type supports the election system where all the people in the country participate to select "majority vote" representatives to run the country. Kasian Tejapira once said **"the essential core of Thailand's present political conflict crisis is not whether to have a republic or constitutional monarchy but it is the unresolved conflict between appointment and election".**

With reference to power holding groups, the difference between the two systems is similar to what appears in the discourse summed up by each faction: in a way, the power to use minority vote in selecting a "suitable" person to run the country now lies in the hands of the people in the royal court network, which includes persons in the monarchical institution (privy councilors included), the court of law and parts of the military, as well as a number of business men who have been building ties and making continued adjustments. Conversely, the second value type focuses on the leader coming from the majority vote, which in the present day inevitably puts power in the hands of globalized capitalist political business networks.

With reference to "issues opposed", the first group emphasizes fighting against politicians' corruption and fraud. With regard to public administration principles, this group supports the limitation of state power through the establishment of complex checks and balance institutions, based on the application of laws or the rule of law principle, with the Constitution as an important supporting pillar.

Furthermore, the avant-garde wing within the first group (in civil society) puts additional emphasis on the protection of civil rights and liberties against state power. Originally, this avant-garde cadre had designated power checkss and the protection of civil rights and liberties as a civil society role but because the civil society sector was not strong enough to withstand state power, the conservatism wing was allowed to have a more active role by exercising other powers (i.e., judiciary, military or the power of the monarchical institution) to balance state power from time to time. However, the overall goal was to have a government for the people.

Theoretically speaking, this school of thought can be classified as one which places the principle of liberalism (mingled with conservatism) above (or neglects) democratic principles. In extreme cases, it would make the people politically inert and more immersed in their personal affairs, since there is already a well-functioning institution put in place to monitor and balance state power. Though at the same time, it would lessen the importance of elections, political participation and the people's sovereign power. Political roles are given to institutions not through majority vote or free and fair competition of political parties.

The said logic leads to a government system that may be termed "democracy without the demos", or a democracy where the people only stand aside and watch ("audience democracy") the politicians play through the various media channels the same way they watch a show ("video politics"). The phenomenon of placing emphasis on liberalism over democracy is reflected quite clearly in the 2007 Constitution, in which many clauses have been added on liberty. Generally in this Constitution, power does not lie in the hands of the people but lies with the various specialized institutions such as the judiciary, which has been given more political roles. Such phenomena are not unlike those happening in European countries.

On the contrary, the other faction's "issues opposed" centers around 'dictatorship' by the "father knows best" ideology (acted out by the military, which staged a coup d'état in 2006 and mobilized like-minded people; the judiciary, which adjudicated increasing numbers of political cases and cases that limited people's political roles, as well as other institutions). The monopolization of roles by these institutions effectively limits the role of the people. The important principle supported by this group is not to limit

power to fight corruption and protect rights and liberties like the first group, but to put emphasis on decentralizing power to the people because they believe in equality and in the people's sovereignty. This group emphasizes putting power in the hands of the people, allowing them to exercise power equally, creating awareness about various forms of consistent political participation and coming together to set up political parties and promote free and fair elections. The implication for this group's issue is a form of government by the people.

This kind of thought is one that adheres to democratic principles, and if followed to the extreme, may overlook liberalism in a way that will create a political environment with free elections but a limitation of civil rights and liberties; interference with or blockade of the mass media, and attacks on opposition parties, the judiciary and checks and balance systems, etc. The administrative branch may abuse its power by assuming the new role of "democrators". In academic terms, this kind of government may be called an "illiberal democracy", like the form of government in Russia and many Latin American countries.

In Western political development, the different concepts of liberalism and majority rule merged into a regime known as liberal democracy. However, the socio-economic, political and cultural changes triggered by globalization led to an increasing divergence of the two principles. This occurrence is notably the result of neo-liberalism and the currents of political democratization. The rift between the two principles is apparent in various countries around the world, with Western European countries setting examples of a strong conviction on liberalism or the Constitution factor, while the Latin American countries provide examples of strong adherence to democratic principles or the people factor.

Thai politics is currently caught in the middle of these fluctuating currents. The 1997 Constitution emphasized the people factor by designing systems for strong political parties and ultimately becoming successful in obtaining a government that created benefits for many people. That same government, however, later on violated the rights and liberties of just as many people and interfered in the affairs of the mass media and many other checks and balance systems. The result: Thai politics became an illiberal democracy and a coup was staged on the 19th of September 2006, followed by a public referendum for the 2007

Constitution, which had an excessive number of stipulations on the rights and liberties of the people. Nonetheless, the majority of the power was with the various institutions and checks and balance systems, and later on, many internal security laws and a number of other laws were put into force – limiting and weakening the roles of politicians, political parties and civil society, while giving more power to the military, etc. In this respect, the already illiberal democracy in Thailand was transformed into a **democracy without the demos,** in a sense, under the supervision of the military, the judiciary, the bureaucracy, the technocrats and other organizations not deriving from the majority vote. In other words, Thai politics had its liberalism principle removed during the Thaksin administration and liberalism was never reinstated – what is more, the democratic component was also removed after the coup, leaving the Thais with a form of government that was "**illiberal democracy without the demos**".
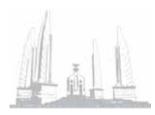
Likewise, when considering present "issues opposed" in Thai political society's polarized conflict and linking them to Thailand's political history, Kasian Tejapira proposes that the battle for democracy was fought in three courses (named after the months when past and present incidents took place). The first course is **the October Course** fought by students and the general public between 1973 and 1976. Major political forces in Thailand had come together against both the dictatorial bureaucratic state (bureaucratic polity) and the power of (vicious) capitalism at the same time. After the 14 October 1973 incident, in regional areas, the people's community power, which had been constantly curtailed, made increasing and continuous efforts to take charge of itself by not allowing the state and the capitalists to lay their hands on power, especially after 1997, when the Constitution prescribed decentralization from central to local administration. At the local level, more political struggles and ideas about decentralization started to propagate, i.e., developing into the present day trend known as "provincial self-management"[23].

This course of action later diverged into two different courses: the second course is **the** UDD's **May Course** (centered around the April-May 2010 events), following the tracks of the May 1992 incident in the fight against the dictatorial bureaucratic state and the *sakdina* lords. The third course is **the** PAD's **September Course** fighting against vicious capitalism centered around the September 2006 coup d'état.

Regretfully, during the past 6-7 years, instead of fighting for systematic or structural change, which is in line with principles of decentralized politics designed to downsize benefits and more easily achieve transparency and good governance, local political struggles have been so swept up by the bigger struggle at the national level that they have been co-opted to oppose or support certain persons or political leaders and made to focus on the seizure of leading political power[24].

Both the May and September Courses share an important commonality in that they have fought together for the same cause in the past, which was conveniently lost to memory during this round of conflict. It seems the September Course, in their pursuit to uplift "ethical persons" and their support for the liberalism principle, has failed to mention the truth that the "bureaucratic polity" (using the May Course terminology) all serve or relate closely and profoundly to globalized capitalism. Meanwhile, the May Course seems to avoid making reference to the dictatorial, authoritarian, liberty-depriving and state power-hustling characteristics present in globalized capitalism's system of democracy. In other words, both the September and May Courses focus their efforts solely on supporting their own leader or leading groups while turning a blind eye on the ever present truth and dictatorial-authoritarian characteristics of both their leading groups (authoritarian rule by bureaucratic state/ *amat* and authoritarian rule by capitalists).

Thus, the past political battle against both dictatorial bureaucratic state or bureaucratic polity and vicious capitalism is now torn into two courses of struggle, each fighting against the one same issue, but also fighting against each other instead of joining efforts against the two powers (*amat* and capitalist) like they did the past, and benefiting from a differing point of view. **In their contention, the two factions have overlooked two principles which should be mutually supportive of each other: liberalism and democracy.** Instead, they have taken turns in removing these attributes from the Thai political system, of which the outcome is an illiberal democracy devoid of people. The remnants of the system is rendered incapable of overseeing that dictatorial bureaucratic state power, or bureaucratic polity, and political business capitalist power stay within appropriate realms and not over-exercise their power, creating an imbalance that would cause the Thais to be unable to live together peacefully and equitably.

In Thai politics, the masses are divided in ideology and by the two political cliques. As a consequence, they turn upon each other in their lack of awareness about the dictatorial-authoritarian characteristics of both the "*amat*" lords and the "big capitalist" groups. What is important is that the two elite factions have close ties and may conspire with each other at any time if mutual benefits can be successfully negotiated.

Part Three: The Road Ahead

7. Trends in Thai Politics

7.1. Three Political Trends

Amid a political conflict between two equally large groups of Thais and in their structural, discursive, conceptual and physical struggles, which have been discussed earlier, one sees that overall, there are three apparent trends, even if they are not yet conclusive[25].

Firstly, **Policy Setting:** In the past, the lower classes had only to wait for assistance from above. They did not take part in policy formulation, nor did they have any influence. The policy setting process was in the hands of all the technocrats such as the people on the National Economic and Social Development Board, but during the past decade or so, much of the policymaking power was transferred to the political branch with the (former) Thai Rak Thai party functioning as an important propelling factor. Consequently, other Thai political parties, which never had any political program on how they would administer and develop the country if elected government, were compelled to produce policies to the people's liking. Although they could not formulate policies much different from the populist policies pioneered by the Thai Rak Thai Party, in this change, there was still the need to find solutions for government fiscal discipline and for the empowerment of people who were consumers of such populist policies.

Secondly, **Power Location:** Power was relocated from the non-elected elites in a shift to a political system which put great emphasis on elections, especially after the 2006 coup when there was strong opposition to dictatorship and

a non-acceptance of power obtained outside elections. However, one might say that present day Thai society is faced with situations where, having been through changes in economic and political consciousness, societal perspectives begin to shift from unequal to leveled and the lower classes no longer have faith in the traditional value systems. Also, it seems that Thailand is transitioning more towards democracy, but at the same time, democratic cultures have yet to find strong footing in Thai society.

Take, for example, the idea about rights, which has a Western basis derived from Protestant Christian belief that all people have equal access to God and that there is no requirement for them to go through the Catholic Church to connect with him as formerly believed to be the case in Middle Age Europe. From this basis, the Western concept of rights simultaneously recognizes the importance of "the rights of others" and "one's rights" as regulators of fair social relations for all. In another sense, it bears the attitude that others can do the things we do, and that we should not do to others what we do not want done to us. Thai society adopted only the principle of rights and democracy but dropped the value system and basic meaning relating to God in the mentioned sense. This concept did not succeed in blending with existing Thai societal traditions. We tended to apply more the concept of rights only in the context of "my rights" to do as I wish as long as it does not violate the rights of others, hence why the rights concept could not be effectively applied to Thai society[26].

Moreover, the culture of debate, which has implications about the equal power of sides, was not widespread in Thai society. It is worth noting that there are not many words in the Thai language related to the sharing of ideas when compared to English (i.e., conversation, debate, discussion, dialogue, deliberation, talk, etc.), and it is also worth noting that the Thai conversant culture focuses more on telling, teaching and preaching; which reflect the interlocutors' different hierarchical statuses and highlight one-way communication more than two-way communication. Similarly, in the past, Thais would rather gather under a common master than to set up new groups of their own[27].

Therefore, while power is being relocated to an election process, there exists a certain pressure to appoint an "ethical person" to run the country and teach the people. There is pressure to not let Thai politics fall entirely into the hands

of "evil politicians" and "vicious capitalist businessmen" who have higher regard for their own interests than for the nation and will continue to cheat the country so long as they are not caught.

Thirdly, **Level and Method for Political Change:** There is a shift from elite politics to mass politics while still maintaining the belief that "the end justifies the means". Both the yellow and red shirts have increased numbers of people in their factions. Each side emphasizes the size of the masses in order to create political pressure, both for their opponent and for society at large but there has not been much qualitative development in attempting to have more sound logic or adherence to non-violent means. One sees guerilla style movements in the masses suppressed by government officials; more people joining the masses, and still more being asked to join in anticipation of a major breakout

This occurrence is the result of the traditional value systems being shaken from stability, while the new value system has yet to mature. People with opposing values stand up to defend their positions, ideologies and goals, putting all their efforts into every possible means. Consequently, Thai politics is caught in a state of having one extremely conservative wing protecting the traditional values they uphold and causing the other wing to be extremely polarized in the opposite direction, as well, 28 in their vigorous attempt to instigate change.
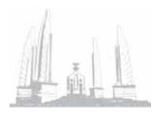
A significant issue in Thai politics which remains unchanged and always appears in the aftermath of incidents is the strong conviction for change without regard for the means of change (the end justifies the means). This conviction manifests itself in the former elites who try to bring about victory or advantage to one's clique – whether by involving the monarchical institution to create legitimacy and to use the institution as a tool to attack and reduce the opposition's legitimacy, or by mobilizing the masses, which is always ready to clash with the opposing side, to support the validity of one's argument.

The most notable of these means is the use of violence in handling political conflict. On the one hand, the state has become increasingly authoritarian, utilizing various special powers to restrict people's rights and liberties, and even using force to suppress them. On the other hand, the mass movement uses every means possible to make demands, create political pressure and prevent suppression. Such a situation has escalated to the point that there has been anarchy on the streets.

Additionally, this past decade or so has seen great developments in communication technology, especially the internet, in Thailand. The authoritarian characteristics of the state and anarchism on the streets are reflected in the cyber world, where we see traits of the authoritarian cyber-state when, using the Computer Crime Act, B.E. 2550, the government tried to block certain websites and prosecute those who posted opinions deemed to threaten state security. However, new media technology has allowed people to express their political views or publicize content and opinion through various channels more easily. The state of Thai democracy in this age of conflict crisis may be something of an "anarchy of the cyber-state", full of offensive language expressing anger, hatred and strong emotions. Individual internet users and people within in the two political groups use aggressive, violent and often insulting language to take sides and communicate with like-minded counterparts. They use the internet to hurl abuses at people who think differently or at the opposition, and fill Thai internet communication, which should be a space for free speech, with words of hatred (hate speech).

Such situations developed to very severe degrees, especially during the political crisis when many major violent incidents broke out: the dispersal of the People's Alliance for Democracy demonstration in front of Parliament on 7 October 2008; the dispersal of the crowd gathered at the United Front of Democracy against Dictatorship's rally at the Victory Monument and Din Daeng junction in April 2009; the clash between the red shirts and the military at Kok Wau intersection on 10 April 2010; and the dispersal of a major red shirt rally on 19 May 2010 at Rajprasong intersection. Concerning these incidents, both factions of the polarized conflict also presented piles of information and evidence (messages, sound clips and video clips) portraying themselves as victims of violence. This information battle roused anger and hatred among the two cliques, equipping them for greater battles. Moreover, cyber democracy was a far cry from maturity – so far that one may term it "sewer democracy"[29] or a "democracy of vengeance and hatred".

The three trends are still evolving and more time is needed for Thai society to develop enough political maturity to accept differences, especially to find a common ground for

those supporting change and those supporting the status quo (and conflicting sub-factions within these groups) without any side having to win or lose completely. However, as we await the maturity of the three political courses, our confrontation brings about double conflicts which will be discussed in the next section.

7.2. Double-layer Conflict in Thailand's Political Crisis

Amid the crisis taking place in Thailand's political transition, the Thais are facing two layers of conflict at the same time. The first layer of conflict is one caused from the accumulation of basic problems taking deep root in Thai society's structures and institutions and erupting into the present political crisis. The second layer of conflict has to do with the way demands are made, methods of communication, methods of advocating for change and methods for holding on to original conditions that the factions use in relation to the first layer of conflict. While some attempt to candidly discuss and debate, support or oppose, agree or disagree with issues from the first conflict layer are being made, to effectively address them, Thai society chooses to engage in a mode of communication and confrontation that involves excessive fights on ways to make political demands. Simply put, Thai political society is facing a conflict of methods of engagement, as we simultaneously face conflict regarding basic structural issues, which, in fact, is the initial essence of the conflict.

While basic issues, about which we are essentially in conflict, cannot be so easily resolved, our conflict on methodology has yet to find a solution, and there is the tendency for it to expand to a broader scope. Many rules and basic values are destroyed in this major political clash, with each side seemingly convinced that in fighting those who are without principle, we cannot abide by any principle of ethics, either. Both sides claim to be principled in various ethical ways but their ethics is bendable to suit their particular circumstance. By taking such a course, they are sacrificing many basic principles so that "their side" may win. Moreover, they are facing a situation where people become excessively divided in colors. A neutral person would be forced to side with one color, and once a decision is made to be with a certain color, the person may not change his mind. There is no room for a change of heart or the formation of a different political opinion, and neither is there space for the formation of newer, more profound or alternative political agendas.

Amid an "intoxication of ethics" resulting from a continued "political melee", we need to come back to our senses a little before finding a solution for the country. What we should note from the very beginning is **there is no need to force everybody to be sincere or genuine** because *all the ethical characteristics of a person, both in personal and public life, becomes of any use to people only when we agree that the "pretense" to have such ethical character benefits all in society*[30]. Take, for example, the way to handle conflict: we do not need to wait for everyone to actually develop "tolerance" or to genuinely believe in the concept of toleration. We need only to "pretend" to have tolerance and abide strongly by this "pretense" in every situation. If we can do this, we can help to partly relieve the unwillingness to let people from different ideologies share in our country.

As for the substance of the conflict, much of the issues relate to inter-regional politics, and not shirt color politics. If we place our focus on only the conflict between the yellow shirts and the red shirts, the *amat* (lord) and the *prai* (commoner), or conservatism and democracy, we will fall into a trap or be led to put our efforts into the wrong things. With society focusing its attention on these conflicts only, people wanting to leave the colors will be prevented from doing so, and at the same time, those not under the auspices of any color camp will be unnecessarily forced to side with one of the factions. Therefore, it is better to "pretend I don't care what color you are"; there is no need to judge whether "pretense" is right or wrong. Rather than making judgment, we should re-focus our attention to the various other issues tied to the conflict process. For example, we should consider how to address inequality; what mechanisms to use; how structural violence manifests itself; how to handle challenges of double standards; how oppressed people feel, and how best to find solutions for all of this[31].

Once the people are freed from being forced to choose fixed sides, there will be more space to consider possible solutions for the substantive first layer conflict. However, we must take caution and be aware that there are two major options in addressing immense crises with such diversified issues like the one Thailand is faced with now[32].

The first option is to construct a broad concept which explains and addresses every issue, but the possibility for this option is low and there is a risk of creating yet another camp that will become an additional faction. At a time of major social transition, presenting a comprehensive

concept covering all issues tends to add on to the conflict rather than help to resolve it, as it requires profound thinking about many of the issues contradicting the belief of various groups.

The second option, which concurs with the point of view in this paper, is instead of putting emphasis on the contents of a broad conceptual synthesis, Thai society may start with something more probable, an option that requires "the least number of answers" from a single person or group, because an issue as immense as this one requires answers from many groups and many sectors. In this light, we need to design a process that puts people from various societal sectors – from the elites to the grass roots, both involved and uninvolved in the conflict – on a common platform to create a common agreement, and to participate in the design of the solution. See details about this process and the attempt to handle the substance of this conflict in the "Process of Creating a New Social Contract" section; but first, the discussion on the second layer of the conflict: the means.

8.   Basic Rules Governing Our Dispute

The issue about the means used in handling Thai society's basic problems or "the way we fight", in short, including the way we address issues, the way Thai society goes through transitions, the way people in Thai society express themselves or their opinions, is no less important than other existing basic issues in Thai society. Many major violent incidents in the past have clearly shown us the significance of the means for change and the means for facing political change. At this point, the important question is, for example, "**No matter how different our opinions are, what are the basic criteria that we can accept together?**"[33]. The intent of this question is not to address the *substance* of Thailand's political conflict, but to control and manage the conflict in terms of *how* to prevent those involved in the conflict from using violent means, or how to prevent them from exceeding a certain basic limit that allows society to carry on. The answer to these questions is we need not demand that all sides be sincere to a "basic mutually accepted process", but merely just "pretending" to comply would help relieve the crisis considerably.

A recent example of co-designing some basic rules for all sides to "pretend" to stringently comply with is the campaign for all political parties to sign a pact on electoral justice before the 3 July 2011 elections[34]. We do not need

to hope that all politicians or all political parties will be genuinely ethical – all we want is for them to present themselves as such to the Thai voting public by indicating that they will abide by certain code of ethics which says, among other things, that they will accept the results of the election in all cases. This process alone would suffice to provide an answer for Thai society about the post-election crisis, which may take place and possibly lead to another coup d'état (not considering that there may be other issues such as the cancellation of elections).

8.1. Basic Principles

The overall picture of the political conflict in Thailand tells us that during this political transition, where there is great tendency for mass politics and where many changes have not yielded conclusive results, we need some basic rules to use as principles in managing the conflict to prevent it from expanding out of control. These basic rules should be easily acceptable and they are as follows[35].

First Rule: **Conflict is a normalcy in society.** Thai society is no different from other societies, so there is a need for us to accept and become aware that conflict is not an anomaly, but rather, a common feature of any political society. Since peace has always been an attested component of Thai society, the Thais are made to think that there is no conflict and there should not be any conflict; but, in truth, the fact that no conflict is apparent in a society does not mean it is free of conflict. Conflict may be lying latent in a society, waiting for the right time and factor to surface for all to see.

Second Rule: **Avoid extreme targets.** Thai society needs to avoid having excessive convicting in extreme political ends because in the beginning, these kinds of targets normally propel people's ideas by using a certain noble cause; but when caught in conflict or a real crisis, they normally bring destruction to many of the country's noble characteristics, just so society could be taken to that noble destination it had set its mind on. However, at the end of the day, the society arriving at the destination is stripped of all benevolence and no longer remains a desired society.

Third Rule: **The ends do not justify the means.** No lofty goal is acceptable if the means to achieve it takes no moral or ethical consideration. In other words, the desired destination for each conflicting group is less important

than the means they employ to get to that destination. The important thing is, in getting there, whether it adheres to any principle and whether it involves civilized actions.

Fourth Rule: **Have utmost respect for human dignity in all persons**, including those having different political ideas, opinions, beliefs and ideologies. We cannot and should not condemn people with different beliefs and opinions as if he were on a lower, sub-human level because no matter how different our opinions are, no matter how the other person's ideas seem invalid or refutable, we all are dignified human beings deserving of respect. Differences of opinions should be debated and shared in a principled and logical way more than to cause people to vigorously attack one another, downgrading their opponents to non-human conditions.

8.2. Basic Rules for Action[36]

This paper suggested earlier that we should eliminate the constraints of this crisis by "pretending I don't know what color you are", and instead, consider the basic underlying substantial issue together. This topic will discuss *the means* of political expression or communication with regard to these basic issues; so first, we need to make references to the various actions and incidents in the two factions' movements and counter measures taken by each government.

With regard to political expression, it is regrettable that a means of expression such as that employed by the Assembly of the Poor is destroyed by the two-colored movement. The two movements have completely lost their legitimacy of means by staging rallies that close off important places because we can no longer accept such actions: the closing down of Suvarnabhumi Airport or Rajprasong Intersection. In this light, a means of demonstration developed by a group of marginalized people to call for justice and carried out in a way that causes no harm has now been rendered invalid.

Normally, groups that use blockades provide alternative routes, but the means used by the two-colored movement has caused people who are not necessarily one of them, including people who are neutral, to have no choice. For example, the blocking of roads normally takes place for only 1 to 2 days, and not 2 months. By using such means,

the colored groups also destroy the legitimacy of other political movements with similar characteristics, so the issues remain but they now no longer have the means to express them. The new question is: **How can Thai society politically express itself concerning these issues without being regarded as stereotypical factions?** During the past "political melee" the discourse that was used to steer the rallies and political expressions - "peaceful means", "*Ahimsa*", "the people's battle", etc. – are now so twisted that it has lost its power

Thai society needs to <u>agree</u> on basic rules for political expression. These rules may take the shape of regulations or codes, and will help restore the political movement as a legitimate and accepted means. Here, there is a basic underlying issue: in communicating demands or expressing a political stance, **we must pay more attention to whether "the means is legitimate" than we did in the past when we were interested only in whether "the demand is legitimate". Important questions lie within the rights and liberties framework: what are the components of a peaceful movement? What are the dos and don'ts?**

An example taken from the Just War Theory tells us that legitimacy at war comprises at least two things: (1) to start a war, there must be enough legitimacy, and (2) during war, there must also be legitimacy. For example, civilians must be spared, there is a prohibition against destroying or going into hospitals or schools, against disguising oneself as a woman and against putting women in front of military troops. These acts are tantamount to deliberate exploitation, which can not and should not be committed.

In the Thai political context, some interesting questions emerge.

<u>First question</u>: when are political movements legitimated to begin their protest? What are the reasons we can use to explain our actions? How do we find valid rationale for the blocking of certain places? **The explanation that says "it's up to your views" simply does not tell us anything. The important point is what are the concurring views?** In another sense, the question is whether we can have consistent views and whether we can use them to make concurring judgment without twisting logic.

<u>Second question</u>: once the political movement begins, how do we maintain legitimacy? **The concept "it's my turn to take"** does not seem legitimate enough so we need to agree upon a more consistent rule. We all need to be aware that **if we can do something, so can others; and if others do what we did – but this time we are at a disadvantage – we cannot protest against their actions.** If we want to improve this situation, standards should be set in our political society to say **"I am capable of doing what you did, but I will not do it!"**

We should have criteria to delimit the bounds of accepted peaceful means, even for actions that hurt no one but have gone beyond acceptable scope and have hurt public interest or certain public values. Closing down a hospital for fear that people will be shot is understandable, but one must find other means to tackle the threat. If all sides can agree how to go about having social movements in the future, these actions will become more manageable. Therefore, we must come together and find mechanisms, channels or something we can all accept as a regulation/ custom – an agreement that would eventually develop into rules, regulations and codes for political expression, for example:

(1) Setting up websites to insult the ancestors of one's opponents or condemn others' personal conduct is not a permissible legitimate political action, but the state has no right to block citizen's expression of opinion or access to news. In the past, when a faction knew the government would certainly retaliate to its actions, it would choose to employ extreme measures such as strongly criticizing the monarchy to induce government action (we may say they were "playing so that the government would play"Organizing large rallies with motorcycles and car motorcades (moving at normal speed, and not slowly) is also not acceptable, since it is tantamount to public harassment as the action has exceeded the limits of legitimacy.

(2) Having protesters beat the ground with sticks as they walk and claiming the action was a peaceful means of protest, since the protesters were not hitting anyone, is also inappropriate because it is no different from the motorcycle and car motorcade case, which the protesters claimed to be legitimate since they were not running anyone down.

(3) Seizing public places and holding rallies are accepted only if the place is representative of the demand made, but one cannot just burst into any place at one's own will. In the United States, there is a lawn in front of the White House for the purpose of rallies. If the protesters climb over the fence and seize the White House, then all legitimacy for that protest is lost. Similarly, the seizing of the Thai Government House is not permissible because it is tantamount to staging a coup.

(4) Regarding the duration of protests, in England, rallies may go on only until 6 p.m., after which the demonstrators must go home and return again in the morning. There are no extended rallies in order to give people a chance to rest, and to comply with the logic that, if one stages a demonstration in a public place, taking control of it for an extended period of time is equivalent to taking public interest hostage.

(5) If any civil disobedience were to be anticipated, all three components must be included: *first* – advance notification to inform the public, including the opposing faction; *second* – the action must be open, and not carried out in a secret place; *third*, and most importantly, a component which was missing from both colors' movements is that the people involved in civil disobedience must be willing to accept legal punishment.

These are just examples of the rules, regulations and codes for various kinds of political expression, which must be designed and fixed together in consensus. In this respect, we need a platform to create a common agreement on what components of the past political movements were problematic. On this platform, the focus should not be the target of each faction, but **what the channels, space or means should be for a mutually accepted mode of expression or solution in the Thai social context.** Additionally, we must also agree on what components should be monitored, i.e., how to politically express oneself, in what space or through which channels.

The channel used should be one open to the public, which can be monitored by the media; and if websites are used, they must not be underground websites. As for space, there is both physical and abstract space. For physical space, we must discuss whether the blocking of roads is still acceptable.

If this method is taken up by all, will it be acceptable to society? If it is acceptable, what are the rules and codes to observe when blocking roads? Abstract space has to do with providing explanations or logic, since if the logic for certain important basic principles is unclear, everyone in society will suffer. These are the things we must discuss to come up with agreed acceptable limits of expression.

The above basic rules (principle and means) are proposed as measures for preventing the use of force in political expression, rallies, and in efforts to control them, as well as efforts to handle problems and find solutions. It may be adopted by political groups, social movements or faction, from any ideology, based on the concept that this round of political conflict in Thailand cannot be easily or quickly resolved because it cuts deep into our social fabric, and is caused by the accumulation of structural problems so long hidden under Thailand's "carpet of peace and harmony", involving various people from diverse sectors.

Thus, what is presented here exemplifies an agreement on "how we can fight" without having the conflict expand and escalate into the use of force.

Simply put, what is proposed here is the "symptom" treatment, to keep disease outbreaks under control and prevent them from spreading. Later, we can proceed with the diagnosis to find the "cause" and provide treatment to heal the patient – to sustainably prevent such outbreaks again in the future. This involves a lengthy process where we need to get all people concerned to come together and design a process that will allow us to go forward through the transitional political crisis without using violence on one another. We need to design new conditions and environments to address these accumulated issues so that there is equality for all, or at least so that there is not so much inequality in society. This new design, which will be discussed in the following section, must be accepted by all sides.

9. New Social Contract

9.1. First Condition: Building Trust[37]

For people in every society to live together without killing one another, there must be a certain sense of security and certainty. This feeling comes about when there is a "social contract", which can take the form of a written document or another conventionally, traditionally or culturally accepted form (not necessarily in writing).

Every political transition takes place is such a way that the country's polity is faced with profound rifts expanding to a national level, where there are two (or more) political factions not able to see eye to eye on basic important political issues, and not accepting existing mechanisms for political decision-making (i.e., majority vote Parliamentary decision making). Meanwhile, tactics (such as mass rallies or other forms of political intervention) are used to suppress the victors.

These phenomena clearly indicate that the original social contract is no longer valid, and that there is a need to have a new one to give back the sense of security and certainty, where one will understand, to a certain degree, who should do what, where the limits are, and who should monitor who in which issue, and what the outcome for a certain action will be.

The new social contract can have part of its content written down in a document, while another part exists in the form of a cultural social contract[38]. **Its content** can be varied, and this paper will discuss content on at least two levels: **basic rules on principles and means that should be easily accepted by all sides** as something that cannot be violated and something we must all uphold. Much of this has already been discussed in the previous section.

This section will discuss the social contract on another level: **mutual agreement on the content or issues relating to the root cause of the conflict; steps/processes/means taken during political transition; targets and new structural and institutional designs for society, etc., which are issues not so easily agreed upon** because they have implications on the rights, powers and benefits of related institutions and persons. These factors will determine if and to what degree our political society can

live together in peace and equality, or if and to what degree there will be social inequality, and to what extent it can be accepted.

The first important principle for creating a new social contract is the need to include all parties of the conflict. The contract needs to be drawn up together at the same time, and the factions need to "disarm" simultaneously; but to do so, there first must be trust. An important issue for Thai politics, especially after the 2010 April and May incidents, is **how to restore trust for one another and how to restore trust in the judiciary for the large group of Thais who feel they have been treated with double standards?**

An answer is we need to "take risks" in attempting to restore or rebuild trust in one another. One or both sides need to take that risk in rebuilding a new relationship with people they have lost trust for in order to make those people trust them in return; but this time under a new rule. This is possible because, even when they have lost trust, the factions still need to engage in social interaction. The important question then becomes: **Can we live with someone we don't trust without hating him?**

In the present day Thai political society, where there is such a great degree of distrust that no group can afford to "take risks" to place their trust on the opposition first, we need to take certain actions to make them "willing to risk" building a new kind of trust. The risk must not be too high. Firstly, responsibility must be taken and we must find people from both sides who we can hold accountable for past crimes. Whether amnesty will be provided or not is a different matter to be later considered. Secondly, we must completely cease mass killings in Thailand to provide guarantee for the Thais that no matter how conflicting their ideas are, there will be no killing or use of violence from opposing factions. Reforms on the legitimate use of force need to be made.

Once sufficiently favorable conditions are set to facilitate risk taking, each side will begin to build new trust little by little. An important factor in this process that would allow us to progress together is the availability of a common space or forum that will permit differences in ideologies, political identities and other diversities to co-exist, and find mutual recognition. This forum will at the same time have considerable power in advocating for effective change, as will be discussed in the next section.

9.2. A Shared Platform with Authority and Inclusiveness

There are two layers to the present political conflict in Thailand. In a sense, it is a national issue, but in another sense, it is an issue present in all local areas and interwoven to form the national issue. At the present time, we are in the midst of a lengthy transition for the entire political system.

Over the past decade, central administrative authority lost some legitimacy while there is increasing demand for decentralization. Actually, decentralization began since the promulgation of the 1997 Constitution, and although successful in many areas where the local administration organizations were able to play proactive roles by being representative or by playing host to issues and local management ("self-governing province" concept), there were, at the same time, practical problems in many areas where, instead of power being decentralized, it seemed that centralized power had reached the provinces.

A deficiency pertaining to decentralization theory is that local administration organizations' authority is limited only to within the organizations' area, and cannot be used to tackle larger problems outside, or problems occurring on the "borderline" between two areas. Another weakness of this theory is that it cannot be applied to larger scale national issues, such as the political transition we have been faced with these past 6 to 7 years.

Centralism – although capable of efficiently handling national issues – is apparently not capable of handling issues concerning all areas and provinces; neither is it effective in addressing Thailand's cross-regional relationships, particularly with cases of conflict between central and local authorities, because centralism does not provide for the inclusiveness of all groups, all sectors and all areas.

Both systems of administration have their strengths and weaknesses: centralism is strong because it has clearly defined agents of authority, but lacks in the inclusiveness dimension. Decentralization, although strong in its openness to the inclusion of diverse peoples in any decision-making authority, is weak in dealing with large scale issues.

Right now, Thailand's political society is caught in the midst of tension between these two administrative forms.

As a result, we are bearing the burden of the weaknesses of both systems simultaneously. Those who were able to make their way to powerful positions during the Thaksin, Surayuth, Somchai, Abhisit and Yingluck governments are all unable or unwilling to open up space for people of different ideologies.

Political power groups, both old and new, which are scattered throughout the regional areas, in towns and the countryside, want to take part in addressing the country's problems but lack the authority to handle issues of such great scale. What they can do is only to "voice" their opinions to the various factions, leaving those in power to decide whether or not to pick up the issue. These are the reasons why the new social contract process cannot be built on either centralization or decentralization principles.

Apart from centralism and decentralism, there is an administrative form called **"centripetalism"**, which is capable of addressing the weaknesses of the first two forms because it focuses on freeing up space for diverse peoples from all sectors to take part in an organization with decision-making power and administrative roles. Centripetalism places emphasis on creating agencies that involve all sectors – no matter how different their opinions may be – to take part in decision-making as well as play other roles. Centripetalism as an organizational principle allows for a strong authority capable of implementing policies, while being held accountable for the decisions made. At the same time, centripetalism opens up space for the inclusive participation of all stakeholders in the political process[39]. Details about centripetalist organizations as a solution-seeking agent in Thailand's political transition will be discussed in the next section.

9.3. The New Social Contract Platform

The future of Thai politics will see the elites and old influencers still holding on to their political power in various ways, although new power groups will also arise. Conflict will continue to be present until a time comes when each faction feels it is capable of having a smooth transition. In another sense, if political structural reform does not impact the very core of each elite group's power in such a way that it leaves no space for them in the new political environment, they may be willing to take part in risk taking[40]. This political transition crisis cannot be resolved peacefully if there is no elite settlement involved[41].

There are some elite groups fighting among themselves while mass politics is divided into two fighting factions. If we pin our hopes only on the elites to agree among themselves without making the masses strong enough to withstand differences, what may happen is there may be a collusion. They may conspire and invent some excuse, or allow the masses to participate a little in order to feign legitimacy. This may end Thailand's political crisis, but it will not create any profound change in the political structure.

If the elites secretly forge agreements among themselves without involving the middle classes and the grassroots, or with only their limited participation (we have seen signs of this taking place during the past months), and if both mass groups are strong enough to manage the issues they are concerned about without guidance from the elites, there may be repercussion from the masses, which comes in the form of their refusal to accept the agreement from both elite factions. Such a backfire may be so strong that it realigns the conflict from a semi-horizontal and semi-vertical standpoint (mix of conflict partners between the two factions: elite to elite, mass to mass, and mass to elite), transforming it into a full scale vertical conflict between the elites and the masses. What follows may be a violent people's revolution.

Therefore, if we want the political transition to be completed not in such a lengthy way and without mass casualties on either side, the two faction's elites must come to an agreement. In the process of creating a new social contract, we must open up to serious debate and discussion about issues such as identity and local issues, so that the root causes are tackled. We should also allow for participation from representatives of the masses from both factions as well as other grassroots groups who are with neither the yellow or red shirts from the outset and throughout the process[42].

The Abhisit government's attempt to address Thailand's post-2010 April and May incidents by setting up as many as five committees was a good intent, but what was missing was sufficient acceptance from the conflicting parties and others concerned. The result: although these committees have some authority as they were appointed by the Prime Minister, they have been very inefficient at opening up for people involved in various components of the conflict to participate in decision-making. Such lack of participation has become a major obstacle to achieving the set target of reconciliation. Conversely, in the work done by Thailand's

National Reform Assembly, headed by Dr. Prawase Wasi, attempts have been made to include the voices of people from different sectors of the conflict in the country's reform process through the organization of public forums in every province. However, the Assembly was not able to translate those voices into real practice, since it is beyond the authority designated to them in the appointment order[43].

Actually, the parties that should take part in the new social contract platform must at least consist of representatives from the monarchical institution (including the Privy Council, the Office of the Royal Household, the Crown Property Bureau, etc.), the judiciary, the military, the civil service, all major political parties (perhaps also including members of the "house no. 111" and those in political exile abroad, but who still hold influential power), the yellow shirts, the red shirts, the royalists, the people who rationally criticize the monarchy, financial and economic institutions, the entire business sector that is tied to old power and those in the new power network (simply put as "old capital" and "new capital"), academic institutions, the media, the yellow shirt supporters, the red shirt supporters, and those supporting neither, NGOs, civil society movement groups, professional groups such as farmers, workers, etc., women workers, religious leaders, youth leaders and representatives from local community organizations in different regions of Thailand.

The diversity of the people involved in this political conflict is an important factor, which determines, at the outset, the success of the new social contract platform in carrying Thai politics through the transitional crisis in a way that is peaceful and acceptable from all sides. In designing the various processes, it is very important that the "host" or process initiator not be too hasty (but not take too long, either). Perhaps, a smaller "preparation committee" may be appointed to fix the target, objective and design of the diversity of the parties, or to identify the groups that should take part in this new platform. There is a need to design the platform to include representatives from various sectors at appropriate ratios; with balanced power representations and free of monopoly from any particular group.
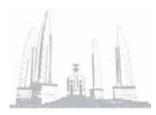
In essence, the new social contract platform process is a political process and a power negotiation between the different sides, so inevitably, minor conflicts can crop up. Many countries that have experienced violent, long lasting conflicts that have cut deep into their social fabric and have

spread widely have also used similar platforms. In the initial stages disagreement was rather common, especially on the question of who (i.e. from which sectors or groups) should or should not be included in the new social contract platform. All stakeholders, including those who are not in power at present, must be consulted, to have broad representation and to make the platform genuinely accepted by all groups.

In addition[44], because we want a platform that is open to people from all sectors involved in the conflict, the number of working group members and participants will be large. For example, in Benin, Central Africa, a new social contract platform called the "National Conference" was set up in the 1980s, consisting of 500 members representing the government, the military, political opponents of the government taking political asylum abroad, trade unions, religious leaders, volunteer organizations, women's groups, as well as a number of former state leaders and influential thinkers. In Niger, which initiated the platform called the "National Conference" in 1991, 68 people were put on the preparatory committee. There was public debate on the components of both the preparatory committee and the National Conference, but finally 1,204 people were appointed to the National Conference, representing political parties, trade unions, professional groups, civil society organizations and students' movements. In Mali, the National Assembly consists of as many as 1,800 membe

The motivation for joining the platform may differ between participants. For example, in the Arab countries, involved in the "Arab Spring", there exists a similar platform named "the national dialogue", in which some participated because they wanted to delay transition and protect, for as long as possible, the original systems. Meanwhile, the other faction saw this platform as a guarantee that the country's political society will go through a kind of transition that reaches down to the roots of the system and peacefully change to a more democratic state.

Another important condition for the new social contract platform in these countries, which should also be present in the case of Thailand, is that the government must not have control or supervision power over the platform, but must merely be a part of it, playing equal roles to other participating sectors.

As for timeframe, the platform may need a longer time than one Parliamentary cycle, but it is also necessary to fix a deadline to prevent this platform from becoming a new authoritarian institution which holds onto power for extended periods of time like in many countries. The timeframe must not be too short, either, and should be set to correspond to major practical targets so that results can actually be obtained and not be lost due to the endeavor's ambiguity.

Another important undertaking in the creation of a new social contract is the drawing up of a "roadmap" to identify the necessary steps in achieving set targets and to mobilize participation from all stakeholders, which will take the form of support in human resources, expertise and funds. In the case of the political conflict in Thailand, there has been the appointment of various committees to seek reconciliation and find solutions to the political crisis, so in the process, the "hosts" or platform initiators should consult these various committees as well.

9.4. Sample Deliberating Issues

The subject matter in the new social contract platform can be set in various directions and issue groups. Most importantly, the political process must be democratic. A democratic political cycle comprises at least the following 4 components[45]: **(1) deliberation** between people from all sectors involved in this conflict on how we would like to live together, in which direction Thai political society should go, and what the most pressing issues for the present and the future are; **(2) legitimacy** of the people in power, which needs to be discussed with all, concerning the methods for gaining political roles and positions (e.g. selection versus election; should the election of the legislative branch be separated from the election of the administrative branch, or should there be the use of quotas in proportional election, etc.?); **(3) decision-making:** the issues to discuss should be how to address conflicts of interest, how to address the country's major problems, how to allocate resources, as well as other issues relating to the distribution of decision-making mechanisms; **(4) control**: we must discuss whether the decision-makers have acted within their proper scope of authority, and whether the decision-making process was in accordance to the rules.

The four components of a quality democratic process may be further delineated into more agendas for debate in the context of Thailand's political society.

What follow should be questions such as: what does the system called "democracy with the monarchy as the Head of State" look like in tangible terms? King The point to consider is how the monarchical institution should adapt in the present context; what is the scope of royal authority; what issues are within that scope and what issues are not; what role should the monarchical institution play in habitual times and in times of crisis; is it permissible to criticize the monarchical institution under fair expression principles; how should protection measures for the monarchical institution at the personal level and at the institutional level be. These are issues that need open public deliberation in a straightforward and respectful manner.

Over the past years, there have been many writings which brought up these issues; for example "Royal Power" by Pramual Rujanaseri[46] is a work that incites much public discussion, along with a critique on Pramual's work written by Somsak Jeamteerasakul[47] and Thongchai Winichakul[48]. A piece of writing entitled "Sondhi Limthongkul's Democracy with the King as the Head of State" by Kasian Tejapira[49] is an attempt to gather the thoughts and words of the PAD leader and systematically form a theory. At the end, there is also a part expressing Kasian's own opinions. These works are interesting in that they call upon the public to think about what the theory or principle concerning democracy with the King as the Head of State should be like.

What is important is that the monarchical institution must be considered in a broader sense than at present. The monarchy should not refer to the person, but to the institution, which is governed by certain principles, and whoever becomes monarch in Thailand would have to act according to those principles. For example, all Thai Kings in the past during the time of absolute monarchy had to conform to the *Ten Virtues of the King* (Dasavidha-Rājadhamma) and *Duties of a Universal King* principles (Cakkavattivatta)[50]; therefore, **in a system called "Democracy with the King as the Head of State" we need to develop new theories to prevent anybody from taking advantage of the monarchical institution in the absence of protection principles.**

Regarding other institutions related to Thailand's political conflict, further examples of subject matter discussed include **the military:** how to create acceptance of being under elected civilians within the military institution; how to monitor the use of budget; how to prevent the military from being co-opted by different factors, whether from the political branch or from elsewhere, to intervene in politics.

The judiciary: how to prevent political factors from influencing adjudication; how to reform the judicial process so that everyone gets equal and timely access.

Economics, trade and business: how to reduce inequality; how to set limits to prevent liberalism from becoming so uncontrollable that "people with more means will take more benefit", overlooking and disrespecting people of lesser power and lesser authority; how to not take too much from the environment.

Political Institutions: how to have free and fair elections; how to instill institutional characteristics in political parties, make them develop clear ideologies and policies and give them the capability to efficiently represent the people; how to distribute policy-setting and policymaking structures to the local/provincial areas; how to open the minds of Thai political culture to identity differences in regional politics51.

These are just examples concerning Thai society's major institutions and proposals for subject matters to be seriously discussed, so that we may go through this transitional crisis peacefully and without casualty. However, various institutions and sectors such as academia, the media, etc., which are important political society powers in Thailand, should also be discussed in addition to what is presented in this paper. Here, the paper does not wish to go into detail about every institution/sector since concerned parties who will participate in the new social contract platform should be the ones to propose the subject matters.

This round of political crisis in Thailand is profound, lengthy and bears serious consequences, but we can no longer avoid it or tackle problems only at the surface level. We must face the issues, accept the truths and be open enough to bring all parties together, provide them with equal rights and space for political expression in order to mutually seek solutions which do not hinder the power of change. Meanwhile, we must not let old powers be so beaten by change that they have no place left in Thai political society.

The new social contract platform presented here is an attempt to create such a space, where all concerned people can come and work together (and debate with each other under certain codes) to create new commitments, rules, regulations and codes that would allow us to live together in Thailand's new political society after this transition without anybody gaining or losing too much for the other side to accept. This is the essence of our peaceful co-existence52.

10. Conclusion

This round of political conflict in Thailand is so severe that it seems to have created a great divide between all the country's regions, but this comes as no surprise since in Thailand, each region's political society has always had its own unique characteristics and power relation dynamics, and, to a certain extent, latent conflict has always hidden itself under the "carpet of peace". At the national level, the Thai political society always had to adapt itself to various degrees of change, especially at important turning points in political history.

This conflict will bring forth another round of major changes, both in the political and social spheres, developing from within the country itself and influenced by globalization. The grassroots' political consciousness, perceptions people have about concepts such as "good life" or basic norms such as equality have been affected by these factors, causing them to get up and demand their share of power in government, as well as their share of country ownership, similar to the May 1992 incident, when the middle classes rose up to demand their share of power as country owners53.

Naturally, in the midst of major change, people/institutions/ sectors previously having shares of administrative power feel increasingly threatened that they may have no place in the future, so, in order to defend their rights, authorities and benefits, they retaliate. This movement started as mere waves of discontentment against the Thaksin government, but the turn of events in Thai politics has driven the conflict to escalate and expand to a conflict of two colored masses – two ideologies, tied together by differing "shades" of conviction. We have taken part in mobilizing many resources and tools, used up almost all of our knowledge, tried to involve all available existing and past institutions to help address this conflict – such that there is nothing left untried.

When the conflict became more manifested and escalated to a higher level, we produced much discourse to argue and explain our faction's legitimacy and the illegitimacy of the opposing factions, destroying many principles that had taken many years to develop. These principles were made to help society live together peacefully and equitably. At the same time, local issues such as social inequality, inequitable and unsustainable management of natural resources, and corruption at various levels were all obscured by accusations of misconduct we threw at each other while the conflict escalated even further.

There is an increasingly apparent trend that our conflict will evolve into a situation where all sides – the colored movements and the government under any political party – use force to retaliate or even to prevent the use of force, resorting to any means to achieve their goals. Each minor crisis taking place had almost driven the country into a lawless state and we are starting to see the light of anarchy shining ever brighter.

This round of major conflict will probably last over a decade because it had created profound injuries to the important pillars of Thai political society, and there is no easy way to avoid it. Before we set out to address this conflict with a new stance, we should understand clearly each side's assumptions on the crisis and see how they differ, how to find some commonality between the two, so that we may find common ground on which to walk together. **This paper proposes that the first milestone on this journey is to agree that democracy is a never ending process and involves civilized and fair conflict. We continually face conflict, therefore we need to find ways to live with it without having to entirely eliminate any party to the conflict.**

We face simultaneous conflicts on two levels. On the one hand, we have *the conflict at the root cause* embedded into the structure of Thai political society and evolving into inequality in many respects. Meanwhile, when attempting to present such causes and find a solution, we are faced with another issue of *conflict of means of expression* by each faction, which lack acceptable rules of reference, and therefore, develop into more of an "If you can do it, so can I." attitude, continuing to the point of mutual extremism. In this respect, the round of conflict crisis during these many years has become a 'political melee" and an "intoxication of ethics" so confusing that it is difficult to find a starting point.

No side can gain complete victory in the conflict between the ideologies of electoral democracy and ethics-focused democracy that we see in Thai society – or perhaps there may be no victor at all. Instead, we need to create what is called a "deliberative democracy" to bring us from this transitional period into a new political era. In other words, we need to create a democracy which focuses on deliberation to create comprehensive public understanding about the content, essence, weaknesses and strengths of political systems proposed by the two factions and by others. We should not limit the argument by giving monopoly of discussion only to ethics and majority vote.

This paper proposes that we address both levels of the problem simultaneously. In finding the solution to *the issue of means* of our argument or conflict, we need some basic rules concerning principles and methods to guarantee that we can fight constructively and not injure one another. Although the root cause of the conflict may not have been addressed, at least our fight would not escalate and expand so as to cause irredeemable loss.

During the past many years, all influential figures and institutions likely to be capable of mediating conflict have been asked to take part in trying to find a solution for *the root cause* of the conflict. **We can no longer hope to rely on others – we cannot keep on looking for mediators, but must stand on our own two feet by turning to each other for discussion and negotiation.** In so doing, we must design the methods and processes to indicate who the participants will be, while also "disarming" and creating conditions that motivate each side to be willing enough to gradually "risk" trusting each other, until the trust which was formerly destroyed in continued violence is gradually restored to a level sufficient for us to come together to try to figure out solutions again.

In the process of addressing this issue, we must fundamentally recognize that the original social contract, which governed our relationships in the past, is no longer valid. Thus we need to create a new social contract on a central platform, whose authority is legitimate enough to determine the form and nature of our future co-existence, as well as a common space that is inclusive of all parties of the conflict: the supporters of change, the people who are against change, others who belong to neither group, and people who are representative of identity groups from different regions. Such a platform will allow them to discuss, share and negotiate the various issues in an earnest and candid way.

The basic essential factor that will render this new social contract acceptable to all and provide a solution for the conflict is the diversity of representation. There is a need to have complete representation from all sectors/institutions involved in this conflict, regardless of whether those sectors/institutions are on the front line, support line, official side, non-official side, have authority or influence. We then need to design a process that allows for equitable discussion, deliberation and negotiation, free of monopoly from any one side, to provide opportunities for all sides to present their agendas with factual support and sound academic knowledge.

Such a process is by no means easy. Rather, it is one full of obstacles and the possibility of being "foiled" at any time by conflicts regarding rights, power and benefits of the relevant parties. We must therefore persevere and be true to our commitment to move forward with this process. Meanwhile, we must be open-minded and regard our differences as supporting factors in making the new social contract "project" a truly complete and equitable one.

Endnotes

1   Issue from lecture by Pasuk Phongpaichit in the 5th Deliberative Focus Group (to be referred to as DFG#5 from now on), August 3, 2011 at Ariyasomvilla.

2   Content on this page influenced by Niti Eawsriwong, "Thai Culture Version of the Constitution". ชาติไทย เมืองไทย แบบเรียนและอนุสาวรีย์: ว่าด้วยรัฐธรรมนูญ, รัฐ และการปฏิรูปจิตสำนึก. กรุงเทพ: ศิลปวัฒนธรรม.

3   Analysis of socio-political background for each region in Thailand compiled from Kotom Areeya, "สังคมการเมืองไทย", received directly from writer by electronic mail, June7, 2011.

4   The 3 virtues of the "Thai Race", which is an identity for Thai people, as presented by Prince Dumrong Rajanubhab comprise dedication to the country's independence, tolerance and power of assimilation. สายชล สัตยานุรักษ์, ชาตินิยมทางเลือก, มหาวิทยาลัยเที่ยงคืน [http://www.midnightuniv.org/ชาตินิยมทางเลือก-2] accessed 25 April, 2012.

5   Main content from Pasuk, DFG#5, ibid.

6   Soraj Hongladarom, DFG#2, April 21, 2011.

7   For an explanation on "the Thai rural society", a similar concept, see อภิชาต สถิตนิรามัย "เสื้อแดงคือใคร: ม็อบเติมเงิน ไพร่ หรือชนชั้นกลางใหม่ กับทางแพร่งสังคมไทย" in **Red Why:** สังคมไทย ปัญหา และการมาของคนเสื้อแดง, (กรุงเทพฯ : ออนโอเพ่น, ธันวาคม 2553)

8   Pasuk, DFG#5, ibid.

9   Prof. Dr. Pasuk (DFG#5) and Assoc. Prof. Nualnoi Treerat, DFG#2, April 21, 2011 share common views on this issue.

10   Main content in this part taken from Suwanna Satha-Anand's lecture, DFG#4, 29 June 2011 at Ariyasomvilla.

11   Main content taken from Pasuk, DFG#5, ibid.

12   ชนิดา ชิตบัณฑิตย์, โครงการอันเนื่องมาจากพระราชดำริ : การสถาปนาพระราชอำนาจนำในพระบาทสมเด็จพระเจ้าอยู่หัว, (กรุงเทพฯ : มูลนิธิโครงการตำรา, 2550)

13   ธงชัย วินิจจะกูล, ข้ามให้พ้นประชาธิปไตยแบบหลัง 14 ตุลา. กรุงเทพฯ : ฟ้าเดียวกัน, 2550

14   Suthachai Yimprasert, DFG#1, 18 March 2011.

15   Actually, in this incident, the Buddhism institution could not provide a solution, but became party to the conflict itself. As we have seen, there were monks speaking on the yellow shirt stage and monks speaking on the red shirt stage. The reason why Buddhism could not provide a solution for the crisis is because the present incident is different from the events that forged Buddhism in Thailand as an institution in traditional societies. At present, we see the emergence of a new kind of Buddhism which tends to be more apparent in the future. Appearing in the form of non-adherence to institutions, this new Buddhism is less adherent to the monarchy institution and the state, but more tied to daily life and the personal realm. It has been forecasted that there will be a lesser number of monks and laymen will play more roles in religion and teaching. (Soraj Hongladarom, DFG#2, April 21, 2011.)

16   Pasuk, DFG#5, ibid.

17   Pasuk, DFG#5, ibid.

18 Presented by Chaiyan Chaiyaporn in the training "Conflict Transformation" 5th module of "Seminar on Political Conflict", 28-30 April, 2011, Prof. Natee Rakpolamuang Room, Mahidol University, Salaya.

19 Warburton, Nigel **Free Speech: A Very Short Introduction**, Oxford : Oxford University Press. 2009, pp. 32-35

20 Kasian Tejapira's issue presented at various forums including the Open Forum "A new social contract" Side-Event of the 1st ICIRD, 19-20 May 2011, ibid.

21 Main part of this section compiled from 2 writings by Kasian Tejapira สงครามระหว่างสี : ก่อนถึงจุดที่ไม่อาจหวนกลับ and สงครามระหว่างสี : ใน คืนวันอันมืดมิด, กรุงเทพฯ : openbooks, 2553 certain parts supplement by the work of Sunai Sretboonsrang, ข้อเสนอการเมืองสู่สังคมสันติสุข, เอกสารอัดสำเนาได้รับจากผู้เขียน, 2554.

22 Suthachai Yimprasert, DFG#1, ibid. and ใบตองแห้ง (นามปากกา), "คนดีผิดระบอบ," ประชาไท, 23 เม.ย.2553 [http://prachatai.com/journal/2010/04/29094] accessed 28 April 2012.

23 Laddawan Tantiwittayapitak, DFG#1, 18 March 2011.

24 Laddawan Tantiwittayapitak, DFG#1, ibid.

25 According to Kasian Tejapira's presentation at Open Forum "A new social contract: The way out of the transformation crisis?" Side-Event of the 1st ICIRD, 19-20 May 2011, Thammasat Universit (Ta Prachan).

26 Sunai, ข้อเสนอการเมืองสู่สังคมสันติสุข, ibid

27 Suwanna Satha-Anand, DFG#4, ibid

28 Observation by Nualnoi Treerat, DFG#2, 21 April 2011.

29 Suwanna Satha-Anand, DFG#4, ibid

30 Words and essence from Weera Somboon in personal consultative discussion on DFG, 6 January 2011. This statement is true both from the point of view that "pretense" is a condition or code for living together and for engaging in conflict. Limits are set and the example of Nelson Mandela, South Africa's important leader who led his country through political transition from the apartheid era when only white people were powerful to a time when both whites and colored can live together without having a civil war, reminds us about the validity of pretense. In an interview, Mandela once said the fact that he pretended to be brave actually made him a brave person. (ริชาร์ด สเตงเกิล (Richard Stengel), เขียน. ธิดา ธัญญประเสริฐกุล, กานต์ ยืนยง แปล, วิถีแมนเดลา, กรุงเทพฯ : โพสต์บุ๊กส์, 2553)

31 Weera Somboon in personal consultative discussion, 6 January 2011. Ibid.

32 Both major courses proposed by Weera Somboon, DFG#3, 24 May 2011, Pathumwan Princess Hotel. and my own addition on details, especially for the second course.

33   Weera Somboon, DFG#3, ibid.

34 Observation by Weera Somboon, DFG#3, ibid.

35 Kasian Tejapira, Open Forum "A new social contract" Side-Event of the 1st ICIRD, 19-20 May 2011, ibid.

36 Weera Somboon in personal consultative discussion, 6 January 2011. Ibid.

37 Topic and details presented by Chaiwat Satha-Anand and Kasian Tejapira at the Open Forum "A new social contract" Side-Event of the 1st ICIRD, 19-20 May 2011, ibid.

38 Certainly the "Cultural Social Contract" concept, was influenced by Niti Eawsriwong's "Cultural Constitution" and reaffirmed again by Kasian Tejapira's presentation at the Open Forum "A new social contract" Side-Event of the 1st ICIRD, 19-20 May 2011, ibid.

39 All three systems were taken from presentation slides by Aurel Croissant of the Institut für Politische Wissenschaft, University of Heidelberg, Germany on "Alternative Governance? Models of Governance and Implications for Thailand", which was presented at the Policy Roundtable "A new social contract" Side-Event of the 1st ICIRD, 19-20 May 2011, ibid.

40 Opinion of Weera Somboon in personal consultative discussion, 6 January 2011. Ibid.

41 This issue was candidly presented by Prof.Dr. Merkel Wolfgang of Wissenschaftszentrum Berlin für Sozialforschung of Humboldt-Universität Zu Berlin, Germany on *"Transformation and Democratic Consolidation under Stress"* 6-9 October, 2011 at Bird & Bee Resort, Pattaya.

42 One conclusion from the dialogue "Transcending Transformation Malaise, 6-9 October, 2011 at Bird & Bee Resort, Pattaya.

43 Observation made by Sunai Sretboonsrang at the dialogue "Transcending Transformation Malaise, 6-9 October, 2011 at Bird & Bee Resort, Pattaya, ibid.

44 Detail following this part taken from Norbert Roper, *"Lessons Drawn from National Dialogue Mechanisms in Transitional Countries,"* Berghof Support for Peace, email received from author on 7 June 2011.

45 Marc Saxer, mimeo received from the dialogue "Transcending Transformation Malaise, ibid.

46 ประมวล รุจนเสรี, พระราชอำนาจ, [power.manager.co.th]

47 ดร. สมศักดิ์ เจียมธีรสกุล "บทวิจารณ์หนังสือเรื่อง พระราชอำนาจ", มหาวิทยาลัยเที่ยงคืน, 10 กันยายน 2548 [http://61.47.2.69/~midnight/midnight2545/document9554.html]

48 ธงชัย วินิจจะกูล, "วาทกรรมพระราชอำนาจหรือประชาธิปไตยแบบคิดสั้น," มหาวิทยาลัยเที่ยงคืน, 1 ตุลาคม 2548 [http://61.47.2.69/~midnight/midnight2545/document9555.html]

49 เกษียร เตชะพีระ, "ประชาธิปไตยอันมีพระมหากษัตริย์ทรงเป็นประมุข ของสนธิ ลิ้มทองกุล," สงครามระหว่างสี : ก่อนถึงจุดที่ไม่อาจหวนกลับ, (กรุงเทพฯ : โอเพ่นบุ๊คส์, 2553)

50 The twelve duties of a universal king consists of 1) protecting members of the Royal household and outsiders, making them happy and unneglected; 2) promoting good relations with other states; 3) providing for members of the Royal Family; 4) supporting Brahmans, merchants and urban dwellers; 5) supporting rural citizens; 6) supporting monks and those abiding by *Sila*; 7) protecting animals from extinction; 8) prohibiting people from doing wrong and motivating them to do right; 9) providing for the poor to prevent them from involvement in corrupt acts; 10) seeking counsel from scholars and pious persons; 11) exercising self-restraint by never going to place unbecoming of a king; 12) avoiding greed or wanting that to which one is not entitled. (source: "จักกวัตติสูตร" ใน ทีฆนิกาย ปาฏิกวรรค พระสุตตันตปิฎก เล่ม ๓)

51 Content in this paragraph taken from Kotom Areeya, "สังคมการเมืองไทย", received directly from writer by electronic mail, ibid.

52 Here, I do not wish to go into too much material detail about the process, steps or content of the new social contract platform; but would rather free up space for all sectors to propose, share and debate publicly. However, more tangible proposals can be found from at least these two sources: โคทม อารียา, การสานเสวนาเพื่อความปรองดองแห่งชาติ, สถาบันสิทธิมนุษยชนและสันติศึกษา มหาวิทยาลัยมหิดล [http://www.peace.mahidol.ac.th], written and proposed to the Yingluck government after the 3 July, 2011 elections; another concrete proposal is a 6-7 part paper by สุนัย เศรษฐบุญสร้าง, ข้อเสนอการเมืองสู่สังคมสันติสุข, อ้างแล้ว.

53 Observation made by Sombat Boonngamanong in the "Seminar on Political Conflict", 28-30 April, 2011, ibid. **(Endnotes)**

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