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**Elite Political Culture in Contemporary Thailand:
Voters, Members of Parliament, and Political Parties
in the Debates of the 2007 Constitution Drafting Committee**

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Introduction

In the context of this paper,¹ the term “culture” denotes a socially constructed “supply of themes” (Luhmann 1995:163) or “pool of specific ideas” (Silber 2003:432). As far as such themes or ideas are located in the political sphere, we shall call them “political culture.”² Such themes (or topics) may be treated as separate ideas or as parts of a system, meaning an interrelated complex of themes, and their preferred or dominant meanings. Rueschemeyer (2008:227) speaks of “single ideas and idea complexes,” while Mulder (2000:124) notes that, “an idea generally comes in a package of related ideas.” The latter might include phenomena like the themes describing the legislative system (part of which is dealt with in this paper), but they also come in the form of ideologies, discourses, ordered (sets of) political orientations of social movements, collective action frames, or models of political values and action (sometimes called “codes”). Some might call clusters of themes and their meanings vocabularies, languages, narratives (if they have a storyline), or repertoires (of the structural variety).

Political culture thus serves to structure all those communicative acts³ and their processes (talks, conversations, discussions, debates, propaganda, claim making in protests, writing, and printing) that are directed toward collectively binding decisions and the structures and personnel of their production. Necessarily, the concept of culture used here embraces plurality, diversity, conflict, contestation, and change. After all, “Themes can be rejected, as can contributions” (Luhmann 1995:157). The total of a specific selection of themes, such as those brought up in the Constitution Drafting Committee (CDC) of 2007, and the respective contributions made by the committee members, may be called “discourses.” Therefore, the body of this paper is a piece of content analysis of a highly structured and specialized debate. It was performed by 35 mainly Bangkok-based (and almost exclusively male) elite actors, appointed after the military coup had included the abrogation of the 1997 Constitution, thus necessitating the drafting of a new document. This paper then presents part of “a story about who says what to produce the [constitutional] outcomes that we observe” (Ferree et al. 2002:4).

Although this paper mainly deals with the content aspect of political culture, the usual assumption that it can also inform action is maintained. Obviously, the individual members of the CDC, after having gone through innumerable hours of talk about a myriad of constitutional themes finally had to make decisions about what to

include in the 2007 constitution, and what to reject. Thus, there was not necessarily a straightforward connection between culture (content) and action (decision). After all, the deliberations on the CDC were not a domination-free discourse in which the best reasons would finally lead to agreement. Rather, differences in opinions and feelings would not give way to establishing one single collective view on issues. Moreover, the decision-making process was not only one of verbal deliberations, but also included other elements, such as political interests, social obligations, different importance attached to certain positions on themes (or draft constitutional provisions) by individuals and groups, and negotiations. Furthermore, influence was exerted from outside the CDC, and interactions between members of the CDC and the Constitution Drafting Assembly (CDA) played important roles. To give an example from the 1997 CDC, Borwornsak Uwanno, its secretary, described the CDC-members' voting behavior concerning components of the draft constitution by using the expression "patronage system" (a widely used theme in the Thai elite discourse). He said,

You would expect them [well-educated and economically well-off middle-class elite members of the CDC/CDA] to be guided by principles, but they are not. If they are asked as a favor to vote a certain way, they will be guided by their personal relationships. And this is under the full attention of the press. It reflects the understanding that their relationships with those in power stand above all else. (*Bangkok Post*, July 21, 1997)

In addition, what was said in the meetings—the visible content of political culture—did not necessarily include everything that the participants thought on this or that issue, but rather what they decided was useful, possible, or appropriate to say in the particular speech situation. One should keep in mind that since times immemorial, there has been, "The habit, even the necessity, to orient oneself to the opinions of others. ... Even in tribal societies with nonliterate cultures one must show consideration for the opinions of others" (Luhmann 2000:274). Therefore, contributions made on a theme in public often, perhaps mostly, have a component of social construction. Contributions to the deliberations on the CDC, in other words, were thus often social speech actions in which the speaker took into account the expectations of the other CDC members as he or she perceived them (this could be directed to agreement just as much as to conflict).

Importantly, it needs to be noted here that the distribution of visible political culture on the CDC was very uneven regarding who of the entire membership con-

tributed to a particular issue, how many times a member contributed, and what the quality of his or her contributions were. Only a handful of CDC members made statements to the questions dealt with in this paper. Moreover, one cannot assume that the most vocal participants were also the most influential. Many members of the CDA, and some on the CDC, were probably not familiar with the themes indicated by the word “parliament” (House, Senate, political parties, politicians, voters, and elections), had only superficial and uninformed opinions of the issues involved, and were confused by the many unclear and contradictory contributions made in the meetings. Opinions on many issues, as is usual in everyday life, were obviously often generated ad hoc without being deeply anchored in an individual’s set of key beliefs or stock of reflected knowledge, with trust in certain leading actors perhaps replacing information and comprehension.⁴ This point included making decisions, such as on the constitutional design of Thailand’s future election system (where the final vote was narrow at 45 to 39), based on incomplete and even wrong information, on prejudices, and on misunderstandings.

The paper presented here thus fits into research approaches about institutional development that give “due attention to micro foundations” (here meaning the communications of actors, such as those who served on the CDC). These approaches explicitly include, “the potential causal importance of political mistakes, misperceptions, and unintended consequences ... on both strategic behavior and institutional outcomes” (Capoccia and Ziblatt 2010:937, 938). Using a similar approach to institutional analysis, Vivien Schmidt uses the label of “discursive institutionalism” (called “constructivist institutionalism” by Hay 2006), and suggests adopting “a framework for [institutional] analysis capable of endogenizing agency in such a way as to explain the dynamics of institutional change and continuity” (Schmidt 2008:2f.).

From this perspective, the present paper is concerned with the “dynamics of institutional change and continuity” of Thailand’s representative system by “endogenizing agency” via the use of the meeting records of the CDC as its main source of data. In doing so, I will focus my attention of what members on the CDC said about voters, members of parliament, and political parties.⁵ I will now turn to the discussion about voters.

Voters

Section 3 of Thailand's 2007 Constitution stipulates in its first sentence, "The sovereign power belongs to the Thai people." The German "Basic Law" (*Grundgesetz*) contains a similar sentence. It says, "All public authority emanates from the people" (The Basic Law, p. 223). This phrase underscores that all actions by state authorities—the civil as well as the military bureaucracy—must be justified by popular legitimacy. The paragraph continues, "It [the public authority] shall be exercised by the people through elections and referendums and by specific legislative, executive and judicial bodies." In contrast, the Thai constitution continues with, "The King as Head of the State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution." The Thai people thus cannot exercise their sovereignty directly as voters in elections. Moreover, in a practical political-administrative sense, the military (as most recently experienced in the coup of September 2006) and the bureaucracy have never subjected themselves under the sovereignty of the people. Rather, they have continued to see themselves as part of a supra-constitutional model of the Thai polity that subjects the people to the sovereignty of the official Thai state ideology of "Nation, Religion, Monarchy" (for details, see Nelson 2012). In fact, the Thai constitution includes a chapter on the "Duties of the Thai People" (Chapter IV, Sections 70 to 74). Its first section reads, "Every person shall have a duty to protect and uphold Nation, Religion, and Monarchy, and the democratic regime of government with the King as the Head of State under this constitution." From this perspective, the state or the country are units that exist independently of the aggregated political preferences of equal citizens, who exercise their citizenship as voters in elections.

Since the CDC comprised members of the bureaucratic/technocratic elite, it could be expected that their discussion of the voters would not exactly champion their maturity and sovereignty. CDC hardliner Jaran Pakdithanakul⁶ nicely expressed the underlying paternalist outlook when he argued for the necessity of a politically independent the Senate, saying,

senators are like *phuyai* [grown-ups] in our country (*banmueang*), like *phuawuso* [seniors] of the country, who will inspect the use of power by the government, by the House of Representatives, so that it is used as

proper as it should be. Moreover, they must also connect with the history or the origin of the country. (CDC 21:33)

Thus, the eternal Thai “state” (country, nation) needed a group of grown-up, senior bureaucrats/technocrats (Plato’s “true navigators”) in order to guarantee the “proper” use of power. They had to protect the nation’s historically established *raison d’être* (presumably of monarchical, military, and bureaucratic rule) from the *dek* (children), meaning the voters as well as the politicians they elected to exercise their constitutionally stipulated sovereignty. The collective fathers have to protect the good of the family against the whims and impulses of its inexperienced children. Views such as these point to the fact that “voters,” “politicians,” “political parties,” “elections,” and “Members of Parliament” were all still relatively new elements of a democratic political order in Thailand, and they continued to compete with rival ideological and structural forces that had been used to dominate the Thai political system in earlier decades.

The people, so the prevalent view, sold their votes to “electocrats” (as politicians contesting elections were disparagingly called by many members of the established elite, or *aphichon*),⁷ who would then do their best to corrupt money, while ignoring the country’s pressing policy problems. Sriracha Charoenpanich,⁸ one of the more extremist members on the CDC, put it this way,

I would not worry if our country were sufficiently developed so that our people would make the right electoral choices. But as long as we still have the electocrats, I think that those who will be MPs and then can become prime minister must all run in Bangkok, because almost the entire remaining country [is dominated by] electocrats. Will you ever agree that such kind of people who still Disqualify [English in the original], who are true electocrats, will become prime minister? (CDC 11:26)

Sriracha used this point to argue for another institutional arrangement, namely the possibility of having a prime minister elected by the House, who himself was not an MP. To him, it should be possible to cut the link of legitimacy between the people and the prime minister, and nothing less than “the future of the nation” (CDC 25:3) was at stake. Angkhana Neelapaijit,⁹ on the other hand, made clear what the actual point was: “I think if the prime minister comes from elections, then this is like evidence that guarantees that true power still rests with the people” (CDC 22:37).

A more sympathetic, though still paternalist, view (compared to that of Sriracha) was put forward by Woothisarn Tanjai¹⁰ when the CDC discussed whether there should be independent MPs. He supported the strengthening rather than a weakening of political parties, and stated,

This will especially create politics that will develop more policy orientation. We might feel that policy orientation is about populist policies. However, I think that that we [should] acknowledge political learning by the people and citizens that has occurred in two rounds [of elections in 2001 and 2005]. I think we must perhaps put some trust into the voters, that is, the citizens. (CDC 9:51)

Woothisarn thus avoided an overly ideological perspective on Thai politics in favor of a pragmatic approach that acknowledged that the “people” had undergone a substantial degree of political learning during the Thaksin years (and could not merely be continued to be seen as politically ignorant vote-sellers). He suggested using this assumed learning process as a foundation for future development. Yet, some members of the “people” were probably seen as hopeless, especially those in the Northeast of Thailand. Chuchai Supawong¹¹ implicated this when he touched on another institutional arrangement, namely party-list MPs. He wanted to increase them to 200 (of altogether 400 MPs), but then divide them into equal shares of 50 for all four main geographical regions of Thailand. In his view,

this would solve the problem that a party that captured Isan could move and determine the fate of the country. ... That I say this does not mean that Isan is a problem. The problem is with the electocrats, who use their bases of people in Isan to govern, and claim to have the majority in the country. We cannot solve this problem [with the usual electoral arrangement]. (CDC 26:16)

Of course, Chuchai saw the people of Isan as the “problem.” That is why he wanted to undermine their electoral weight. Since the “problem”—the relationship between the MPs/candidates with the voters—could not be solved, Chuchai suggested reducing their electoral importance in determining the composition of the House, and thus their impact on government formation by partial disenfranchisement, or unequal voting rights. This measure “might be able to change the political face [of Thailand]” (ibid.).¹²

In sum, both the text of the constitution and elements in the CDC discourse indicated that the people were seen in an ambivalent light rather than straightforwardly democratic as the only source of legitimacy for any state action. The paternalist outlook of the upper part of Thailand's dual polity (Nelson 2012:5) persisted, and it was expressed in a number of contributions to the CDC's debate on designing the country's system of political institutions. I will now turn to a more specific role of the people within this system, namely that of voters.

As touched upon above, the elite, public, and intellectual political culture in Thailand has long included a conception of the voters that is as straightforward as it is simplistic, and, nowadays, often simply wrong: The bulk of the voters are uneducated, politically ignorant, and poor. Therefore, they sell their votes to the highest-bidding candidates, who will then try to recoup their investments by corrupting state budget, be it directly or by a new method of "policy corruption" (presumably the invention of Thaksin Shinawatra). The Thai Rak Thai party and Thaksin were the worst examples of this variety of "money politics," exacerbated by the introduction of "populist policies," designed to gain the voters' acquiescence, allowing the governors to pursue their shady activities. They created a "parliamentary dictatorship," and the "Thaksin regime," for the sole purpose of enriching themselves, and thus had to be removed in a military coup in order to save the country from certain destruction.

Despite, or perhaps because of, this long-established view of the voter and his or her vote selling, the CDC made no systematic attempt to discuss the voters' actual decision-making processes in elections. Rather, remarks were of a broader nature. For example, Praphan Naikowit¹³ said that one element of the electoral problem situation was that there had been a lot of vote buying. This had been a chronic problem at all levels, and there had to be an attempt to solve it (CDC 5:20). "If we ignore this problem, then politics cannot develop" (ibid.:21). Praphan added a comparative perspective saying that people from Malaysia had told him that this problem almost did not exist in Malaysia. Thus, he wondered why this was so since Thailand and Malaysia were neighboring countries (ibid.).¹⁴ Interestingly, he made another comparison that was closer to home: "I think that this is similar to position buying and selling in the civil service" (ibid.:22). Thus, bureaucrats, who wanted to be promoted to a higher position (just as the election candidate who wanted votes) would be prepared to pay their superiors and/or politicians in order to have their wishes fulfilled. Presumably, the price of positions would depend on its potential for turning it into a source of

moneymaking, thereby promoting corruption. Yet, this line was not pursued further. However, he later in the meeting reiterated his stance with the statement, “We must be able to solve the problem of vote buying and vote selling. If we have the attitude that vote buying and vote selling is something normal and cannot be solved, then I think that drafting the constitution will not at all be successful” (ibid.:62).

While Praphan did not offer any explanation for the phenomenon as to facilitate the search for solutions, law lecturer Komsan Phokong,¹⁵ in the same meeting, tried his hands at determining what the underlying problems were. Why was it, he asked, that Thailand still suffered from vote buying while other countries had been able to solve this problem? According to Komsan, a number of characteristics of Thai political culture (my term) were to blame. *First*, Thais did not really care about, or were very interested in the common interest (*prayot suan ruam*). They only thought about themselves. For this reason, they only looked at their own short-term benefits. *Second*, since the education system emphasized memorizing over thinking, Thais did not like to think about problems (those caused by vote buying, presumably). *Third*, social behavior was rather strongly oriented by “patronizing authoritarianism” (*amnatniyom choeng upatham*), which made people admire and praise those who had power and were rich, without considering the sources of their power and money. *Fourth*, some elements of ideology promoted vote buying, such as the thinking that a person who cheated might at least share a little of their wealth with them, so it was all right (ibid.:55). Thus, to Komsan, the voters’ social thinking appeared to be “rather abnormal” (*wiprit pai phosomkhuam*) compared to the thinking in democratic systems. Therefore, in addition to the King Prajadhipok’s Institute (KPI), another organization might have to be established, with the aim to promote political ethics and building knowledge about politics, especially for people at the “grass roots” (*rakya*), “so that they would have an understanding of the democratic way of life” (ibid.:56).¹⁶

Moving to concrete issues of institutional design, when it had to be determined whether there should be only one ballot paper, and thereby only one single vote, for both the constituency and the party-list vote, or two ballot papers, and two votes, Woothisarn Tanjai apparently followed his somewhat more positive view of the voter by favoring two ballots/votes saying,

In practical terms, regarding the behavior of the Thais, the marking of two numbers might be more meaningful. ... If voters have only one single

number, will they decide based on their constituency MP, or decide based on the respective regional [party] List [English in the original]? I think that this [situation] might confuse the voters. (CDC 26:17)

Woothisarn, in other words, assumed that voters could have different sets of preferences for local candidates and political parties. Consequently, it made good sense to give them the opportunity to express their political preferences in a differentiated way, instead of forcing them to decide which of their two preferences was more important to them. “In practical terms,” to use Woothisarn’s expression, most voters might feel compelled to cast their ballot for their local favorites, especially when their preferred political party does not field a credible local candidate. This would make the voters’ national-level party, policy, or leader preferences largely invisible; it is easy to say that voters are only interested in local affairs when they are only allowed to vote for local candidates. Obviously, the same result would follow from not having party lists, as had been the case before the 1997 Constitution went into effect.¹⁷

In a later meeting, when the CDC discussed whether it wanted in principle to adhere to the 1997 election system (though with some changes), or adopt a mixed-member proportional system (MMP, with a 200 to 200 formula of constituency and proportional MPs), Woothisarn connected his view of the *changing* characteristics of the Thai voter to a suitable election system. He suggested that the CDC’s election system design needed to be based on a realistic conception of the Thai voter, including their relationship with political parties. Woothisarn said that he understood and respected the 200 to 200 proposal.

However, I think that this system is based on the assumption that the people mostly vote for parties, combined with candidates. Parties had ideals and policies that were clearly distinguishable. However, I think that in the present Thai political culture, most people are still very much interested in individual (local candidates). (CDC 35:76)

One might say that this statement reflected the traditional model of the localized Thai voter without sufficiently taking the elections of 2001 and 2005 into account. Yet, Woothisarn also acknowledged that this culture had begun to change by pointing out that, “There has been more policy-oriented politics since the Thai Rak Thai party has appeared. The people have started looking for policies...” This view was shared by Komsan Phokong (a supporter of MMP), who noted, “the people have started to look

at the policies of the political parties more than before” (ibid.:66).¹⁸ Similarly, Chuchai Suphawong (another supporter of MMP), stated that, “I think that during the past ten years, the Thai people have learned the importance of policies. If we ask the Thai people, I think they want policies by political parties that will lead to better lives, reduce the income gap, etc.” (CDC 35:86). Since the voters’ expectations and orientations had substantially changed in this direction, Chuchai wanted to make the political parties’ policies the principal element in the new election system, “by using the percentage of votes for the political parties to calculate their entire numbers of MPs” (ibid.), that is, MMP.

Thus, like Woothisarn, Chuchai also connected the *changing* characteristics of the Thai voter to a suitable election system, though this led him to promoting a mixed-member *proportional* system, while Woothisarn still favored the previous mixed-member *majoritarian* system. To him, the changes mentioned had been insufficient for initiating a fundamental reform of the country’s election system. From his perspective, the key problem of introducing a fully proportional election system still rested with the behavior of the voters, namely

the deliberation or decision rules of the people about how they vote. If this [proportional election] system cannot Convince [English in the original] the people to see the differences between political parties, and cannot turn political parties into strong institutions that exhibit clear differences, then this system will closely resemble the previous one. That is, it will comprise individuals, and people who say who to vote for. It will rest on the individuals as before, because it will not rest on the political party system. (ibid.:77)

The proportional system, though a good system, still needed “considerable time of political development, especially the development of political institutions, that is, political parties that exhibit differences and have clear ideals” (ibid.). And, we might add, from Woothisarn’s perspective, it also needed the requisite voters. Policy-oriented political parties, and voters basing their electoral decisions on a comparison of the parties’ platforms, were two sides of one coin. These two sides might then be held together by a mixed-member proportional election system (MMP).

Nevertheless, since 1997 until today, after two or three elections, I think that there has been development. However, I also think that it has not yet reached the level that we can say that the people decide by relying on the ideals as party members, or support the parties based on ideals or [policy] Position [English in the original]. (ibid.)

Obviously, one might wonder whether, after years of strong political polarization between two camps, including the election of 2011, Woothisarn would think that the right “level” for the adoption of a proportional election system had now been reached. In June 2007, however, he was still in favor of a 320 to 80 formula, meaning the mixed-member majoritarian system (MMM) that had been introduced with the 1997 constitution, though he wanted to make some changes. Woothisarn’s emphasis—and thus the incentives emanating from the election system he supported—was still on the individual constituency candidate, based on his assessment of the voters’ electoral decision-making process. He wanted both the voters and the political parties make further headway in their political development, until he would be willing to support the MMP system. Obviously, one could question whether his assessment of the voters was perhaps too conservative, and whether an election system could not be used to offer incentives for a certain preferred way of electoral behavior to occur in the future, especially if it is acknowledged that respective development had already happened to a certain extent, rather than expecting that such behavior should occur first, and then adjust the system accordingly. After all, one could not really complain about the voters mainly being oriented towards their constituency candidates, when the constituency ballot had been the dominant—and until 1997 the only—component of the election system. Therefore, it would have made sense to reduce the institutional incentives for such behavior. Woothisarn’s support for the replacement of national party lists by regional party lists also seemed to contradict his vision for voter and political party development.

The politicians/Members of Parliament

Although “politicians” is a general concept, most statements made in the CDC meetings referred to the Members of Parliament (MPs). After all, this was an exercise in assessing the elements of Thailand’s formal political structure. This assessment generated a number of issues to which I will now turn.

MPs: good or bad – professionals or amateurs?

Given the prevailing worldview of the CDC members and the origin of their task, it did not surprise to come across some harsh views of the politicians, or MPs. One of

the most aggressive and emotional hardliners on the panel, Sriracha Charoenpanich, went on record with these words,

I do not insult the MPs. Ninety percent of them are unbearable. I will not eat with them. Therefore, we have to look at them individually. Which name do you want? ... Just tick a head and ask what behavior [that person] has. And we write the constitution [in a way]... that this sort of people can sit here again, or what? How can you claim then that you have written the constitution the best you could? (CDC 22:35)

Vicha Mahakun,¹⁹ another hardliner, assisted with the remark,

In fact, politicians are not bad people. But most bad people are politicians. Therefore, they cause problems. In my view, politicians are good; they are the best. But we are worried that bad people enter the political system. Therefore, the king's edict asked what we can do in order that good people govern the country, and prevent bad people from gaining power. (CDC 11:55f)

In a later meeting, Vicha even compared the political situation in Thailand with the supposedly mafia-invested politics of Italy. "Old faces" would always be returned to parliament, because they had

influence and money, and are politicians of the inheritance kind. Italy has a similar problem. In Europe, they have the problem that it spans a Generation [English in the original]. The old faces, the mafia people in the localities become MPs all the time, and then corrupt and pursue their illegitimate benefits all the time. Finally, they establish evil governments. (CDC 26:9)

Notably, all three statements indicated the absence of any analytical or theoretical approach to elucidate how Thai politics operated, but rather pointed to a strongly emotional, moralistic, and prejudicial discourse about politics and politicians. Given all the "problems" with politicians, then, Nurak Mapraneet²⁰ suggested that their role should substantially be cut back, reducing them to some sort of temporary "volunteers." He said,

Thailand should not any longer have the profession of the politician. They should volunteer to work for the country, and should leave after two terms. There should be no profession of the politician from young to old

age, and then carried on by their children and relatives. Two terms of helping the nation will be sufficient. (CDC 11:37)

As has been said above, references such as “to work for the country” or “helping the nation” direct politics towards a metaphysical entity that is fundamentally removed from the constitution’s own key stipulation about the “sovereignty of the people.” On the other hand, “citizens’ self-government,” of which politicians are one vital element, presents the democratic conception of reaching collectively binding decisions in a political unit, such as Thailand. There might be good reasons for a term limit for the prime minister, but how could one try to undermine the “sovereignty of the people” by trying to severely restrict the time that they could engage in politics?

In structural terms, if Thailand’s social formation principally is functionally differentiated, how can one prevent the occurrence of expert-audience role structures, as they develop in other such sub-systems? Could the political system be kept as the only sub-system without specialization and professionalization? At the time of the CDC, Nurak was a judge occupying the expert role in the system of law. Did he not see the advantages of a division of labor, of specialization, and professionalization in his area? Why would he not say that people should volunteer to work as judges, and then stop after eight years? Why did he think that politics would principally (that is, abstracting from some problematic elements in Thailand’s contemporary political system) work better with a great number of inexperienced personnel, while he most probably also thought that being a judge required a high degree of formal education, followed by experience?

Maybe, these comments are already too much of an interpretative effort regarding Nurak’s idea. As so many other suggestions made on the CDC, they seemed to be produced in an ad-hoc fashion, without having them thought through first. Like others with their ideas, Nurak merely injected his into the meeting, and then looked what would become of it in the light of subsequent contributions by his colleagues. In this case, Pisit Leeahtam²¹ rejected his idea saying,

I do not agree with limiting the number of years or terms of MPs, because I think that the political work of MPs—although many are perhaps MPs who we find disgusting and abhor—is work that depends on considerable knowledge and capabilities. We should not leave such matters to be the Hobby [English in the original] of some financiers, who might join merely temporarily and then disappear. If there is somebody who wants fully to

devote himself to this work, then we should give him this opportunity.
(CDC 11:41)

Pisit, an archetypical technocrat, apparently advocated a professionally competent political system, be it in the legislature or in the executive. That also prompted him to argue against merely local MPs in favor of a breed of representatives that were oriented towards national-level policy issues (see below). Pakorn Priyakorn²² also opposed Sriracha's and Vicha's very negative views of politicians, cautioning his colleagues,

I do not want that *phuak rao* [our group] ... looks down on the politicians until they become like a species that we do not even want to exist. I think that we should not think that all politicians are bad. I do not want us to have this attitude. In fact, the political faults in the past were faults in the use of power by some politicians on the cost of many politicians, who came from the people's sector. This has caused us to have bad feelings towards all politicians. We use the word "electocrats" (*nakluektang*), which is something that causes the feeling that everybody is the same, while it concerns only a few people. (ibid.:48)

Surely, a more differentiated view on politicians could only benefit the drafting of a new constitution. Pakorn's reference to MPs from the "people's sector" is somewhat unclear, because this sector is usually seen as operating outside parliament. However, he might have wanted to refer to the MPs especially of the Democrat party, most of who observers would certainly not normally call "electocrats." Finally, Angkhana Neelapaijit, one of only two or three non-*aphichon* members, and one of only three women, on the CDC, also defended the politicians (not without noting some limitations, though).

I do not want us to hate those who have been elected by the people. Although we might not get MPs who have great quality, but I think this is about the evolution of the democratic process in our country. We must accept that Thai society is weak, especially regarding education. When people are still lowly educated, we will get MPs at this level. Therefore, I think that good development, especially about communication, will lead to change towards a good democratic system of government. (CDC 22:36f)

While Pakorn rejected the moralistic position for its undifferentiated condemnation of the politicians, Angkhana warned against an emotional stance, contrasting it with a view on the development of democratic processes, and its conditions. After all, it was improbable that there had been no advances in the quality of MPs during the past few

decades. However, her reference to education made one wonder whether she meant that voters were lowly educated and thus elected the MPs that the system had, or whether she thought that Thailand was in general weak in educational terms, which would lead to MPs with a low degree of quality.²³ One might add here that problems of ethics and competence were widespread in the Thai military, bureaucracy, academia, the judiciary, the mass media, religion, and the business world as well. Singling out politicians did not do them justice.

Local or national Members of Parliament?

Thailand has long been used to representatives (MPs) elected in local constituencies. It is thus not surprising to find that overall the prevailing image of an MP is that of a person who mainly takes care of voters in his or her locality, or is primarily concerned with problems in his or her constituency, such as roads, bridges, and irrigation canals. Moreover, the military, bureaucrats, technocrats, and their academic associates long dominated political decision-making at the national level, including long periods of military dictatorship, authoritarianism, and semi-authoritarianism. Obviously, in a modern democratic system, this division of labor needs to give way to one in which elected representatives are willing and capable to determine policies and instruct the bureaucracy. Since 1988, this transformation from a bureaucratic into a democratic polity has caused well-known political-administrative tensions between the military and bureaucracy on the one hand side and the politicians on the other. It has also put pressure for considerable improvement on political parties and politicians, and generated considerable criticism of them. At the time of the CDC, a foreign observer noted that elected politicians had been “distorting parliament’s functioning and cabinet-level decision making” (Case 2007:630). Certainly, this statement is based on normative standards concerning the technical quality of parliamentary proceedings and governmental policy-making, derived both from the complex requirements of modern world society and traditional ideas of democratic responsiveness and accountability, as conceived in the West. However, it does not mean that the Thai military, bureaucracy, journalists or academics do not hold similar views, although they might originate from different sources of political culture, and can be quite differently motivated.

Against this backdrop, there were localized, legislative, and executive views of the MPs on the CDC. Starting with the local notion of MPs, Vicha Mahakun expressly

rejected the party-list MPs that were introduced with the 1997 constitution. He thought that Members of Parliament should originate from communities or localities. They should be people who were close to their constituents, knew their needs, and were directly elected by the voters. Vicha said,

MPs should not just carry a bag [filled with money] into a political party, carry a bag with money to give to the party's chairperson, then spend some on party members and so become [party-list MPs] by floating from the sky, without any contact to the people, without thinking anything that touches the community, and without knowing how they can protect the rights of the community, or the rights of the locality. They do not have any feeling at all [towards community or locality]. I think that this is the most alien thing, and it can perhaps be considered the biggest failure in the history of having the Party list [English in the original]. ... Therefore, if we want MPs to be real representatives of the people, then they should be candidates in the areas where they have ties. (CDC 9:33)

Vicha here espoused both a localist and candidate-centered view of MPs. From this perspective, it was difficult to see any role for nationally oriented political parties, and one could wonder how they were supposed to squeeze themselves in between the MPs and their cozy relationship with their constituents, communities, or localities. After all, national political parties were expressly about supra-local outlooks. Since these could not interfere with the MP-locality relationship, it did not surprise that Vicha also supported the reintroduction of MPs, who were independent of political parties (more on this below). Moreover, the MPs seemed to be thought of as protecting the essentially *local* rights of communitarian units in parliament, and that only this counted as “real representation.” Yet, where did this set-up leave room for the individual citizens, or cross-local/community socio-economic classes (for example, farmers, factory workers, members of the informal sector, parents, and students), and their *nationally* oriented needs, and political preferences? Since Vicha apparently wanted the MPs to be specialists in the affairs of their localities, who would take representative care of the myriad of policy fields that any parliament and government would have to deal with?

Vicha even wanted this logic to apply to the prime minister, and his or her ministers, for which reason he or she had to be an MP elected in a constituency, and not be drawn from any party list.

Why should it be this way? Because [the prime minister] must be in touch with the people. I think that he must even know the grain of earth and sand, what plants can be grown in the locality where he comes from. If he does not know about these things, including culture and customs and his own roots, do not ever govern the country. ... The same applies to ministers. They must be closely connected [with the people in a locality], they must have roots. (CDC 11:54)

This sounded very agricultural, and so one wondered whether people who had grown up in Bangkok or other big urban areas could ever have the local “roots” Vicha envisaged for the MPs, the prime minister, and the members of the Cabinet.²⁴ This kind of localized view of MPs was, as far as the CDC minutes tell, clearly a minority position. Jaran Pakdithanakul, in his capacity as chairperson of the CDC’s subcommittee on political institutions, made clear to the media that many members had in fact envisaged a further *nationalization* of the elected representatives, that is, an emphasis of their role in the legislature:

From the beginning, we have had the idea that we wanted the MPs to have their main task in the House of Representatives, that is, concern themselves with matters of law and the control of the executive. They should not get involved with the wellbeing [of the people] since this is the task of local government politicians. (*Matichon*, May 1, 2007)

Vitthaya Nganthavee²⁵ concurred with the statement,

At present, MPs and senators do not fulfill their [legislative] duties. They should spend time in the assembly to make laws. But until now, they are still busy with [social] functions that do not belong to their duties, such as weddings and temple fairs, by saying that this was to visit their constituents. In fact, however, this is not the case. Visiting one’s constituents should have better criteria than this in order to receive information from the people. Yet, nowadays it is more like patronage. If we could change this, it would be very good, and it would protect people who want to create more opportunities so that people who are determined to work will have more opportunities in the future. [MPs who do not participate in such activities are said to] abandon the people (*thing prachachon*). In fact, this is wrong. If they use their time in the assembly more than this, do their duties by furthering the benefit of society that it should receive, then I think that this group should receive more acknowledgement in their capacity as the people’s representatives than they get by Promote [in English] themselves. (CDC 11:36)

Could one reduce an MP's constituency work to taking part in weddings? First, one could have tried to arrive at a comprehensive understanding about what an MP actually did in his or her constituency. The quote did not show any effort to analyze what the work of MPs factually entailed, and why this was so. Vitthaya merely offered clichés about weddings and temple fairs. Secondly, the structural conditions for the way that the MPs worked needed to be considered, including the voters' perspective on how MPs had to operate to be considered "good." Did Vitthaya ever ask himself why his own view of the MPs' work and that of the people seemed to be so much different; why should his view prevail over that of the voters'? How could one change the views of the voters, and why should they change their views so that Vitthaya would feel satisfied? Moreover, MPs had to secure their reelection. This necessary and unavoidable fact of democratic political life should not have been belittled as "self-promotion." In political science, this is part of the theme of "responsiveness." Any political party that implements policies that the people like will promote its own electoral chances of success.

Sriracha Charoenpanich was another member who wanted to impose a different "job description" on the MPs. In his words,

I want this constitution to stipulate the powers of the MPs so that they will know what their real duties are, without falsely claiming that they had the duty to visit their constituencies. This is not the case. Their most fundamental duty is to pass laws, because this is the legislature. The legislature has not been doing its duty to pass laws—I do not know what it has been doing. If it is so, how can they be MPs? ... [We shall] stipulate what MPs must do, just as we do it for the senators. [We shall] clearly stipulate this so that we can stop discussing whether they had to visit their constituencies, to do this and that. This is not [the MPs'] power and duty. (CDC 9:56)²⁶

Somsak Pritsanananthakul, then the deputy chairperson of the Chart Thai party tried to counter such views by putting forth a more realistic assessment, though by stating a purpose that sounded a little too idealistic. He stated,

Those who say that attending ordinations, funerals, and weddings does not belong to the tasks of representatives show that they do not understand ... that this is to meet the people and learn about the villagers' problems in order to solve them ... These [MPs] are what we call true representatives of the people. (*Krungthep Thurakit*, May 4, 2007)

Realistically, individual politicians become promising candidates in their own right precisely because they have performed what people see as good deeds, publicly demonstrated that they care, and created effective networks in their constituencies. This way, they have become respected and well-connected politicians in their local areas. After their election, the MPs' associates and the voters expect them to continue this work; otherwise, they might not be reelected. Similarly, electoral losers and newcomers must increase their respective efforts. Put another way, it is one thing to state normative ideals about the purely national legislative role of MPs, and quite another to operate within the political structures of a Thai province that any candidate will have to reproduce if he or she wants to become a promising candidate, and a successful—and reelected—MP.

In most European countries, MPs mainly rely on the popularity of their political parties, because voters principally vote for parties (their policies, their leaders, their performance in government and opposition), while the personal element of the voters' choice even for constituency candidates is insignificant. In Thailand, however, political parties and the party-oriented vote are still weakly developed at the constituency level. Consequently, there needs to be a functional equivalent for producing electoral success, and this is the personal work of candidates and MPs in their constituencies. In short, the role of MPs in strongly institutionalized political party systems that also feature firmly nationalized electorates²⁷ is much different from the role of MPs in a highly personalized system such as Thailand. In addition, countries such as the UK or Germany also have rather well functioning central, regional, and local governments (which are also mostly dominated by political parties). This situation certainly also changes the roles voters expect their MPs to play. For example, standing up against centrally appointed and often unresponsive bureaucrats in their provinces and districts certainly is of importance in Thailand, while we would hardly see the need for such a role in the countries just mentioned.

Krirkkiat Phipatseritham²⁸ touched on this latter set of variables when he said,

Since we have local governments, visiting the constituents and caring for their wellbeing should be done by the local-government representatives while the MPs belong to the national system and should therefore turn to being increasingly interested in the country level. (CDC 26:6)

Kritsada Haiwatthanakun later took a similar position when the Constitution Drafting Assembly (CDA) debated the draft constitution. He brusquely rejected the local conception of the representative that was used to argue in favor of a single-member constituency approach. He asked what the duty of an MP was—it was *nitipanyat* (legislation). People who volunteered to be representatives needed to understand the principles and reasons. “What does it mean to say [that MPs had to] take care of the people in their localities? It means that if people in their localities had any problems, they had to be about laws.” It might be about laws that were not up to date, or about creating new laws.²⁹

However, the people are confused whether their representatives are there to care for all their happiness and sufferings. In fact, they only look after those of their problems that are due to laws. These days, especially our constitution draft clearly stipulates that, from now on, regarding their happiness and sufferings, we will have decentralization to the PAO and TAO, or local governments. They will have the role of caring for all issues concerning [the people’s] happiness and sufferings.³⁰

The element of “confusion” might point to a perception of the representative in transition. The reference to local authorities, and the word “increasingly” in the citation of Krikkiat indicate that the local emphasis of MPs might have been crucial in the past, where there was only the regional administration, but no political roles that were connected to the people. Thus, the MPs were important in raising the complaints and needs of their constituents both with the provincial state, and with the government in the national parliament. In this sense, Prizzia (1986, chapter 5) had cast parliament as an “oppositional force” vis-à-vis the autocratic rulers. The broader issue here is about institutional changes in the Thai political system, which might include a rearrangement of political roles, including that of the MPs. The argument then is that localities already have strong locally elected executives and representatives. Thus, they ought to take care of the people’s specifically local needs and problems, enabling the MPs better to fulfill their national role. Yet, it should also be understood that it is not the role of an MP, for example, to lobby ministers and high-ranking bureaucrats for promoting people working in their constituencies, a practice that still seems to be widespread.

These remarks imply a re-orientation of MPs from making the voices of their constituents heard at the local state level and to the government in Bangkok (not to mention their personal patronage activities), to representing the voters in the national

policy-making process. However, this is about ideas of institutional design and normative orientations. The limitations posed by local electoral structures would persist. When Krirkkiat Phipatseritham proposed to reduce the importance of the local level to 200 constituency MPs, he acknowledged that one could not get the *nationally* oriented MPs thought necessary as long as the fundamentally *local* logic of the Thai election system persisted. Thus, Krirkkiat's solution was to move a big part of the MP selection process to the national level right away, by empowering the political parties to nominate 200 party-list MPs.

Pisit Leeahtam described the national-local issue as follows.

Why do our leaders or ministers in cabinet meetings mostly talk about flooding or droughts, while they hardly think or speak about big issues or the problems of the country? This reflects their origin in the past, because they reside in their local areas and are their representatives. Therefore, they mainly see problems like the construction of roads, etc. ... Sometimes, there might be good MPs, but they are in the minority. The majority must be interested in and be concerned about their localities. This is natural. For this reason, the origin of Party list [English in the original] MPs was to have people occupy such important positions who would adopt a national perspective, and not look at specific localities, who would not only look at short-term problems but pay attention to long-term problems. (CDC 9:60)

The policy problems of any modern nation state, as part of the international system of states, do not simply add up from problems found in localities. The localized nature of MPs limits parliament's ability to represent the people in the national-level policy process. Contrary to the widespread view that MPs should simply embody the sum of their constituents' local concerns, and give voice to them at the national level, the modern political world demands to adopt a much wider perspective on representation. Policy issues such as the exchange rate, international trade agreements, the participation in international peace missions, global climate concerns, regional integration in the ASEAN framework, science and technology in connection with economic competitiveness, the dealing with industrial pollution and safety, or the future energy demands of the country, to mention but a few, cannot be reduced to the constituent voters' aggregated local concerns. As the supposed sovereign of the political order, these rural and urban voters must be represented in the policy-making processes on such issues, which will substantially affect their and their children's lives. Yet, MPs who are selected mainly based on their capacity tenaciously to build local support bases

and win personalized elections are more often than not unsuitable to fulfill their representational roles in these modern and demanding policy fields, simply because they lack the required interest, knowledge, and experience. Their factions and political parties also do not provide them with an institutionalized organizational context that emphasizes the deliberation of policy problems and the search for policy solutions. Therefore, it made good sense that the CDC, with all its limitations, paid some attention to institutional design matters that could perhaps have increased the specifically national element of the representational institutions.

Independent Members of Parliament?

From the beginning of the CDC's work, the independence of MPs was an issue, though not a very important one. In the third meeting on January 29, 2007, the secretary outlined the main principles of drafting the constitution. One of them concerned the question, "Should we stipulate that members of parliament should be independent from political parties in fulfilling their legislative duties?" (CDC 3:15). That the question included the expression "legislative duties" might have merely meant to describe MPs, who were elected under party labels, but would then be free to work in the House and vote according to their individual political views, without being put under any pressure by their respective political parties to follow a certain line. This is certainly not a unique approach to the work of MPs. For example, the German constitution, in Article 38, prescribes that Members of the *Bundestag* "shall not be bound by any instructions, only by their conscience." In practice, however, such stipulations are in conflict with the fact that parliamentary systems feature governments that are formed based on a majority of seats in the House. Stable parliamentary governments then require stable majorities, and thus a great degree of party-political discipline when it comes to voting in the House. Moreover, individual MPs in the government camp surely are interested in having their executive branch survive attacks by the opposition, and in pursuing political lines that they support, even if they might not agree with every single detail of certain policies or actions of their government. Being relegated to the opposition benches holds little promise to aspiring politicians. For these reasons, MPs in parliamentary systems are seldom free in their decisions.³¹

When the 2007 Constitution was finally passed, it contained section 162 II that stipulates, "Members of the House of Representatives shall be independent from any

resolutions of political parties in respect of an interpellation, a debate and the passing of a vote in a debate of no-confidence.” During the discussion of this section, Nurak Mapraneet asked,

Supposed a political party forces [me] to vote in a certain way, and I do not vote [that way], because I am under no mandate, will I be regarded as being at fault or not? I think that I am not at fault. ... It means that I can vote, decide, or speak in the House in any way. Is this correct? (CDC 21:46)

Somkit Lertpaithoon,³² the CDC’s secretary, answered in the affirmative, but also cautioned,

This is correct. However, another section stipulates the relationship between parties and their MPs, the roles that parties can or cannot have. We probably cannot write that they have no role at all regarding their MPs. (ibid.:47)

Komsan Phokong thought that interpellations and no-confidence debates were about controlling the executive’s work,

which is the duty of MPs. They have received the trust of the people to control and examine the actions of the executive. In addition, if we believe in the principle that political parties must have true internal democracy ... then it is an important principle that we must make them independent of political parties. (CDC 21:77)

One might say that, according to Komsan’s standard, German political parties must all be very undemocratic, indeed. Moreover, his conception of the elected representative seemed to be oddly one-sided. After all, in a parliamentary system, MPs are not merely elected to control the actions of the executive, but rather to establish a stable executive, in the first place. The control of the executive then is the main task of the opposition MPs, and not that of the government MPs, whose task is to defend their government and secure its existence. Furthermore, Komsan’s position led to the question of why actually there should be political parties in the first place. Normally, their purpose is captured by the term “interest aggregation.” That only works if individual politicians elevate certain general political interests above their merely individual po-

litical views. Yet, Komsan's view might be explained by his perception of Thai political parties, particularly of Thaksin's Thai Rak Thai. He said,

I think that Thai political parties fall under the control of their executive boards. ... This makes the party's chairperson have power above the MPs. Giving parties power above their MPs in this way is like giving the owner of a business power over the employees of his company, in the same way as it had occurred in the past with a number of past governments. (ibid.:78)

The push for the independence of MPs then followed from the perception that the Thaksin governments had controlled them too much via Thaksin's dominance of the Thai Rak Thai party. This perspective overlooked, however, that TRT comprised more than 20 factions, with all the internal party dynamics that came with this situation, including the need for the party's chairperson to satisfy the demands of these factions, and to deal with dissatisfaction. Contrary to Komsan's statement, under these circumstances, a monolithic control of MPs by the party chairperson is unlikely (however, see the remarks on Thaksin's financial dominance, below).

Another idea of independence went further than merely suggesting that MPs should have more leeway in parliament vis-à-vis their parties. Some CDC members rather wanted to reintroduce independent candidates and MPs to Thailand's parliamentary system.³³ Vitthaya Nganthavee stated,

That MPs must belong to political parties ... is a most worrying point. Political parties rely on the patronage system. If somebody has been an MP for many times, then his children or his wife will follow him [in this position]. If we want to solve the issue about these *phuak* [informal political cliques], then we must try widely to open opportunities for other people to become MPs. All parties are the same in this respect. I live upcountry and sufficiently know [about these things]. Therefore, I directly say that if we want to see good MPs, do not entrust this with the political parties alone. I think what Vicha suggested is correct. We should look at how we can get independent [candidates as MPs]. ... If we do not do this, there will be the monopolization of politics, though they will claim that they are the people's representatives. In fact, however, it is inheriting [the position of MPs]. Even within parties, it is like this. (CDC 9:48f)

This view did not see Thai political parties as the most appropriate mechanism to recruit MPs, based on aggregated political orientations, into parliament. Rather, they were perceived as hindrances to allowing "good people" to serve as representatives.

Therefore, the most logical solution was to bypass them by permitting “independent candidates” to run for parliament. Yet, how could this enable those “good people” to enter parliament? After all, the political parties were not the key “problem,” because they relied on local political *phuak* (informal groups) in the constituencies, which formed because candidates needed an electoral network to succeed in their campaigns. The political parties only entered the picture later. Thus, the “monopolization of politics” was not a wrong observation, but it concerned the local or provincial informal political groups. Well-institutionalized political parties would precisely break through this monopolization, thereby opening up avenues for those people Vitthaya had in mind—although they might also be accused after a while of forming monopolizing “political classes” at the national level.

It would have been helpful, if Vitthaya had suggested how (from his perspective) “good people” without any money and personal vote getting networks were supposed to become promising candidates in national elections. How much time did he think should individuals with serious political ambitions spend in their constituencies on making them known to the voters before it would make sense to run for parliament? Being “good” alone—and there were certainly different ideas about the “goodness” of candidates—would not be enough. The voters needed to see a candidate as “good.” Therefore, Vitthaya ought to have proposed a way *how* individuals, who considered themselves as being “good” enough to represent people in parliament, could make those people as voters share their ideas and elect them to parliament—against competing “good” and “*phuak*” candidates. The bottom line was that even the self-perceived best candidate needed a majority of votes in his or her constituency. Therefore, they had to communicate their self-perceived goodness to the voters (by joining many social activities, helping individuals and groups, spending money on patronage requests). This would have to be done over an adequate period, usually spanning many years. Eventually, such individuals would gain such a high profile, acceptance, or *barami* that voters would see their claim to “goodness” as justified and sincere enough to give them their votes. With his statement, Vitthaya also reproduced the idea that the provinces were full of “good and capable people,” who the political parties nastily prevented from serving their fellow citizens as representatives in the national parliament. This view is best treated as an elitist legend. Moreover, moral or technocratic “goodness” alone do not necessarily make for good politicians. And the claim to such “goodness” should not be an excuse to aim for a shortcut to parliament, in-

stead of tenaciously building one's own electoral infrastructure, and proofing one's worth to the voters.

Vicha Mahakun, with whom Vitthaya had agreed in his statement, took up the problem of independent MPs after they had entered parliament. Would they stay independent? This problem had long been associated with the theme of non-party MPs. For example, in the elections of 1969, 32.9 percent of all MPs had run as independents. However, when parliament convened, most of them joined the United Thai People's Party (UTPP *Saha Pracha Thai*) of military strongmen Thanom Kittikachorn and Prapat Charusathien. Most of them had in fact belonged to the UTPP, but had not been selected as constituency candidates (Neher 1970). Vicha's position was as follows,

With what I do not agree is that [MPs] should belong to political parties. Political parties should develop naturally on their own, not by making them develop, or by accelerating their development. This would make the political parties uncertain, as they are now. However, I agree that if MPs do not belong to political parties, this might stifle development in the sense that they do not participate with other people, and there is worry that they might be bought. Therefore, I suggest that after they have entered [parliament] as independent MPs, they must strictly not belong to political parties during their term. Equally, those who do belong to political parties strictly must not become independent [MPs]. That is, they must declare to the people in their localities that they wanted to be independent. Thus, they cannot turn around and be MPs who belong to a political party. (CDC 9:33f)

The concern that independent MPs might be bought by a political party reflected the widespread belief that political parties pay high amounts of money to candidates so that they would run under their labels. From this perspective, the independence of MPs not only meant that parties might pay them to run as independents, but to vote for them after they had become "independent" MPs. It also raised the issue of whether the parties would not simply "buy" the independent MPs to join them after they had entered parliament. Vicha's suggestion that they had to remain independents during their entire term was of little help. After all, political parties could either pay independent MPs on a regular or on a case-by-case basis, without them joining the paying political party, and thus could easily determine those MPs' voting behavior in the House. Vicha's and other CDC members' highly critical view on the corruptibility of the "electocrats," and the "money politics" of political parties, would actually suggest

the assumption that independent MPs would try everything to make as much money as possible from every vote that they must take in parliament. Vicha's statement that "they must strictly not belong to political parties during their term" was very optimistic indeed given the experience with the fully elected Senate (since the year 2000), which was designed to be "apolitical," but after two years of its existence had turned into a partisan chamber (reportedly by TRT putting many senators on its payroll).

When Jaran Pakdithanakul reported on the views held by the sub-committee that he chaired, he noted that its members still thought that MPs should belong to political parties in order to strengthen them, and to make the MPs work with discipline (CDC 9:20). Later in the same meeting, Woothisarn Tanjai said,

On whether MPs should belong to political parties or not, ... and regarding member Vicha [Mahakun], ... who had said that MPs should not belong to political parties or could be independent in order to solve the problem of political party dominance. I think that if we look at the problem of political development in order to support the strengthening of political parties, making them continuous and true political institutions, then I think that requiring MPs to belong to political parties is more useful. (CDC 9:53)

And Woothisarn added a point briefly mentioned in the comment on Vicha already by pointing out,

Even if we say that MPs are independent, but when they are in the House and prohibit them to belong to a party, this is not the issue. If they vote about something for a party, they do not need to belong to that party, but can still vote for it. Therefore, that they belong to parties gives political parties the means really to create the parties' policies and discipline within the parties. (ibid.)

In short, having independent MPs would not say anything about their voting behavior (and how it was achieved), or their factual attachments to political parties. Independent MPs would make the work of the House of Representatives only less transparent for outside observers, including the voters. Moreover, they might negatively affect establishing an orderly and effective legislative process in a parliamentary system, and thus negatively influence the citizens' representation in the political decision-making process.

Political parties

As has been obvious from the quotes in the previous section, the notion of the MP was strongly connected to the ideas that CDC members had about Thai political parties, their past performance (especially of TRT under Thaksin), present shape, and future development, both in normative and in empirical terms. It was therefore somewhat surprising that Woothisarn Tanjai could note in the fifth CDC meeting on February 1, 2007, that the CDC's framework on "political institutions" did not say anything at all about political parties (CDC 5:41). According to him, this was unfortunate, because, "An important intention is to make political parties true political institutions that have ideals [*udomkan*, which is often translated as "ideology"], and create policy options for the people. Political parties must also be strong" (ibid.:42). In a later meeting, Pairote Promsan³⁴ mirrored Woothisarn's view saying, "I very much agree that we must develop the political parties. The development of the democratic system of government needs strong political parties" (CDC 9:58). Vicha Mahakun noted that, "the political party system must develop [based on] different ideas. They should not all be similar. ... [If they were all similar], the people cannot develop anything. Therefore, [political parties] should originate from a variety [of political ideas]" (CDC 11:56). Vicha then added that there should be "Pluralism" (he used the English term), and asked the CDC to think about ways of how they could promote the institutionalization of Thai political parties (ibid.). Finally, Komsan Phokong insisted that, "parties must originate from mass bases" (CDC 21:78), and added

I think that regarding these issues, we must lay the foundation for making parties becoming mass parties, and increasingly being parties of the people. If this standard can be realized, then MPs will be under the control of the party system, under a party system that will be democratic on its own. (ibid.)

In a later meeting, Komsan linked the proposal of introducing a mixed-member proportional election system (MMP) to the creation of institutionalized political parties in Thailand. The "Design [English in the original] of the election system must go together with the construction of a system for the development of political parties so that they would compete about policies and truly go down to the grassroots." This would

be about creating “mass political parties (*phak mahachon*) that are truly for the people” (CDC 35:81). Further,

The creation of the proportional election system is not merely about the election system. Rather, we must also talk about the system of creating political parties at the branch level. I think that this is an important issue that we have never pursued in any constitution—creating a party system that would truly move down to the roots of the people. (ibid.)

Though these statements seem to suggest an overall agreement on the desirability of developing a strong and institutionalized political party system in Thailand, there was at least one deviating voice, surprisingly, perhaps, from the then-dean of the faculty of political science, Thammasat University, Nakharin Mektrairat. He said,

I understand that the proportional system in Germany is based on a rather strong political party structure. I am worried about the effects that will arise; I really cannot assess them. ... I am not confident whether we will get used to a strong system of Party Politic [sic; English in the original], in which everybody must be a political party member, and must not switch [parties]. True, in Germany, or Europe, it is like this. (CDC 38:129)

Nakharin added that he had not spent many years in Europe, and thus had had no occasion to get familiar with strong party systems. He was probably not in the camp of those who normatively advocated an institutionalization of the Thai political party system. From his perspective, European systems and the Thai system were really worlds apart, and it seemed doubtful why one should force the Thai system into emulating the alien European model.

Sometimes, we move away from one problem only to encounter another problem. We solve one problem, and we get a new problem [from that solution]. I am not sure whether the new problem will not be more severe than the old problem was, or whether it will be less severe than the old one. (ibid.)

According to Nakharin, a good constitution had to have balance between familiar behavior and new progressive ideas. This balance depended on the “appropriateness (*khwamphodi*)” of new solutions. It should not be “ultra” or extreme. An “appropriate” solution would provide “real stability of the political system.” Extreme solutions, on the other hand, could lead to a lack of stability. There might be the hope that these extremes would somehow solve this or that problem. Yet, in the end, these extremes

will merely become “diseases” (ibid.:129f). Nakharin’s main argument was, “I am not confident.” In other words, his was a conservative position that was rather skeptical of any changes, and therefore would rather stick with the things he had become used to than try solutions the consequences of which he could not fully assess, or comprehend. His preference seemed to be to stick with those things with which he was familiar. Moreover, pushing for a strong political party system, from this position, seemed like aping European countries that operated under social, economic, and political circumstances that were very different from those found in Thailand. Thus, the question of “appropriateness” emerged. To some, Nakharin’s views might seem odd. However, they added ideas that are often overlooked in Thailand, because the academic and public discourses seem to be dominated by normative positions that require Thai political parties to develop along the lines of the European example.³⁵

In the fifth meeting of the CDC, on February 15, 2007, the issue of controlling the electoral behavior of political parties was briefly taken up. Jaran Pakdithanakul noted that political parties generally, their finances, and those of the candidates should be controlled more strictly. Their accounts should be made public for scrutiny. Political parties, their leaders, and their executive boards should also be punished if any of their candidates committed dishonest acts in elections, such as vote buying. However, this envisaged punishment of the party was on the condition that it could be assumed that the party’s leadership had known about or supported it. “This proposal aims to create joint responsibility in overseeing the political parties’ candidates so that elections will be more seriously honest and fair” (CDC 9:23). Woothisarn Tanjai supported this position saying,

I very much agree that in case of violations [of the election law], of cheating in elections, it should be assumed that the political party is also to blame. There must be a process for the easy dissolution of parties. ... If we do it this way, the political parties will have to be careful. (CDC 9:54)

From the perspective of keeping elections clean and fair, ordinary party members and their interests did not seem to count for much. Instead, political parties were largely reduced to electoral machines that comprised only the party leader, the party’s executive board, and its candidates. In order to control the electoral behavior of the candidates, some constitution drafters thus followed the line reflected by the dissolution of TRT and later PPP. Instead of holding individual candidates, or board members, or

even the party leader, responsible for their individually proven violations, the entire collective organization had to be disbanded. The more exaggerated the perception of the significance of cheating in elections was, and the more negative Thai political parties were seen, the lower was the threshold for using a tool that mature constitutional and democratic political systems would strictly reject—easy party dissolution.³⁶

Some more substantial statements on political parties were made in meeting number 11 on February 22, 2007. They resulted from Jaran Pakdithanakul reporting on progress made in the deliberations in his sub-committee on political institutions. After he had outlined the sub-committee's view on the cabinet, he turned to the issue of political parties.

On political parties, the sub-committee has five proposals that aim to promote political parties as institutions that have democratic structures, and that truly perform their duties in the democratic system of government with the king as head of state. [This should be achieved] by promoting various procedures enabling citizens increasingly to participate in political parties. (CDC 11:11)

The five proposals announced in the quote were as follows.

- 1 - Political parties must declare the names of donors, starting from 10,000 baht, in order to check their sources of income. The declaration of less than 10,000 baht would cause too much administration, and would thus not be worth the effort.
- 2 - Individuals cannot donate more than two million baht per party per year. "This is to prevent any individual or group of individuals from dominating a political party by being financiers who donate money." (ibid.:12)
- 3 - People cannot be members of more than one political party. This is based on data that many people were members in more than one party. This is difficult to check.
- 4 - There should be no financial support for political parties who do not field candidates in a general election. There has also been discussion if there had to be a minimum number of candidates by a party.
- 5 - If donations are made by juristic persons, they must be approved by its board. After all, the owner of the money are the stakeholders.

Given the formulated purpose of these five proposals, it was surprising to note that hardly any of them seemed to reflect the stated purpose. Exerting better financial control would have hardly made parties more institutionalized or democratic. It seemed

that the subcommittee mainly wanted to protect parties from financial domination by an individual party leader. This was certainly a very valid goal given the experience with the TRT. This party was under almost complete financial control of the Shinawatra family that had essentially turned it into Thaksin's personal property.

Later in the meeting, Jaran added, "We want to turn political parties into Public party [English in the original], that is, free them from their nature as Private party [English in the original] so that they become political institutions" (CDC 11:66). The details, however, were not always easy to figure out. For example, regarding the donation limit of two million baht, "We could not find a number that is based on academic principles. Thus, we talked about where the balance was" (ibid.). With two million, people who donated money could not control the political party. The idea to publicize donations and then allow unlimited contributions was dangerous (*antarai*). If he donated 10,000 million baht,

This would mean that I am the owner of that party. Every person in that party might be under my control. We thought that if there was no Limit [English in the original], it would be too strong. It would make parties too strong. But if it was too low, what's then? If it was too low, then the party would have no income, because parties had to have expenses. (ibid.:67f)

Moreover, the Thai state did not yet fully support political parties, as was done in rich countries. Two million might not be the right amount; it could be increased or lowered. One advantage was that from the amount of two million onwards, cash transactions had to be reported according to the money-laundering act (ibid.:68).

On the issue of financial support disbursed by the Election Commission of Thailand (ECT) to political parties, one might note that, in Germany, only parties with MPs receive state funds. Moreover, unlike in Thailand, this is not a political party development fund, but a campaign cost compensation. This makes sense, because any political party should surely be able to finance its everyday expenses from membership fees and donations. Campaign expenses, however, are a special burden, and thus deserve assistance. From her experience as an election commissioner (formerly, she was a judge), Sodsri Sattayatham said, "I must directly say that many of these parties are not established seriously to conduct political activities. One might say that since the government provides support grants to them, they want to take part in the use of this money" (ibid.:29). For calculating the support grants, the ECT used to apply a

formula that included the number of MPs, the percentage of the party-list vote, the number of party members, and the number of party branches. Since the first two criteria had been abolished (she did not mention why they were abolished), Sodsri said, the numbers of party members had increased “frighteningly.” Moreover,

As for party branches, many have been newly established, sometimes up to 300 or 400 branches. However, when the ECT went to check them it turned out that some branches were farm shacks or small apartments. They had established these branches without thinking that the ECT had to come and check. Therefore, we warned them, and some branches had to be closed. From all this, we see that it is extremely easy to establish a political party. (ibid.:30)

Pakorn Priyakorn expanded the list of criteria suggesting that parties that did not field any candidates should not receive support funds (ibid.:50). This criterion seemed to be very low, because fielding candidates was not at all a difficult task for anybody set to exploit financial opportunities. Vitthaya Nganthavee took the side of Praphan Nai-kowit, Sodsri Sattayatham, and Pakorn saying that many people had established political parties like companies merely because they wanted to live off the support funds (ibid.:35). However, Komsan Phokong thought that the CDC should carefully think about withholding support funds from parties that did not field any candidates in elections. Some parties, according to him, might not yet be prepared to field candidates, but still performed political activities. “I think that this issue is about the strengthening of the political party system. Therefore, as long as such political parties perform political activities, they should be supported” (ibid.:20).

This point extended to the concern that “small parties” might disappear if they did not receive support grants because they did not field any candidates. Komsan was worried that such “small parties” would not arise, and thus there would be no opportunity for them to perform political activities (ibid.:21). What would have hindered the members of such small parties, one might have asked, to use their own funds and donations to perform political activities? Coming together in order to discuss political issues or organizing political seminars at the local level hardly required huge sums of money. Moreover, the ECT’s Sodsri had already pointed out the strong possibility that the main purpose of some small parties might have been to take advantage of state funds, rather than engaging citizens in politics. Woothisarn Tanjai supported Komsan, and added arguments to his view,

Concerning the political parties, we might have to determine our intention that, if we design this system, how would Thai political parties be like? Will it be a political party system that will finally have only a few big parties, or do we want small parties, which might have an opportunity to be representatives of certain groups of people, or groups that are concerned with some Issue [English in the original], to exist as well? We will have to agree about our intentions on this. ... The issue of intentions regarding parties [is] what kind of political party system we want. Will we promote the growth of small parties? On the issue of financial support for parties that field MP candidates, and those that do not field candidates, I still think that, in fact, there might be many political parties that try to conduct political activities or create political ideals, but initially do not intend to field politicians as MP [candidates]. Therefore, I think that if we look at the degree of party expansion, party activities, and party branches, then the proportion of determining support funds might be different. In this case, there is the opportunity to promote small parties so that they are able to conduct political activities. In my view, political parties do not only have the duty to field candidates in national elections. They might also conduct other activities that can Socialize [English in the original] citizens about political ideals. Therefore, this issue depends on what the intention of sub-committee two is regarding the destination of political parties, regarding what they want the political party system in Thailand to be. (ibid.:22f).

The broader issue, which was also discussed in the context of designing the election system, was that some of the CDC members seemed to have a somewhat romantic view of small political parties. Big parties, it seemed, were collections of electocrats, who used money politics to gain access to state power so that they could corrupt the taxpayers' money. Small parties, on the other hand, tended to be seen as representing the people's genuine political interests, and thus had to be supported. Overall, the CDC's debate regarding political parties remained vague. Most of the statements were of the easily made normative kind, with very little analysis about how political parties operated in Thailand. Not surprisingly, the normative ideas voiced on the Thai CDC bore strong resemblance with elements of the European political party system—parties must politically organize the “masses,” be strong and institutionalized, reflect different political ideologies (or ideas), thus providing a pluralistic party landscape, which would give voters a range of policy options to choose from. The question remained how these stated worthy goals could be achieved given Thailand's political-structural starting points.

Conclusion

This paper has analyzed a small part of Thai political culture, namely contributions on the themes of voters, politicians (or Members of Parliament), and political parties that were evident in the minutes of Thailand's Constitution Drafting Committee of 2007. Most of these statements reflected critical perceptions of these three basic components of any democratic political system. Of course, this had to be expected given that the CDC was established following the anti-Thaksin/anti-politicians military coup of September 2006 that abrogated the 1997 Constitution. In addition, the committee comprised members that largely represented the senior male bureaucratic/technocratic sector of the conservative establishment (*aphichon, ammart*). However, this did not mean that the political culture of the CDC was homogenous. Rather, contributions on the given themes ranged from the extreme to the moderate, occasionally including the idealistic, emotional, ignorant, and bizarre. Moreover, the range of possible views was restricted by the need eventually to translate views into constitutional design decisions. Such decisions could certainly include innovative elements, but the constitution drafting was not supposed substantially to deviate from the basic conception of the Thai political order as it has been prescribed for more than sixty years in section two of the Thai constitutions: "Thailand adopts a democratic regime of government with the King as Head of the State."

By the year 2007, the democratic system's key components of voters, politicians, political parties, and elections (which I will deal with in a separate paper) had become largely uncontested in their existence, though not necessarily in their factual shape. Exceptions to this general agreement could be found on the extreme right of the political spectrum, such as the People's Alliance for Democracy (PAD), and similar splinter groups. On the CDC, skepticism could be translated into devising constitutional stipulations to improve these components or to reject constitutional innovations by reasoning that the components were still insufficiently developed. For example, CDC members could accept that the Thai voters politically had matured enough to allow them to express their national-level political preferences by keeping the ballot for the party lists. On the other hand, members could maintain that the voters were still too much oriented towards local constituency candidates, and thus reject the adoption of a proportional election system (this is a much-simplified depiction of the decision-making on this issue). In sum, the debates about voters, politicians, and polit-

ical parties (plus elections) on the CDC confirmed rather than questioned these components' cultural, structural, and normative existence in the Thai political order. In this sense, one might very cautiously use a word dear to the hearts of democratization theorists, namely "consolidation," though this has to be seen in the context of Thailand's "dual polity" that I have analyzed elsewhere (Nelson 2012). At the same time, the debates also confirmed that, despite acknowledged political advances in some areas, much still needed to be done to make these components work properly—at least from the perspective of the CDC as a representative of the conservative Thai establishment.

Endnotes

¹ This paper is part of a research project, started in late 2009 under the auspices of the King Prajadhipok's Institute (KPI), on the construction of a representative institution in Thailand, as reflected in the minutes of the 1997 and 2007 Constitution Drafting Committees (CDC). The main outcome of this project so far has been the second interim report submitted to KPI in October 2011 (Nelson 2011). However, much work remains to be done (now at Walailak University). This author is in the process of preparing two more papers based on the KPI report, one describing of how Thailand (almost) adopted a mixed-member proportional election system, and the other comparing the debates of the CDCs in 1997 and 2007 on how to design the Thai senate (to be presented on the panel on constitutionalism in Southeast Asia at the EuroSEAS Conference in July 2013).

² Similarly, Steven Brint stated, "If 'culture' consists of the pictures in our heads that give meaning to the world and orient our action in a particular direction, 'political culture' consists of those mental pictures that are relevant to the holding and contention of power in society" (Brint 1994:3). However, the present author does not share Brint's psychological or mentalist orientation nor his relating of culture to action, rather than to talk. Lichterman and Cefaï (2008:392) also see "culture" as the wider term and "political culture" as being limited to the political realm, while Berezin (1997:363) adds a distinction between "political culture" and "politics and culture." She does so in order to stress that culture in the broader sense is autonomous from politics. These "broad cultural *themes* [...] are sometimes mobilized in the service of politics and sometimes not. These *themes* would exist independently of their political uses. The task of the social analyst is to understand how the two intersect" (ibid.; my italics). However, Berezin also calls culture an "autonomous social realm" (ibid.), which begs the question where one might identify a functionally differentiated societal system that is specialized on producing culture (which is not the same as the system of art). Five decades ago, Gabriel Almond and Sidney Verba already used the distinction made here saying, "The term political culture thus refers to the specifically political orientations—attitudes toward the political system and its various parts, and attitudes toward the role of the self in the system. We speak of a political culture just as we can speak of an economic culture or a religious culture. It is a set of orientations toward a special set of social objects and processes" (Almond and Verba 1963:13). The structural condition for being able to identify "political culture" in this way is that the societal system has differentiated out a function system that is specialized on politics, and can thus be distinguished from family life, science, the economy, education, medicine, law, etc., and their respective cultures.

³ Following Gramsci, Lichterman and Cefaï (2008:396) call them "small drops of meaning." These "drops" are not created randomly and ad hoc in a given situation; neither do autonomous subjects create them all by themselves. Rather, such communicative acts, "take shape in dominant currents, or counter-currents of public opinion" (ibid.), that is, political culture.

⁴ In studies on voting behavior, this is called "information shortcuts" (Popkin 1991) or "endorsements" (Lau and Redlawsk 2006). The situations of voting and deciding on the CDC were similar in that voters and members needed to make decisions without commanding the requisite levels of information and understanding.

⁵ Recent work that touches on aspects of Thailand's varied political culture include Askew (2008) on the Democrats and their voters in Songkhla province, Connors (2003) on elite political culture, Nelson (2007, 2010, 2013) on the political orientations of the yellow shirts (People's Alliance for Democracy, PAD), Nelson (2012) on elite political culture, Nishizaki (2011) on citizens political orientations in Suphanburi province, Walker (2012) on citizens political orientations in a village in Chiang Mai province, and Volpe (2012) on the political orientations of the red shirts (United Front for Democracy against Dictatorship, UDD). Moreover, Keyes (2013) announced a book on, "the transformation of political identity of rural northeasterners from their peasant roots to their role today when they have significant influence in the Thai political system." A traditional survey to gauge a sample's political attitudes is Meisburger (2009).

⁶ During his time on the CDC, Jaran was permanent secretary of the ministry of justice. Previously, he had served as a secretary to the Supreme Court President. He was an avowed enemy of Thaksin, and defender of the coup. In the crisis following the election of April 2006, stretching the constitution, he said, the "EC should resign for the sake of the country. Their resignation will allow the judicial authorities to supervise new election and recruit new EC members." After the coup period had ended, he was appointed to the Constitutional Court, thereby creating a conflict of interest.

⁷ Interestingly, these *aphichon* members seem to have received their clue from a leftist academic, namely Kasian Tejapira (Kasian 2005 and 2006). Thongchai Winichakul refers to the usage of "electocracy" by Kasian stating, "In retrospect [after the coup of September 2006], the name-calling was a double-edged sword against the narrow 'electocracy' and against the legitimacy of electoral democracy at the same time" (Thongchai 2008:27).

⁸ He was a retired lecturer of the faculty of law at Sukhothai Thammathirat University, and secretary general of the office of the Parliamentary Ombudsmen. In addition, he was a committee member at the Council of State and at the National Research Council. This nicely reflected the *aphichon*'s network nature, as did the fact that, after having served on the CDC, Sriracha was selected to be an Ombudsman.

⁹ Angkhana was an outspoken Muslim women-affairs activist, and wife of Muslim lawyer Somchai, who disappeared during Thaksin's time as prime minister (March 2004), for which a group of police officers had been found guilty, though his body had never been found.

¹⁰ Woothisarn used to be a lecturer at the faculty of social administration of Thammasat University. At the time of the CDC, he was a deputy secretary general of the King Prajadhipok's Institute (KPI), whose college of local government development he had previously directed. He had been a long-standing and instrumental member of the decentralization committee since its inception following the 1997 Constitution.

¹¹ A medical doctor by training, Chuchai was a former secretary general of the National Human Rights Commission, before a conflict with the NHRC's chairperson, Saneh Chamarik, cost him his job. During the CDC, Chuchai served as high-ranking advisor to the office of the NHRC, and was later reappointed to his previous position, only to be dismissed again.

¹² This assumption was rather questionable. After recalculating the MP shares of all regions, that of Bangkok, the central region, and the South combined would have only

slightly increased from 47 percent to 48.6 percent. The combined MP share of the North and the Northeast, thought to have been Thai Rak Thai's electoral bastions of gullible "people," who had imposed the despised "Thaksin regime" on the other regions, especially Bangkok and the Democrat South, would have only slightly decreased from 53 percent to 51.5 percent. In fact, while the weight of the South would have increased from 13.5 to 19.3 percent, that of Bangkok and the central region combined would have decreased from 33.5 to 29.3 percent. After all, limiting the number of constituency MPs to 200 would have cut the combined number of MPs in Bangkok and the central region from 134 to 67 (in the South, the number of constituency MPs would have decreased from 54 to 27; however, the additional 50 party-list seats would have increased the overall number of MPs to 77).

¹³ Praphan had been a deputy chief prosecutor before he was selected as a member of the Election Commission of Thailand. He was in class 38 at the National Defense College, a key institution for the social and ideological reproduction of the *aphichon* or *ammatt*.

¹⁴ Malaysia certainly has its own problem of "monetizing politics," and the Thai expression of "money politics" has been used with regard to that country as well (Gomez 2012).

¹⁵ Komsan used to work for the Election Commission of Thailand immediately after it was established. At the time of the CDC, he was a lecturer in the faculty of law at Sukhothai Thammathirat University. He was one of the more junior members on the CDC.

¹⁶ KPI is a political education and research institute under the supervision of the National Assembly. As for Komsan's suggestion, in fact, the 2007 Constitution, in Section 78 (No. 7), created a "Political Reform Council" tasked with "monitoring strict compliance" with a "plan for political reform" that the state was mandated to draw up. The secretary-general of KPI, Borwornsak Uwanno, as member of the coup-generated National Legislative Assembly, managed to attach that new council to KPI (against criticism from NGO circles that wanted an independent "grass-root" oriented body), and then became its first secretary general.

¹⁷ For the development of electoral provisions, see Nelson (2001).

¹⁸ The view that parties competed, and voters increasingly voted, along policy lines might be too idealistic, or at least incomplete. Regarding TRT's election campaigns, in 2005 even more so than in 2001, there was a very strong personality or leadership orientation regarding Thaksin. Voters, of course, looked at the policies, and the government performance—which is another point of orientation: experience with Chuan, anticipation of Thaksin, experience of Thaksin, comparison with the Democrats and Banyat—, but they mainly looked to Thaksin as the able political leader. This was well expressed in TRT's main election jingle in the campaign of 2005: "Nayok Thaksin tham dai!" (Prime Minister Thaksin can do it!).

¹⁹ Vicha was a former chief justice of the Supreme Court's juvenile and family division. At the time of the CDC, he served on the National Anti-Corruption Commission (appointed by a decree issued by the coup plotters in September 2006). In 2006, he was a candidate to the ECT, but was not selected (reportedly because the Thaksin government considered him hostile, similar to Kaewsan Atipho and Nam Yimyaem, both of whom later served on the military-appointed anti-Thaksin Asset Scrutiny

Committee). He was on the judiciary's side in its post-April 2006 fight against the supposedly pro-Thaksin ECT arguing that, "The judges are trying to protect our democracy and our political system..." He was in class 41 at the National Defense College, a key institution for the social and ideological reproduction of the *aphichon* or *ammatt*. Vicha headed a number of charities, partly under royal patronage. When extremist right-winger Thanin Kraivichien was prime minister, after the massacre at Thammasat University in October 1976, Vicha was his personal secretary. He also co-authored a book on the interpretation of law with him.

²⁰ Nurak used to be a judge at the Supreme Court. He was a classmate of General Winai Phattthiyakun, the secretary of the coup plotters, at the National Defense College. Maybe, this had earned him the appointment to the coup-plotters' "Constitutional Tribunal," on which he duly served to dissolve the Thai Rak Thai party, and even supported the retroactive withdrawal of the voting rights of its former executives.

²¹ Pisit was a former spokesperson of the National Bank of Thailand. He served as deputy finance minister in the second Chuan government (1997-2001). At the time of writing, he was the dean of the faculty of economics, Chiang Mai University, besides sitting on a number of academic committees. Pisit's doctoral dissertation at Erasmus Universiteit Rotterdam was published as *From Crisis to Double Digit Growth. Thailand's Economic Adjustment in the 1980s*. Bangkok: Dokya Publishing House, 1991. He was also the president of the Netherlands-Thai chamber of commerce, and chairperson of Jardines Matheson (Thailand) Ltd., and many other state and private enterprises. His socio-political circles included Prem Tinsulanonda, Surayud Chulanond, Anand Panyarachun, Sanoh Unakul, Borwornsak Uwanon, and Visanu Kruangarm. In sum, Pisit was a good example of the technocratic section of the *aphichon*.

²² At the time of the CDC, Pakorn was the dean of the faculty of public administration at the National Institute of Development Administration. A supporter of the PAD, he is now retired.

²³ One should note in this context that the formal educational qualification of Thai MPs is high. According to statistics prepared by the Office of the Election Commission of Thailand after the 2005 election (สำนักงานคณะกรรมการการเลือกตั้ง. 2548 [2005]:290, 279), 44.0 (31) percent of the constituency MPs (party-list MPs in brackets) have a BA degree (which is the main degree of university graduates in Thailand), while 50.5 (50) percent have graduated with an MA degree, and 2.8 (14) percent with a doctoral degree. Only 2.8 (5) percent of the MPs had educational qualifications below that of BA. Therefore, Thai MPs have a much higher education than the rest of the population, and are thus not representative of their constituents, provided one does not share the opinion of Chuchai Supawong that Thai universities had become "degree print shops" (CDC 5:20). Often, the old generation of MPs had low educational achievements, while their children have at least BA, and often MA degrees. Most of the politically active children of the archetypical up-country electocrats "Kamnan Poh" (Chonburi) and Anand Chaisaeng (Chachoengsao) boast MA degrees (some even earned at US universities).

²⁴ In fact, Thailand once had a prime minister, who should have perfectly satisfied Vicha's criteria, namely Banharn Silapa-archa (July 1995 to November 1996). When he came to power, he surely knew every detail in his home province of Suphanburi, and his relationship with the people had been exceptionally close indeed (and it has re-

mained so until this day). Yet, he was vilified by Bangkok-based observers as an incompetent up-country “machine” politician, who could never develop a vision that extended beyond his locality to the national and the international levels.

²⁵ Vitthaya was the president of the Rubber Tree Association of Thailand. He referred to himself as being from “up-country.”

²⁶ When a committee set up by the Abhisit government drafted constitutional amendments, it “thought that in the future, Thailand should abolish the constituency MPs altogether and only use the proportional system. For this, familiarity on the people’s side must be created for some time first.” The MPs should really do their duty as representatives of the Thai people in general, as stipulated in the constitution. “Therefore, it is not necessary (and not appropriate) that they have any duties in their constituencies. This will bring the MPs to dedicate themselves fully to their national-level duties, namely policy-making, law making, and checking the government” (ทวี 2011).

²⁷ On historical aspects of the development of national electorates in Europe, see Caramani (2004), and Cox (1986).

²⁸ Krirkkiat was a retired civil servant. He used to be a full professor of economics at Thammasat University, and a member of the first post-1997 National Counter Corruption Commission. He already participated in constitution drafting exercises in 1991 (after the coup by the so-called “National Peacekeeping Council,” NPKC), and 1997. This indicates how well connected Krirkkiat was in the Bangkok establishment, and his degree of seniority. Moreover, he was a former rector of Thammasat University.

²⁹ สำนักงานการประชุมและตัวเลข สำนักงานเลขาธิการสภาผู้แทนราษฎร. รายงานการประชุมสภาว่ารัฐธรรมนูญ วันพฤหัสบดีที่ ๒๑ เดือนมิถุนายน พุทธศักราช ๒๕๕๐ ครั้งที่ ๒๙/๒๕๕๐ เป็นพิเศษ, p. 112f.

³⁰ Ibid., p. 114.

³¹ Note that, regarding presidential systems, such as that of the United States, the role of individual MPs vis-à-vis their political parties also needs to be seen realistically. Some time ago, Gary W. Cox and Mathew McCubbins stated that, “Our view is that parties in the House—especially the majority party—are species of ‘legislative cartels.’ These cartels usurp the power, theoretically resident in the House, to make rules governing the structures and process of legislation” (Cox and McCubbins 1993/2007:2).

³² Somkhit was the secretary of the CDC, and thus managed the drafting process. He was dean of the faculty of law at Thammasat University, and a deputy rector. He was the deputy secretary of the CDC in 1997, and has long been involved in the legislative politics of the House of Representatives, mostly in the Democrat’s camp. He was also a member of the decentralization committee from its inception (after he had helped drafting the decentralization act). Somkit belonged to a close-knit academic-political clique led by CDA chairperson Noranit Setabutr, a retired lecturer at the faculty of political science of Thammasat University, its former rector, and former secretary general of the King Prajadhipok’s Institute. Nakharin also belonged to this *phuak*. Somkit’s stated goal was to become rector of Thammasat University, which he achieved some time later.

³³ The last election that allowed independents was that of 1983, when they gained 7.4 percent of the seats; in 1979, they had reached 20.9 percent, both times mostly in the central region, the North, and the Northeast (Nelson 2001:305f).

³⁴ Pairote was retired high-ranking civil servant. He used to be provincial governor, director general of the community development department and deputy permanent secretary of the Ministry of the Interior. Pairote was later appointed to the Political Development Council, which had been established based on the 2007 constitution.

³⁵ Postcolonialists would probably see him as somebody who had resisted being subjected to a Eurocentric position, instead trying to promote an authentically Thai political structure.

³⁶ Around the same time that the Thai Constitutional Tribunal dissolved the TRT, the German Constitutional Court rejected the German government's request to dissolve the German Neo-Nazi party.

References

Almond, Gabriel A. and Sidney Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton, New Jersey: Princeton University Press.

Askew, Marc. 2008. *Performing Political Identity: The Democrat Party in Southern Thailand*. Chiang Mai: Silkworm Books.

Bangkok Post newspaper (July 21, 1997).

Berezin, Mabel. 1997. "Politics and Culture: A Less Fissured Terrain." *Annual Review of Sociology* 23:361-383.

Brint, Steven. 1994. "Sociological Analysis of Political Culture: An Introduction and Assessment." *Research on Democracy and Society* 2:3-41.

Capoccia, Giovanni, and Daniel Ziblatt. 2010. "The Historical Turn in Democratization Studies: A New Research Agenda for Europe and Beyond." *Comparative Political Studies* 43 (8/9):931-968.

Caramani, Daniele. 2004. *The Nationalization of Politics: The Formation of National Electorates and Party Systems in Western Europe*. Cambridge: Cambridge University Press.

Case, William F. 2007. "Democracy's Quality and Breakdown: New Lessons from Thailand." *Democratization* 14 (4):622-642.

CDC (Meeting minutes of the Constitution Drafting Committee, number:page).

Connors, Michael Kelly. 2003. *Democracy and National Identity in Thailand*. New York and London: RoutledgeCurzon.

Cox, Gary W. 1986. "The Development of a Party-Oriented Electorate in England, 1832-1918." *British Journal of Political Science* 16: 187-216.

Cox, Gary W., and Mathew McCubbins. 1993/2007. *Legislative Leviathan: Party Government in the House*. Second edition. Cambridge: Cambridge University Press.

Ferree, Myra Marx, William Anthony Gamson, Jürgen Gerhards, Dieter Rucht. 2002. *Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States*. Cambridge: Cambridge University Press.

Gomez, Edmund Terence. 2012. "Monetizing Politics: Financing Parties and Elections in Malaysia." *Modern Asian Studies* pp. 1-28.

Hay, Colin. 2006. "Constructivist Institutionalism." In *The Oxford Handbook of Political Institutions*, eds. R.A.W. Rhodes, Sarah A. Binder, and Bert A. Rockman, pp. 56-74. Oxford: Oxford University Press.

Kasian Tejapira. 2005. "Reform and Counter-Reform: Democratization and its Discontents in Post-May 1992 Thai Politics." In *Towards Good Society: Civil Society Actors, the State, and the Business Class in Southeast Asia – Facilitators of or Impediments to a Strong, Democratic, and Fair Society?* Berlin: Heinrich Böll Foundation, pp. 125-146.

Kasian Tejapira. 2006. "Toppling Thaksin." *New Left Review* 39 (May/June): 5-37.

Keyes, Charles. 2013. "Robert Bayard Textor (1923-2013): In Memoriam." *TLC mailing list*, January 18, 2013.

Krungthep Thurakit newspaper (May 4, 2007).

Lau, Richard A., and David P. Redlawsk. 2006. *How Voters Decide: Information Processing During Election Campaigns*. Cambridge: Cambridge University Press.

Lichterman, Paul, and Daniel Cefai. 2008. "The Idea of Political Culture." In *The Oxford Handbook of Contextual Political Analysis*, eds. Robert E. Goodin and Charles Tilly, pp. 392-414. Oxford: Oxford University Press.

Luhmann, Niklas. 1995. *Social Systems*. Stanford, California: Stanford University Press.

Luhmann, Niklas. 2000. *Die Politik der Gesellschaft*. Frankfurt am Main: Suhrkamp.

Matichon newspaper (May 1, 2007).

Meisburger, Tim. 2009. *Constitutional Reform and Democracy in Thailand: A National Survey of the Thai People*. Bangkok: The Asia Foundation.

Mulder, Niels. 2000. *Inside Thai Society: Religion, Everyday Life, Change*. Chiang Mai: Silkworm Books.

Neher, Clark D. 1970. "Constitutionalism and Elections in Thailand." *Pacific Affairs* 43 (2): 240-257. (Reprinted in *Modern Thai Politics*, ed. by Clark D. Neher, pp. 317-336. Cambridge, Mass.: Schenkman Publishing Company, 1979.)

Nelson, Michael H. 2001. "Thailand." In *Elections in Asia and the Pacific: A Data Handbook*. Volume II: South East Asia, East Asia and the South Pacific. Eds. Dieter Nohlen, Florian Grotz, and Christof Hartmann, pp. 261-320. Oxford: Oxford University Press.

Nelson, Michael H. 2007. "'People's Sector Politics' (*Kanmueang Phak Prachachon*) in Thailand: Problems of Democracy in Ousting Prime Minister Thaksin Shinawatra." Hong Kong: Southeast Asia Research Centre, City University of Hong Kong. (Working Paper Series No. 87)

Nelson, Michael H. 2010. "Thailand's People's Alliance for Democracy: From 'New Politics' to a 'Real' Political Party?" In *Legitimacy Crisis and Political Conflict in Thailand*, ed. by Marc Askew, pp. 119-159. Chiang Mai: Silkworm Books.

Nelson, Michael H. 2011. "The National Assembly of Thailand: Constructing a Representative Institution (1997 to 2007). Part 1: The Constitution Drafting Committee of 2007." Final research report submitted to the King Prajadhipok Institute (KPI). Manuscript, Nonthaburi, August 30, 2011.

Nelson, Michael H. 2012. "Some Observations on Democracy in Thailand." Hong Kong: Southeast Asia Research Centre, City University of Hong Kong. (Working Paper Series No. 125)

Nelson, Michael H. 2013. "'VOTE NO!' The PAD's Decline from Powerful Movement to Political Sect?" In *A "Good" Coup Gone Bad: Thailand's Political Developments since Thaksin's Downfall*, ed. by Pavin Chachavalpongpun. Singapore: ISEAS.

Nishizaki Yoshinori. 2011. *Political Authority and Provincial Identity in Thailand: The Making of Banharn-buri*. Ithaca, NY: Cornell University Press.

Popkin, Samuel L. 1991. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. Chicago and London: The University of Chicago Press.

Prizzia, Ross. 1986. *Thailand in Transition: The Role of Oppositional Forces* Hawaii: Center for Asian and Pacific Studies, University of Hawaii, University of Hawaii Press.

Rueschemeyer, Dietrich. 2008. "Why and How Ideas Matter." In *The Oxford Handbook of Contextual Political Analysis*, eds. Robert E. Goodin and Charles Tilly, pp. 227-251. Oxford: Oxford University Press.

Schmidt, Vivien A. 2008a. "From Historical Institutionalism to Discursive Institutionalism: Explaining Change in Comparative Political Economy." Paper prepared for presentation at the American Political Science Association Meeting, Boston, Aug. 2008. Revision of a paper prepared for presentation to the biannual meeting of the Council for European Studies (Chicago, Ill., March 6-8, 2008).

Silber, Ilana Friedrich. 2003. "Pragmatic Sociology as Cultural Sociology: Beyond Repertoire Theory?" *European Journal of Social Theory* 6 (4):427-449.

Thongchai Winichakul. 2008. "Toppling Democracy." *Journal of Contemporary Asia* 38 (1): 11-37.

Walker, Andrew. 2012. *Thailand's Political Peasants: Power in the Modern Rural Economy*. Madison, Wisconsin, and London: The University of Wisconsin Press.

Volpe, Michael. 2012. "Red Shirts Movement, Collective Action Frames, and the 2011 Election." (manuscript)

ทวี สุรฤทธิกุล. 2011. “ส.ส. แบบไทยๆ.” *Siam Rath*, January 11, 2011, p. 3.

สำนักงานคณะกรรมการการเลือกตั้ง. 2548 [2005]. *ข้อมูลสถิติ
และผลการเลือกตั้งสมาชิกสภาผู้แทนราษฎร พ.ศ. 2548*. กรุงเทพฯ.