

Article of Faith: The Failure of Royal Liberalism in Thailand

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ABSTRACT *Calls for “royal intervention” to end the political crisis that wracked Thailand in 2006 were consistent with the disposition of Thai liberalism. The apparent paradox of liberals seeking a seemingly extra-constitutional solution to end the popular rule of Thaksin Shinawatra’s government stems from the agnosticism of liberalism to majoritarian democracy. The specific challenges that emerged as a consequence of Thaksin’s rise led liberals to mobilise royalist ideas to withstand Thaksin’s assault on the liberally conceived 1997 Constitution. Key among these ideas was the notion of sovereignty as expressed in the relationship between the monarch and the people, or rachaprasamasai. The failure of “royal liberalism” to bring an end to the crisis, may signal a more general failure of royal liberalism to secure political order in the future.*

KEY WORDS: Thaksin Shinawatra, liberalism, democracy, Constitution, Sondhi Limthongkul, Democrat party, monarchy

It seems inevitable that the 2005-06 protests against the elected right-wing populist, Thaksin Shinawatra, will be remembered for the sea of pro-monarchist yellow t-shirts worn by some protestors and the slavish rhetoric of the slogan to “return the royal powers.” Any plausible account of those protests must proceed from the premise that behind the deployment of royalism lay a rational strategy. This article unpacks the politics of a number of actors who mobilised against Thaksin and argues that their appeal for monarchical intervention was intended for liberal purposes. I do this for the purpose of *analytically* separating the anti-Thaksin movement (up until the end of April 2006) from the royalist *coup d’état* that finally felled the Thaksin government in September 2006.¹ The mass mobilisations of 2005 and 2006 were a genuine historical movement and should not be conflated with the illiberal military and palace networks that eventually ended Thaksin’s rule.

The support by various “progressive” actors for the 2006 *coup* has given rise to much soul-searching and polemic. Giles Ji Ungpakorn’s (2007: 30) memorable phrase “tank-liberals” calls to account those progressive actors who legitimated the *coup* by participating in the post-*coup* political institutions. However, Thaksin’s rise to power through the ballot box should not be allowed to disguise his fundamentally

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anti-democratic politics. The elected Thaksin regime (2001-06) was authoritarian in inclination even if the formal institutions of democracy were in place. Despite Thaksin's arguably pro-poor policies, the depth and quality of Thailand's democracy was greatly diminished under his rule (for a more qualified interpretation see Case, 2007). A basic premise underlying the analysis that follows is that left-wing critiques of authoritarian democracies should proceed from the position that majorities which serve authoritarian ends are hegemonically and coercively structured and do not reflect the free conditions upon which a genuine democracy may be embedded. Of course, the same can be said – substituting “majorities” with “vanguard elites” – of the illegitimate assumption of power by the 2006 *coup* group.

With this premise in mind, this article analyses the mobilisation of royal ideology and the call to “return the royal powers” (*thawaikheun phrarachaamnatt*) that emerged in 2005-06. In the first part of this article, I briefly look at what may be termed “royal liberalism” – a liberalism shaped by fear of an uneducated citizenry unschooled in appropriately restrained democratic practice and manipulated by demagogues, otherwise known as the “tyranny of the majority.” The political rise of Prime Minister Thaksin Shinawatra gave life to these fears. In the second substantive part of the article I address how the intervention of a one-time Thaksin supporter, opportunist media tycoon Sondhi Limthongkul (*The Nation*, 29 November 2005), bolstered the fading fortunes of Thai liberalism, giving rise to calls, on the basis of Article 7 of the 1997 Constitution (see below), for power to be returned to the king. To examine the elite liberalism behind this strategy, I look at the origins of Article 7. Relatedly, it is necessary to look at the revival of the neologism *rachaprachasamasai* (royal-people-mutuality), which was used to demonstrate how calls for royal intervention were in accord with “the traditions of Thai democracy.”² It will be argued that this mobilisation reflected a long-term project to establish a liberal state based on the ideological power of the monarchy. I then discuss how key actors differentially invoked Article 7. Finally, I consider the implications of royal liberalism's failure to solve the crisis.

Before I begin, a qualification: it may be argued that monarchy and liberalism are dichotomous, given that conservative monarchists understand rights in terms of cultural heritage rather than something given to the universal nature of the individual as in classical forms of liberalism. All ideologies, more so than doctrines, contain contradictory strains. My interest here is in the adaptation of monarchy and ideals around it to the emergence of a Thai liberal political settlement out of messy institutional, political and ideological struggles: that is, political liberalism not philosophical liberalism.

Contextualising the Tribulations of Thai Liberal Democracy

In *Democracy and National Identity in Thailand* (Connors, 2003; new edition, 2007: 153-211), I present a critique of Thai liberalism and its relationship to the monarchy not, as some readers have construed it, as an argument supportive of Thai liberalism (Thongchai, 2007: 41-2, 50). For the purposes of the key argument of this article – the liberal nature of the anti-Thaksin movement prior to the September 2006 *coup* – a reprisal of that critique is apposite. The principal point is that Thai liberalism, in so far as its advocates write about it, is held to emerge in constitutional struggles

against authoritarianism, rather than emerging in bourgeois struggles against an absolute monarchy. Whatever its contested role, the perception is very strong that the monarchy is the font of liberalism. In the late 1940s Seni Pramoj, co-founder of the Democrat party, provided the best description of liberal conceptions of the monarchy: "The constitutional monarchy offers us an effective tool in defence against dictatorship. So long as the supreme power remains with the monarch... there will not be a desire among politicians to become a dictator" (cited in Kobkua, 1996: 7).

Contemporary liberals have, by selective readings of Thai history, in part founded liberalism in ancient notions of Buddhist kingship, or *Dhammaraja*, which envisages a social contract between monarch and subject based on the royal performance of duties and exemplary morality (see Dhani, 1954; Handley, 2006). More specifically, great ideological work by the politician brothers Seni and Kukrit Pramoj who, writing mainly from the 1950s to the 1970s, built an image of ancient liberality grounded in the late thirteenth century reign of King Ramkhamhaeng, symbolised by the Ramkhamhaeng Stone Inscription. Although its authenticity (see Mukhom, 2003) is disputed, the Inscription offers liberals an interpretation of a time that they can portray as one of relative freedom, commerce, welfare and responsive government:

If any folk of the realm seeks court with the King, having anguish in their stomach, grievance in their heart, there is no difficulty. Go ring the bell hung there. Hearing the call, Father King Ram Kham Haeng will sift the case honestly (Seni trans., 1990: 18-9).

For Seni and many others the Inscription describes an implicit social contract between the king and his subjects that guarantees liberties, equality and fraternity: a Thai Magna Carta (Seni, 1990: 23, 34). The Inscription is used at times to dispute accusations that Thai liberal institutions are Western importations. For example, the key framer of the 1997 Constitution and later Cabinet Secretary to the Thaksin administration, Bowonsak Uwanoo, explained that because Thais could register grievances with the king "Thailand had the institution of the Ombudsman before any country in the world since the time of King Ram-kham-haeng..." (Office of the Parliamentary Ombudsmen, 2001). Seni's brother Kukrit Pramoj, sometime supporter of military rule, also proselytised on the fundamental liberalism of Thai monarchy and, as with other liberals, warned against investing the people with too much power. For Kukrit, democracy was a danger to "freedom." He argued that "the justice of the liberal system is its respect for the rights of the minority, freedom of speech, freedom of expression and religion." Kukrit opposed complete democracy (*prachathippatai sombun*), as it would entail a fully sovereign people able to violate the rights of the individual (cited in Kriangsak, 1993: 22-4). Overtime, Thai liberal democracy has come to mean governments which rule by the consent of the people *when they are able to make the right choices*, where power is divided among the executive, legislature and judiciary, and the king plays a guardianship role, and holds ultimate sovereignty (Connors, 2007: 182-211). Fundamentally, liberalism in Thailand has been a disciplinary ideology that promotes the production of a citizen-body committed to elite constructions of nation, king and religion. As such it

works towards a project I have elsewhere identified as democrasubjection, where people are subjected to imaginary forms of self-rule (see Connors, 2007: 16-27).

From the late 1970s liberal advocates benefited greatly from the rise of business groupings seeking a greater share of power from the bureaucratic, military and palace elites that had ruled, with some interruption, from the 1950s. Power struggles among different groupings, both elite and grassroots, generated the need for a political system that was pluralistic, allowing for competitive elites to shape political outcomes (Hewison, 1993). In this context, a rich fabric of political liberalism was woven into the public sphere by a range of actors including leading intellectuals such as Chai-Anan Samudavanija, a key proponent of embedding liberal democracy (Chai-Anan, 1990: 104-5). Various non-governmental organisations (NGOs) also sought to work with the emerging parliamentary regime to push progressive social change agendas (Connors, 2007: 219). The aim was to counter both the imperatives of the security arms of the state and emerging business-political networks engaged in the corrupt practices of “money democracy.” Since the 1980s, fearing both extremes, many liberals have vested their hopes largely in the para-political institution of the monarchy, which is held to symbolise all Thais and which is able to exercise sovereignty, when necessary, on their behalf.

As Thai political space opened up in the 1980s and 1990s, the liberal ethos grew in depth and appeal. Many public interest organisations, such as PollWatch, emerged to promote political liberalism (Callahan, 2000). An example of the extent of this development is the parliamentary-established King Prajadhipok’s Institute (KPI) which grew from liberal intellectuals’ attempt to engage with the parliamentary arena. KPI ensured that the development of political liberalism remained connected to mythic notions of liberal monarchy, by propagating the notion that Prajadhipok had granted democracy in 1932 (Connors, 2007: 190-7). Social forms of liberalism, that also drew sustenance from the monarchy, emerged within NGOs, community groups, universities and the bureaucracy (Connors, 2007: 212-47). By “social liberalism” I mean forms of politics that are communitarian in nature and substance but which, informed by struggles and voices from below, seek to liberalise the state (see Nidhi, 1995). Social liberals entered an alliance with elite liberals to advance political reform, bounded by a common interest in remaking the state. This alliance reached its climax in the passing of the 1997 Constitution.

From the overthrow of the military-backed regime of Suchinda Kraprayoon in 1992, liberal forces had clamoured for a more thorough going institutional restructuring of politics, in part to prepare for the eventual departure of King Bhumibol (McCargo, 1998; 2005: 511). It is little remembered that the intellectual originator of political reform was former Council of State member Amon Chantharasombun (in consort with Chai-Anan), who promoted “parliamentary rationalisation,” by which he meant a greater degree of executive power removed from popular pressure. He proposed that the king establish an assembly to reform politics – exactly the same demand of the anti-Thaksin protests in 2005 (Amon, 1994; Connors, 1999). Amon’s ideas, once they were popularised and adapted by the prominent public intellectual Prawet Wasi and the government appointed Democracy Development Committee in 1994, stimulated what is now considered to be the first “political reform movement.” Against great conservative reaction that movement succeeded and, in 1997, Thailand adopted a constitution that sanctioned

various checks and balances, including the Parliamentary Ombudsman, the National Counter Corruption Commission (NCCC), the National Election Commission (NEC), the Constitutional Court, and the establishment of a National Commission of Human Rights (Connors, 2002). The rationale for the creation of these check and balance mechanisms was that the political executive was substantially empowered by new provisions in the constitution and they were to act as counter-balance to this.

The 1997 settlement twinned enhanced executive power with institutions that were to scrutinise the exercise of that power, something that was consonant with various international organisations then pushing “good governance.” Reflecting a hegemonic project of a liberal restructuring of the state, the 1997 Constitution won acclaim from civil society groups, in part because it encapsulated a desire by farsighted elites to create a form of rule that functioned in the “public interest,” understood as promoting a regulatory state overseeing a liberal market society. This particular project was never fully embraced by sections of the military, bureaucracy and capitalist class.

Several factors combined to challenge this settlement. Externally, the securitisation of foreign policy reduced international pressure to conform to liberal forms of governance (Higgott, 2004). Internally, Thaksin’s arrival as prime minister in 2001 signalled a new approach. Thaksin was sceptical of both the economic and liberal elements of the Washington Consensus and began to reorganise politics and economics in an authoritarian neo-liberal direction. His political capital was greatly enhanced by his party’s antidote to the interventions of the International Monetary Fund (IMF), the fire sale of Thai capital assets and the forced entry of international capital that had followed the economic crisis of 1997. He advanced a quasi-nationalist strategy that combined domestic protection with support for aggressive outward expansion for relevant capitalist groupings, reflecting a broader South-east Asian political-economy nexus (Glassman, 2004; Robison, et al., 2005). This position stood in contrast to the Democrat party’s servile implementation of the IMF Letters of Intent. But to succeed, Thaksin first had to win what I would describe as his most significant and enabling victory – a court appeal.

A month before TRT’s victory in January 2001 the NCCC found Thaksin guilty of having deliberately concealed assets in 1997, while serving as a minister. He faced calls to decline political office. Instead he assumed the prime ministership and appealed to the Constitutional Court. As Pasuk and Baker (2008) detail, Thaksin turned his court appeal into a struggle for survival. Thaksin’s supporters orchestrated mass support in the form of a petition of one million people, and mobilised mass turn-outs when Thaksin attended court. In August 2001 Thaksin won the case by a judgement of 8-7. The acquittal emboldened Thaksin’s cavalier attitude to the settlement of 1997:

It’s strange that a leader who was voted by 11 million people had to bow to the ruling of the NCCC and verdict of the Constitutional Court, two organisations composed of only appointed commissioners and judges, whom people do not have a chance to choose (cited in Pasuk and Baker, 2004: 5).

If these comments were meant to indicate a commitment to the democratisation of legal processes, Thaksin did not act on them. Rather, his years in office involved a

well-detailed crushing of the 1997 settlement, in part aided by the strong executive authority written into the 1997 Constitution (Hicken, 2006; McCargo and Ukrist, 2005). Securing an effective parliamentary majority within months of the 2001 election by merger with a small party, the governing party began to court supposedly neutral senators and supported the senate presidency of Suchon Chaleekrua (*Bangkok Post*, 21, 23 February 2004). Through influence in the Senate the government was able to shape the composition of the independent agencies, including securing supporters in the NEC (Mutebi, 2006). While control was not absolute, influence ensured a relative lack of scrutiny of the government's exercise of power. To buttress political control, Thaksin also made key appointments in the military, "repoliticising" an institution that previous governments had worked to "professionalise" (see McCargo and Ukrist, 2005: 121-65).

In retrospect, circumstances were fortuitous for Thaksin's assault on political liberalism. First, liberalism's establishment protagonists, the Democrat party, were a political liability (see Montesano, 2006). During the 2001 election TRT exploited the image of an unresponsive and sluggishly bureaucratic Democrat party-led government. Secondly, as the War on Terror emerged as a key dynamic in global politics and Thaksin pledged support, his international standing was enhanced and the Bush administration granted Thailand non-NATO ally status and offered free trade negotiations (Connors, 2006a). Thirdly, the new electoral system facilitated the enrolment of existing political networks into TRT (Somchai, 2008); this overwhelming parliamentary majority allowed Thaksin to evade scrutiny. Fourthly, 1997 was a contested settlement and Thaksin found many willing accomplices in its dismantling. Fifthly, as Pasuk and Baker (2008) powerfully recount, Thaksin brilliantly wooed the masses. This was partly a function of so-called populist policies and what Hewison (2004) described as Thaksin's "social contract," but it was also about his self-elevation as an expression of the popular will. In claiming to channel the voice of people, he was also challenging in very concrete terms the royal liberal conception of shared sovereignty between the monarch and people.

The Origins of Article 7

The calls to "return the royal powers" in 2005 and 2006 were premised on Article 7 of the 1997 Constitution. It states: "Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional practice in the democratic regime of government with the King as Head of the State" (Kingdom of Thailand, 1997).

Article 7 was originally used by anti-Thaksin forces in 2005 to support monarchical intervention to "kick start" a new round of political reform. As those forces grew into a broader movement in 2006, interlocking networks of individuals, political parties, professional associations, civic organisations and NGOs used Article 7 to call for a royally appointed interim government (see Kasian, 2006; Nelson, 2007).³ The use of Article 7 was accompanied by the revival of the term *rachaprachasamasai*. These two elements enabled an intellectual argument and a political slogan to be built around returning power to the king. Before examining their application in political struggle, an examination of Article 7 and *rachaprachasamasai* offers insights into their political substance.

The Public Relations Department (1998) reports that in 1956 the king visited the north-east of Thailand and met people afflicted with leprosy, whereupon he initiated a royal project under the Ministry of Health. Royal funds established the Institute of Rachaprachasamasai and its eponymous foundation in 1960. From that time *rachaprachasamasai* has been associated with public health. The most significant political inflection to the term came in 1972, first in *Siam Rat*, and then in a seminar discussion featuring Kukrit Pramoj (Kukrit et al., 1972) concerning the possibility of democracy in then military-ruled Thailand.

Kukrit, having courted favour with the military regime, expressed concern that the divide between the people and the increasingly integrated and self-interested bureaucratic and business classes provided the Communist Party of Thailand with opportunities to win people's allegiance. Also at play was the fact that Kukrit's long-term ambition to forge a metaphoric unity between king and people/nation was being undermined by the rise of left-wing currents among students and intellectuals (Saichon, 2007: 181, 263-368). Kukrit noted that rural people, facing various injustices and disadvantages, lacked group identity and a "sense of belonging" (Kukrit et al., 1972: 30-1). To overcome this Kukrit proposed that the king undertake more rural visits to create a sense of belonging and, as a consequence, the monarchy would be identified as one with the people. Arguing that the king and the people were "outside the circle" of power, Kukrit envisaged an interdependency that strengthened them (Kukrit et al., 1972: 39). Importantly, Kukrit's stated ambition in strengthening the bond between the king and the people was to *counterbalance* the increasingly integrated bureaucratic and business circles, indeed to break them apart so that the bureaucracy could govern impartially (Kukrit et al., 1972: 34, 38). This mutuality he labelled *rachaprachasamasai*. Kukrit outlined a political project for reform that began with a *rachaprachasamasai constitution*: a directly royally appointed parliament that gradually opened up to popular election. A royally appointed parliament would have sufficient legitimacy and prestige to counter vested interests (Kukrit et al., 1972: 40-1). Kukrit envisaged the monarchy acting as a moral exemplar of the principles of public rule: this could discipline predatory elites by orientating them to the public good. This strategy requires seeing the monarchy in terms that are abstracted from its own institutional interests. This is precisely how Thai liberals and conservatives understand the monarchy today. The *quid pro quo* of this bargain, obscured by a mythic social contract, might be crudely stated as: you perform the legitimacy function of symbolic unity and assume power of last resort. In return you are eulogised and made sacral, your earthly endeavours will be ignored.

The term *rachaprachasamasai* was taken to a wider audience at a mass rally in November 2005 when Sondhi claimed that Thaksin was attacking the mutuality of king and people – their joint sovereignty – by usurping the relationship through constant reference to his majoritarian support of "19 million votes" (Khamnun, 2006: 336, 342).⁴ He also called on officials and the military to break from the government. The use of Article 7, to return power to the king, was conceived as a practical expression of *rachaprachasamasai* – the people were active in returning power to the king, given that the constitution had been subverted. *Rachaprachasamasai* need not be consciously invoked by political forces, although it was in 2005-06; its utility lies in indicating that a form of "people's politics," of whatever political persuasion, can attach to the monarchy.⁵

Rachaprachasamasai was the intellectual substance that lay behind the use of Article 7: it expressed the mythic belief of the mutuality of king and people. The question arises as to whether Article 7 was or was not originally formulated to give expression to this doctrine. While the 1997 draft constitution had been subject to many public hearings, Article 7, originally an amendment to Article 6, was exempt from this process and appears to have been introduced into the Constitution Drafting Assembly (CDA) in July 1997, after public hearings ceased. Internal CDA reports, however, record an interesting debate (CDA, 1997a). Controversy erupted when the CDA was presented with an amendment to Article 6 to add the wording that would become Article 7. Framer Somkhit Sirisangkhom argued that the amendment was taken from previous interim constitutions issued by *coup* groups; the brevity of those constitutions required an expansive article allowing the exercise of broad powers (CDA, 1997a: 58).⁶ Perhaps Suni Chaiyarot offered the greatest challenge: “How to interpret democracy with the king as head of state? There have been many times when this was the system, and it was not really a democracy. So, how to interpret it?” (CDA, 1997a: 69-70).

Bowonsak Uwanno, the constitution’s primary framer, replied that the amendment was required to guide the Constitutional Court’s deliberations. The constitution could not anticipate all exigencies; the amendment would provide the required interpretative freedom, allowing the Constitutional Court to judge according to the traditions of “democracy with the king as head of state” (CDA, 1997a: 70-1). Hinting at *rachaprachasamasai*, Bowonsak noted that the right to petition the king was not in the draft constitution and yet this right could be invoked in terms of the amendment (CDA, 1997a: 72-3). However, Bowonsak principally presented the amendment as limited in scope – an attempt to avoid legal loopholes.

Bowonsak’s explanation is not convincing. Internal documents of the CDA that record reservations within the drafting committee about each article make no mention of what was to become Article 7 (CDA, 1997b). Why had the drafter not considered the introduction of the Article during the committee stage months earlier? Why was it introduced in July? The answer may lie in controversial deliberations over Article 3 that preceded deliberations on Article 6. Article 3 stated that “sovereignty comes from the people.” Against the wishes of the CDA president, Anand Panyarachun – the doyen of Thai liberalism – the CDA debated a motion to change the wording of Article 3 to “sovereignty belongs to the people” in early July. Thongthong Chandarangsue argued against the amendment on the basis “of the principle of *rachaprachasamasai*” (CDA, 1997c: 110). A slim majority voted for the amendment (CDA, 1997a: 133).⁷ Opponents lobbied for the CDA to overturn its decision (*Bangkok Post*, 11 July 1997). Conservatives and royal liberals were concerned that such changes, along with the very expansive rights written into the new charter, were moving away from traditional concepts of political order, in which the monarchy figured greatly. The newly worded Article 3 challenged some key aspects of juridical thought, in which the monarchy is said to have given sovereignty to the people, and that sovereignty in the last instance always resides with the monarchy. Article 3 raised fears that the king’s power and prerogatives were being eroded and that the CDA was being too strident in its various articles relating to rights and freedoms. Here, perhaps, is the mystery of Article 7 unlocked: the effect of Article 7 was to limit the reach of all of these new claims by empowering a

traditionalistic and royalist interpretation should one be so required.⁸ While Bowonsak's case to the CDA for amendment was quite limited, an examination of his influential juridical thought suggests a greater depth to his thinking.

Eager to re-affirm the role of the "traditional constitution" in Thailand in the context of the first political reform movement, Bowonsak (1994: 9) argued that "if one analyses deeply in all spheres . . . no one could deny that the Thai monarchy . . . and the people are the main institutions in the democracyness of Thai society." By using the phrase "the king of the people, by the people, and for the people" (Bowonsak, 1994: 12), he elucidated what was meant by the term "traditional constitution."⁹ In this formula, the king is the mediator of democracy; it is through him that popular will is manifest. Sovereignty is seen as residing jointly in the king and the people, a condition that is said to have emerged when King Prajadhipok "bestowed" the 1932 constitution (Bowonsak, 1994: 25). So, what happens in the aftermath of a *coup*, an event sufficiently frequent to affect judicial principles and law? The modern Thai judicial system operates on the basis of judgements made from the 1950s onwards that condone *coups* as legally legitimate if they purportedly win the acceptance of "the people"; thus, law issued by *coup* groups is held to be binding. Speaking from this vantage point, Bowonsak argued that during a *coup* sovereignty returns to the king. In this state of suspension the *coup* group drafts a constitution upon which the king deliberates, and then, if the draft is accepted the king returns sovereignty to the people (Bowonsak, 1994: 25).¹⁰ Bowonsak explained that the king's customary powers must be interpreted in terms of traditions of government (Bowonsak, 1994: 28-9). This "traditional constitution" by convention, Bowonsak argued, supplements the king's right to warn and advise with extra powers. This included the ability, in the face of crisis "to dissolve parliament . . . he may even remove the prime minister in order to end a crisis because according to the constitution he is the owner of sovereign power with the people . . ." (Bowonsak, 1994: 29). Further, should the people petition the king (having been through various other procedures):

He has royal prerogative according to the traditional constitution to command that the civil service act, and the civil service must respect this and act accordingly. This royal deliberation is effectively law as He wields sovereignty for the people . . . he is the Supreme Ombudsmen . . . (Bowonsak, 1994: 30).

Bowonsak made scant reference to these ideas in his defence of the amendment in the CDA, but that did not stop people arguing for Article 7 being used in its most expansive sense.

The Insinuation of Anti-Royalism

Elite disquiet with Thaksin's rule was widespread by 2004 and was variously expressed, but various machinations were unable to dislodge him (Connors, 2005). It was Amon's call for a second round of political reform, taken up by Sondhi Limthongkul, which allowed a comprehensive strategy to dislodge Thaksin to take shape (Banjet, 2004). If in the early 1990s "money politics" was the issue that mobilised support for reform, in the mid-2000s Sondhi used the issue of royal prerogative and its relationship to constitutional procedure to highlight the need for

reform. This was an explicitly ideological mobilisation of the monarchy as a means to forge an anti-Thaksin coalition.¹¹

Attacks on Thaksin began to be coded in terms of violation of royal prerogative in 2003. This usage, however, was concurrent with the government's invoking of Article 7 in 2003 as a way of overcoming parliamentary rules. Having rammed a Bill on Education Colleges through three readings in parliament, the executive was required to pass it to the king for signature. On discovering over 40 errors in the legislation, the executive attempted to return the bill to parliament although no regulation allowed this. It invoked Article 7. This led to claims that it was violating royal prerogative (*Siam rat*, 21 December 2003; *Krungthep thurakit*, 22 December 2003), and to fears of a newly interventionist standard of executive interference in legislative affairs (Siang Sao Long, 2003).

The issue of royal power became a hot issue during a prolonged controversy surrounding Auditor-General Jaruvan Maintaka. Appointed in 2002, Jaruvan quickly gained a reputation for vigorously scrutinising irregular expenditures by past and present governments (*Bangkok Post*, 18 June 2002; 10 July 2002). A small group of senators opposed Jaruvan and claimed her appointment was illegitimate. This led to a June 2003 NCCC ruling that the State Audit Commission (SAC) had acted inappropriately in forwarding her name for appointment as auditor-general (*Bangkok Post*, 19 June 2003).¹² A year later the Constitutional Court ruled that the SAC had violated rules of appointment but did not state that she should step-down (*Bangkok Post*, 7 July 2004). Through all this, Jaruvan continued to work arguing, with influential support from former constitutional framers such as Khanin Bunsuwan, that she could be removed only by royal command (*Bangkok Post*, 24 July 2004). Initially, Jaruvan had enjoyed strong support from the Senate, but this diminished as she exposed budget irregularities and contracts related to the Thaksin administration (Anon., 2004; *Bangkok Post*, 23 September 2004; 1 November 2004). In mid-May 2005, the Senate nominated a new auditor-general, amidst claims of the government buying senators' support (*Bangkok Post*, 11, 12 May 2005). At this time, 59 TRT MPs, mainly associated with the Sanoh Thienthong's Wang Nam Yen faction, signed a petition supporting Jaruvan, stating that "Anyone who has gone too far in interpreting that the court ruling means Khunying Jaruvan is no longer auditor-general is violating the constitution and the King's power" (*Bangkok Post*, 26 May 2005).¹³ Thaksin rebuked the petitioners and advised them to remove their signatures (*Bangkok Post*, 26 May 2005). In June 2005, the SAC announced Jaruvan's removal and selected a new auditor-general (*Bangkok Post*, 27 June 2005). However, when the Senate President forwarded the new nominee's name for royal approval, for more than three months no endorsement came. As speculation rose regarding the king's displeasure at the removal of Jaruvan, the Campaign for Popular Democracy, an umbrella grouping of various NGOs, interpreted the king's inaction as an exercise of Article 7 and sought the impeachment of the Senate President for violating royal prerogative (Anon., 2005). In late January 2006 the king's private secretary wrote a letter requesting resolution of the matter. Facing strengthening opposition to the removal of Jaruvan, Thaksin then wrote a letter to the SAC instructing it to take into account the king's traditional powers, as stipulated in Article 7, to determine a course of action (Thaksin, 2006). In response, the SAC allowed Jaruvan to return to her post.

The three-year battle over the auditor-general brought the issue of royal prerogative to the fore. It is a fitting testament to the ambivalent birth of the political use of Article 7 that it was discrepantly mobilised by pro- and anti-government forces alike. And, in the context of the legal quagmire, Thaksin's letter to the SAC defined the issue as one of royal prerogative, as if to merit claims of violation. The issue of royal power had proved to be a potent tool with which to outmanoeuvre Thaksin.

The "Sondhi Phenomenon"

Sondhi's *Manager* newspaper and his television talk show, "Muang Thai Rai Sapda" (Thailand Weekly), began to air questions in early 2005 about the usurpation of royal prerogative. *Manager* featured stories on several issues including: Thaksin's appointment of a caretaker Buddhist supreme patriarch (Sondhi claimed the aged and ailing but royally appointed supreme patriarch remained capable of carrying out his duties); Thaksin's involvement in April 2005 in a ceremony at the Emerald Temple where, dressed casually, critics claimed he sat in the position of the king. At first, the criticisms were indirect, suggesting Thaksin had received bad advice. This all changed in mid-2005 with the publication of *Royal Powers* by the conservative Pramuan Ruchanaseree, a member of Sanoh's faction that had now become a fifth column in TRT.¹⁴ Pramuan defined the issue in quite shocking terms. Making allusions to the Education Colleges Bill and reference to the case of the Jaruvan and the Senate's "violation of royal prerogative" (Pramuan, 2005: 152-5), Pramuan (2005: 175) argued that the Thai monarchy was at risk of becoming a rubber stamp, and that people faced a choice of supporting royal prerogatives or supporting a new form of government that usurped "the good things."

Sondhi appeared on stage with Pramuan in early September 2005 at a packed forum at Bangkok's Thammasat University, signalling that he was now moving the issue of Thaksin's alleged usurpation of royal power to the forefront. At the event Sondhi read an anonymous posting from *Manager Online* "The Black Sheep Loses its Way." Despite the title, this was not a fable, but a thinly veiled story of Thaksin and the king. In "Black Sheep," the king advises the son to govern for the interests of all. Once in power the son becomes aggressive, governs without transparency, and uses fear and intimidation against others (cited in Khamnun, 2006: 58). The story reads:

Father says, I hate cheats, the lost son says, there is no need to scrutinise me, I guarantee I am the biggest in the family... The black sheep says... I want this person [in reference to a military appointment], no one can change it, because father [the king] must live under the rules of the house (Khamnun, 2006: 59).¹⁵

On 8 September Thaksin used his weekly radio address to refute claims he violated royal prerogative: "I affirm that there is nothing in this issue, believe me, everything is straight, if I have any problem I will address the king directly..." (cited in Khamnun, 2006: 65). Thaksin's straight talking, that if he had a problem he would talk directly to the king, underlined for the royalists his implicit disrespect or at least levelling of the monarchy – as though Thaksin should assume he could speak one-on-one to the king!

On 9 September Sondhi read “Black Sheep” on *Thailand Weekly* and raised various issues of violation of royal prerogative, leading to the programme being taken off free-to-air television. Explaining in a letter the reason for banning the programme, an official from the Mass Communication Organisation of Thailand (MCOT) criticised Sondhi for frequently raising the issue of the monarchy. Then in a statement of startling clarity that struck deeply against the entire edifice of royal liberalism that sanctioned an expansive role for the monarchy, MCOT explained:

The use of royal power... has an important qualification. It is between the government and the king or the monarchy. The traditional conventions whether it is in England or Thailand are the same: ... when the government consults with the king on any issue or when the king issues a warning ... the government is not in the status of having to explain what advice it received from the king and the monarchy is not in the status of having to say you were warned about this already, you were told already, or to say that what you have done is in line or not in line with what was advised (cited in Khamnun, 2006: 65-6).

This may be read as implicit criticism of the king’s public speeches which increasingly took Thaksin’s government to task (see Connors, 2005; Thongchai, 2008).

Rallying Royal Liberalism

It may be inferred from the preceding discussion that Sondhi’s fight with Thaksin was solely centred on the issue of royal prerogative. This is not so. A study of Sondhi’s weekly speeches (September-November 2005), after he was taken off television and subsequently moved his show to a public park and broadcast via satellite, demonstrates that Sondhi was attempting to mobilise a broad liberal front. Sondhi broadcast mostly from inside a packed hall in Lumpini Park in central Bangkok, with the majority of attendees watching the live broadcast from large screens set around the park grounds. At the rallies Sondhi often returned to the issue of royal prerogative by reference to issues discussed above (Sondhi and Sarocha, 2006: 52-2, 77, 100-7, 128), but a greater part of the rallies was spent highlighting Thaksin’s illegitimacy. On this theme, Sondhi echoed liberal concerns relating to majoritarianism, making note of how Thaksin’s questionable actions were often justified on the basis of his popular mandate (Sondhi and Sarocha, 2006: 128). Sondhi chose to mobilise both a royalist and a liberal idiom: the choice is significant for it indicates Sondhi’s assumed constituency, one sympathetic to liberal forms of democracy with the king as head of state (see Connors, 2007: 128-52).

Sondhi noted how the 1997 Constitution had allowed Thaksin to evade scrutiny and engage in corruption (Sondhi and Sarocha, 2006, 101, 271, 340-1). He attacked Thaksin’s dispensing of government resources to people as if they were his own largesse and specifically criticised Thaksin’s outrageous comments that provinces supporting TRT would get preferential treatment (Sondhi and Sarocha, 2006: 266).¹⁶ He used Buddhist ethical standards to highlight Thaksin’s shortcomings when contrasted with the king (Sondhi and Sarocha, 2006: 132-3, 172-3, 237-9) and, in stories of melodramatic intensity, he noted Thaksin’s nepotism (Sondhi and Sarocha, 2006: 57-8).

Sondhi criticised Thaksin's neo-liberal policies, including free trade agreements and the government's privatisation of those state enterprises that provided public goods, as benefiting associates of the government (Sondhi and Sarocha, 2006: 33-45, 139-50). He specifically offered support to workers from the Electricity Generating Authority of Thailand in their struggle against privatisation (Sondhi and Sarocha, 2006: 153). He maligned Thaksin's "policy corruption," including his alleged improbity regarding the gaining of state concessions, tax breaks and how Shin Corp's business ventures benefited from import credits granted to Burma (Sondhi and Sarocha, 2006: 112, 155-9). Sondhi also claimed that Thaksin was using his position to create favourable conditions for the sale of Shin Corp (Sondhi and Sarocha, 2006: 291-3). On human rights and social justice, Sondhi was critical of Thaksin's erratic and heavy-handed approach to the south. Regarding the need for just rule and recognition of cultural diversity he noted,

They [Malay-Muslims] are under our jurisdiction . . . we must give real justice to every group, right . . . Have we answered their need for justice? . . . Are we brave enough to apologise for the past because the old officials did no good? (Sondhi and Sarocha, 2006: 27).

At the 11 November rally Sondhi read a pledge, partly written by Amon (Khamnun, 2006: 128), to fight for the king and against Thaksin's assault on *rachaprachasamasai*. He called for the royal appointment of a neutral figure to initiate political reform to address the centralisation of power under Thaksin (Sondhi and Sarocha, 2006: 338-43). In that pledge he echoed elite frustrations about the supposed debt-creating nature of Thaksin's populist policies, and he criticised Thaksin for promoting rampant consumerism, which was held to be against the philosophy of the king's "sufficiency economy." While the appeal to the king may appear conservative, the liberal basis for the appeal is apparent: it lay in Thaksin's ability to evade scrutiny or to be held accountable. A major theme of the anti-Thaksin movement was that Thaksin's political behaviour was antithetical to the clean political system that political reform was supposed to create.

A week after the pledge to fight for the king, the weekly rally doubled in size to 50,000 people (*Bangkok Post*, 19 November 2005). Having taken Sondhi off free-to-air television and now faced with a weekly mobilised mass of disgruntled citizens and Sanoh's machinations, the government responded with law suits, attempted gag orders, denials of the varied accusations and the mobilisation of unnecessarily large police and riot squads at the rallies (*Bangkok Post*, 26, 27 November 2005; 2 December 2005). Despite this, 80,000 people attended the 10 December rally.

Sondhi's novel form of talk show-cum-protest rally was beginning to look like a spent force in early 2006. The first rally for 2006 on 13 January attracted less than a quarter of the 2005 peak numbers and further decline was experienced the following week (*Bangkok Post*, 14, 21 January 2006). In part the decline was a consequence of the repetitive nature of Sondhi's accusations, but it was also a result of growing fear amidst rumours of violence. Sondhi committed himself to one last Bangkok rally for 4 February, at which a petition to the king calling for political reform would be read

(*Bangkok Post*, 21 January 2006). For his part, Thaksin remained confident, telling a TRT meeting that

The saying that ‘rural folks elect government, Bangkokians topple it’ cannot be applied to our party because our party is elected by both Bangkokians and rural folks. Our government is supported by people in the capital and in the provinces (*Bangkok Post*, 25 December 2005).

Article of Faith Denied

Fulfilling Sondhi’s early warning of a Shin Corp sell-off, the sale came in late January 2006, soon after Cabinet relaxed laws on foreign ownership, when Temasak, a Singaporean government-linked holding company, bought Shinawatra shares in a controversial tax-free sale.¹⁷ Shin Corp was seen by many as a kind of national asset that had been built with generous state concessions and tax breaks – and it appeared a Singaporean company would be the beneficiary of these arrangements (Telecom Reporters, 2006; Thanong, 2006).

The sell-off galvanised not only those who had long criticised Thaksin’s policy corruption, but also national conservatives within the bureaucracy and aristocratic elements, as well as business groupings that had opposed Thaksin’s oligarchic embrace of neo-liberalism to the advantage of his companies and his associates (see Ukrist, 2008). Facing Sanoh’s factional defection, attempts to expose the irregularities of the Shin Corp sale, and rising opposition in the form of revitalised mass demonstrations through February, Thaksin suspended parliament on 24 February and the NEC announced an election for 2 April. Opposition parties, most notably the Democrat party, boycotted the poll (see below) and calls for direct royal intervention to remove Thaksin were made by a variety of actors.

With 281 of 400 constituency seats having only a TRT candidate, the farcical election of 2 April went ahead, resulting in a constitutional crisis. Over 10 million people cast “no votes,” while TRT won close to 16 million votes. In 38 constituencies sole candidates failed to get the required 20% required for membership of the house and the NEC quickly arranged election re-runs for 23 April. Fourteen constituencies still failed to return a candidate. By the end of April, of the 386 MP-elects in constituency seats, 377 were TRT members. Additionally, as no other party won the necessary 5% for party list seats (of which there were 100), TRT won 99 seats (one of its party list candidates resigned in the course of the election), giving it a total of 486 members in the 500 seat house (Constitutional Court, 2006: 23-7). During April, claim and counterclaim of electoral fraud, interference in the affairs of the NEC, and illegal involvement in the establishment of small parties led to massive pressure on the Administrative Court and the NEC (see Kasian, 2006; Montesano, 2006). Pro-Thaksin forces argued that it would be constitutional to convene a parliament without the full number of MPs (*The Nation*, 7 April 2006). On 25 April, the king acted. Speaking before assembled judges, he called on jurists to “do their job,” to make fair rulings on the range of issues before them, including electoral fraud. He indicated that the 2 April election was a dubious democratic exercise. He ended speculation on Article 7, stating it was not a rational call and was beyond the scope

of his powers to royally appoint a government in the current circumstances (Bhumibol, 2006¹⁸). The implication was that the varied issues between the opposing sides should be decided in the courts. On 8 May the Constitutional Court ruled 8-6 to annul the election.

The following section details the positions that emerged around Article 7 during the lead up to the election. What is significant here is to understand the somewhat desperate contingencies that led to the elevation and transformation of Article 7 in strategic terms – from a call for political reform to the demand to remove Thaksin from office. This shift emerged as a consequence of Thaksin's strengthening hand over state agencies and because of the many issues raised by the Shin Corp sale. For the opposition, another electoral victory by Thaksin – almost certain had they run in the election – meant a hardening of "Thaksinocracy" (Thirayut, 2003): a further strengthening of the neo-liberal elements to his rule with the result of stronger economic oligarchies forming around Thaksin's networks, further entrenching his monetary and political power. An election was now understood as merely commemorating the death of the 1997 Constitution.

The Democrat Party

The Democrats were formed as a royalist party in 1946 and have since embraced the norms of liberal international society (Connors, 2006a). A pro-capitalist party that implemented the 1997 IMF-imposed reforms, it was an easy target for Thaksin. They unsuccessfully ran in the 2005 election with their own "populist" policy platform complementing a political philosophy of liberal democracy and civil society (Connors, 2006b). They unsuccessfully campaigned as losers, seeking an electoral mandate sufficient to allow them to scrutinise the government and the prime minister.

In late January 2006 the Democrats seized on anti-Thaksin sentiment to push for an amendment of the constitution to release independent agencies from the grip of the Senate (which was seen as having favoured Thaksin), arguing this would allow a more effective political opposition to function. The Democrats also circulated an extensive draft no-confidence motion, and it was rumoured that disaffected TRT members would provide them with numerical support to launch it (*Putjakan [Manager]*, 4 March 2006). When Thaksin suspended parliament and called an election, the Democrats and two other opposition parties called for its postponement, saying the government should first commit to a binding platform on political reform and then hold elections (*Thalaengkan ruam 3 pakfaikhan*, 2006). TRT would then be on the public record as supporting reform and the freeing of independent agencies from Senate control. This would allow for a more effective political opposition to emerge and for the reinstatement of the checks and balances of the 1997 Constitution. Thaksin refused, saying he would be held only to his "social contract" with the electorate.

Failing to win this commitment, the opposition election boycott and call for people to cast "no votes" was primarily motivated by two factors. First, demonstrating that a loyal opposition remains loyal only if there is a chance of assuming power, the Democrat party secretary-general explained that "there is no way we can win, because Thaksin has state power, and many other powers" (Democrat Party, 2006a). Secondly, demonstrating that a loyal opposition remains loyal only if there is a chance of scrutinising power, Democrat party leader Abhisit

Vejjajiva painted the election as an attempt to avoid legal processes: “No matter how many votes you have . . . you must be scrutinised . . . you have no right to break the law, violate the constitution” (Democrat Party, 2006b). The Democrats determined that the election was simply a referendum to exonerate the prime minister of his alleged abuse of power. Rather than take part in an exercise aimed to shore up Thaksin’s legitimacy, and certain of losing, they chose to boycott.

After the election announcement the Democrats called on Thaksin to resign as caretaker prime minister and, there being no law clear regulation on the selection of a caretaker prime minister when parliament was dissolved, invoked Article 7 to enable the royal appointment of a temporary government and a “neutral” body to initiate political reform (Democrat Party, 2006b). However, if Thaksin refused to resign the Democrats intended to force the use of Article 7 by denying the House of Representatives a full quorum by boycotting the elections (Anon., 2006). As the election approached, TRT sent signals that the Democrats might be offered a place in a Thaksin-led government of national unity. The Democrats argued this would lack proper mechanisms of balance and scrutiny and reiterated their stance on political reform (Democrat Party, 2006c: 82; 2006d). Several weeks after the election, the Democrat party continued to call for Thaksin’s resignation to allow for the use of Article 7 to initiate political reform (*The Nation*, 15 April 2006). This, it claimed, was a constitutional course of action.

The People’s Alliance for Democracy

With the Shin Corp sale, Sondhi intensified his use of royal symbolism, calling for a mass rally at Royal Plaza on 4 February. A booklet with a foreword by Sondhi, *Save the Nation 4 February*, was distributed to hundreds of thousands of people before the rally. It labelled the government “Nation Robbers,” and described Thailand as a “police state” because of the extrajudicial killings of thousands of people in the “War on Drugs.” People were invited to attend the rally to present a petition to Privy Councillor Prem Tinsulanonda (Save the Nation [Ku Chat 4 Kumphu], 2006). The reading of this petition at the rally on the night of 4 February was a remarkable event. Explaining, to thousands of assembled protestors, that in ancient times the king would receive aggrieved subjects when summoned by the sound of the bell, Sondhi rang a bell and read the petition. This was a physical enactment of the mythical lineage of Thai royal liberalism traced to the liberal kingship of King Ramkhamhaeng. The petition outlined Thaksin’s attacks on democracy and then made claims familiar to liberalism in terms of the “public good,” saying that legitimacy was derived from two sources, an electoral mandate and, more importantly, from ruling in the interests of the nation: “This prime minister relies only on the first kind . . . and he invokes this kind of legitimacy to suppress the rights of the people, besides disregarding the royal power under the democratic system” (Khamnun, 2006: 320). The petition then moved to a restatement of *rachaprachsamamai*,

The people at large are the owners of the sovereign power bestowed by the Crown. When the government lacks legitimacy and there is a monumental crisis they have the absolute right to call for the return of this power to present it to the Crown to exercise it in cooperation with the people (Khamnun, 2006: 321).

One of the striking aspects of the Sondhi rallies was the organisational absence of various pro-democracy groups and NGOs that had long campaigned against Thaksin. This ended several days after the petition rally, when Sondhi was joined by over 20 pro-democratic anti-Thaksin NGO networks and labour groups (see Pye and Schaffar, 2008), along with Chamlong Srimuang (see Ukrist, 2008) to reconstitute the People's Alliance for Democracy.¹⁹

Key figures in the NGO-wing of PAD were against the use of Article 7 and, for a time, Sondhi watered down his royalist rhetoric (see Atiya and Vasana, 2006). Opposition to Article 7 remained strong among some anti-Thaksin groups. Midnight University, left-leaning political groupings such as the People's Coalition Party, and royal liberals such as Prawet and Anand, argued for a political struggle against Thaksin within the political system or through protest to build mass opposition (Giles, 2007; Walawhipha, 2006). They were, however, marginal in the circumstance of growing calls for royal intervention. From late February to mid-March a range of petitioners and organisations called for royal intervention on the basis of Article 7. For example, twenty senators called on Thaksin to resign and requested that the king use Article 7 to initiate political reform (*Daily News Online*, 4 March 2006). On 6 March, 99 prominent senior academicians, senators and bureaucrats, including Chai-Anan, Jaruvan and dissident senators Kriasak Choonhaven and Chermesak Pintong, petitioned the king to consider the use of Article 7 (Petition, 2006). The petition moved the use of Article 7 in an entirely new direction by calling for direct royal intervention to remove Thaksin and for the king to appoint a temporary administration that would effect constitutional change leading to a new election with "equality of contest." On 18 March the Lawyers Council of Thailand and the Press Council of Thailand called for the formation of a People's Assembly to initiate a petition to call for the king to use Article 7 (*Bangkok Post*, 19 March 2006).

From 5 March, PAD – under the slogan "Save the Nation" – staged a continuous demonstration, marching to different places in Bangkok and setting up camp in various locations. On 21 March at a rally of 20,000 in downtown Bangkok in the business area of Silom, Chamlong called for the use of Article 7. Key NGO and labour figures in PAD, such as Somsak Kosaisuk and Phiphop Thongchai, continued to oppose its usage (*Bangkok Post*, 22 March 2006; *Krungthep thurakit*, 22 March 2006). Chamlong's actions brought the issue to a head and, after heated debate, PAD adopted the use of Article 7 as its principal strategy.

The editorial team of *Thai Post* presented an explanation of why NGO figures in PAD changed their position (Editorial Team, 2006). By way of background the editorial team recounted that the political challenges facing the opposition had been transformed as a consequence of Thaksin's ability to withstand calls for his resignation. This had led to greater calls for invoking *rachaprachasamai* as a way of avoiding violence. As for PAD, it had reached a strategic dead-end, with key leaders split on the use of *rachaprachasamasai* and Article 7. Thus, an emergency meeting was called. Without attribution, the report states that the meeting received a phone call from Sulak Sivaraksa – the famous dissident monarchist – urging PAD to remain united. Supporters of Article 7 argued that its use would lead to political reform in the longer term. Accepting that use of Article 7 was dependent on "special powers," its proponents noted that the people were not stupid and the movement to overthrow Thaksin would be a "social learning process." Facing such arguments,

and believing that Thaksin could be pressured to resign, the dissident PAD leadership succumbed and, on 23 March, PAD issued Declaration 6, calling for a royally appointed government. This was a major shift, breaking from Sondhi's earlier usage which called on Thaksin to resign *to enable* the use of Article 7.

The 6th PAD Declaration stated that the coming election was illegitimate and that a parliament could not be convened because a full house could not be elected as a consequence of the no-vote. The only constitutional way out was the use of Article 7:

The People's Alliance for Democracy invites the people to come together to rely on the prestige [*barami*] of the King in order for the King to immediately use the royal prerogative according to Article 7 of the Constitution to royally appoint a new prime minister in order to initiate a second round of political reform, with concrete participation from the people (PAD, 2006).

The Declaration continued that the interim government should respect rights and freedoms of the people, "who are the owners of sovereignty." Political reform should be enacted quickly so that a new election could be held. However, the Declaration called for the interim government to reconsider the free trade agreements enacted by the Thaksin government, halt the privatisation of state enterprises and rescind state concessions that had passed to Temasak (PAD, 2006). At subsequent rallies of over 100,000 people in late March, PAD made these demands, and repeated them throughout April until Bhumibol's speech to jurists ruled out the use of Article 7. Politically disarmed by Bhumibol's rejection of Article 7, PAD effectively moved to the sidelines and the struggle against Thaksin became an end-game between pro-Thaksin forces and elite networks formed around the palace (McCargo, 2005: 513-5), including civil servants, judges, the military and business groupings. That struggle culminated in the September *coup d'état* (Hewison, 2008; Ukrist, 2008).

Endpoint: The King Says No

The extraordinary events of 2005 and 2006 and the emergence of an "Article 7" movement make sense as an attempt to mobilise the myth of a social contract between the people and the king to restore the 1997 settlement. That Thai liberalism should depend on a cleverly inserted clause in the 1997 Constitution to push for king-people-mutuality in resolving a political crisis reflects something of elite liberalism's weakness and impotence and, in closing, I offer some comments on liberalism's article of faith – the monarchy.

Bhumibol's declaration that he would not use Article 7 requires interpretation. Paradoxically, Bhumibol relied on his un-codified power (that which the anti-Thaksin movement had sought to deploy) to effectively compel a judicial solution to the crisis. The king would not be dictated to by street forces and instead relied on the power of his speech (see Thongchai, 2008) to impact on the outcome of political events. This course of action, it may be assumed, ensures the continuing myth of royal distance from politics and secures the reserve powers codified in Article 7 which the king refused to publicly exercise. Public use of those powers, compelled by protests on the street, may well have been judged imprudent in the face of a popular prime minister.

While Bhumibol's call for the courts to carry out "their duty" may be interpreted as a sign of a liberal kingship furthering the rule of law, another interpretation is that his intervention in late April 2006 signalled the end of an unprecedentedly mobilised form of royal liberalism, one that had escaped the control of its guardians. Bhumibol's refusal to use Article 7 publicly highlights the completely dependent and misguided nature of the elites', PAD's and Democrat party's strategic use of the monarchy. Articles of faith, however, are never easily broken. The future of royal liberalism is, barring a massive succession crisis, likely to remain a key element in elite ideological structuring of parliamentary politics into the future, even as conservatives make political advances in the post-*coup* environment (see Ukrist, 2008). Its ideological potency remains strong, witnessed by its mobilisation, along with coercive measures, in the post-*coup* environment to quell opposition.

As for political liberalism and its relationship to the monarchy, the question arises as to whether there is indeed an enduring social base for political liberalism in a country where class struggle and formation in the medium-term future are unlikely to mirror the forms of political and economic struggle that shaped liberal democracies in developed capitalist economies. Setting that question aside in its broadest sense, in the Thai context political liberals, believing Thailand to be bereft of a strong nationwide middle class that supposedly grounds liberalism, have entrusted the mission of establishing liberal democracy in the ideologies and institutions simultaneously derived from and legitimated by a mythic social contract embodied in the monarchy. Political liberalism in Thailand is unlikely to find a sure footing based on such exclusive terrain, especially when that base necessarily, because of its own role as the head of a power bloc in the national Thai capitalist formation (Connors, 2007: 131), fails to address the gross economic and social inequalities that led many to support Thaksin.

In the longer term, progressive social liberal forces, perhaps now disabused of the notion that the monarchy may be utilised for progressive purposes, may well be the political beneficiaries. The wide debates on the role of the monarchy, partly refracted through debates on the role of Privy Councillor Prem (see *Prachathat*, 16-22 July, 2007: 11) in the events of 2006, has greatly affected its standing, especially among supporters of Thaksin's social and economic policies. This has the potential to erode the ideological compact that has taken shape since the 1970s and offers the possibility of the emergence of a more widespread egalitarian sentiment to challenge the hierarchical and deferential sentiment that surrounds the monarchy.

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Notes

- ¹ After April the movement was effectively demobilised and the focus moved to intra-elite conflict in the courts and the military.
- ² There is no correct way of translating this term, although king-people-interdependency comes closest. I use "mutuality" to suggest something of the pacting nature inherent in the term.

- ³ Calls for a royally-appointed government were an intermittent feature of post-1997 politics. They assumed meaningful form, however, with the rise of the liberal anti-Thaksin movement.
- ⁴ Khamnun Sithisaman is a close associate of Sondhi, having worked as a senior editor at *Manager*. He was influential in circulating the idea of *rachaprachasamasai* (see Khamnun, 2005, where reference to Bowonsak and Kukrit is made – leading me to these sources).
- ⁵ The idea of *rachaprachasamasai* was taken up by extreme right-wing groups in the lead up to the *coup* of 1976 (Ukrist Pathamanand, pers. comm., July 16, 2007).
- ⁶ Article 7, in modified form, appeared in the post-*coup* constitutions of (year, followed by the article number): 1959/20; 1971/22; 1976/24; 1977/30 1991/30). Its usage in the 1997 Constitution differs from previous usages. While preceding usages refer only to “democracy,” Article 7 refers to “democracy with the king as head of state,” giving it a royal inflection. Previously, usages were positioned towards the end of the constitution. Article 7 of the 1997 Constitution occurs as the last article in Section One on general principles and immediately before Section Two on the monarchy.
- ⁷ At first the amendment was lost (30-29). A recount was requested and the amendment won 37-35 (CDA, 1997c: 133).
- ⁸ Later, of course, it would be used to discipline electoral majorities – a seemingly political liberal ruse on democracy.
- ⁹ The term “convention” is also used.
- ¹⁰ This is a contested, but largely operative legal principle. It is on that basis that Khamnun (2005), for example, elaborating on the call for power to be returned to the king in 2005, argued that as Thaksin had effectively launched a *coup d'état* by virtue of his power and the constitution was now dead, power should be returned to the king.
- ¹¹ Sondhi's compromised past as an associate of Thaksin (see Hewison, 2008; Ukrist, 2008) and his mobilisation of a mass movement meant that key leaders of the liberal “network monarchy” (McCargo, 2005: 511), which pushed forward political reform in the 1990s, were suspicious of his agenda and remained distant.
- ¹² Rules stipulated that the Senate accept or reject only the successful SAC nominee, not select from the pool of nominees. The SAC originally forwarded its successful nominee to the Senate, but the Senate requested all three SAC nominee names be forwarded. It then selected Jaruvan, even though she was not the SAC choice.
- ¹³ Thaksin's relationship with Sanoh's faction was complicated. Initially, Thaksin required its numbers in parliament to ensure he was not subject to a censure motion. As Thaksin's own parliamentary numbers increased, relations with Sanoh broke down, but Sanoh remained with TRT because had his faction defected and a snap election was called, the defectors risked not being able to stand in the new election as a consequence of a 90-day party membership rule.
- ¹⁴ Sanoh is reputed to have had close relations to Jaruvan, and appears to have used the auditor-general issue to advance his own political interests, as well as raise issues relating to Thaksin's overly aggrandising behaviour. Typically, before 2001, governments fell or were disciplined as coalition or factional partners pressured for their own interest. Thaksin's position was much stronger because of the 90-day rule. Sanoh remained within TRT in 2005 despite a break down in relations. The issue of royal powers became his chosen course of attack.
- ¹⁵ Within a few months several hundred thousand people had read the story on *Manager's* website.
- ¹⁶ The *Bangkok Post* (2 November 2005) reports those comments as: “The provinces which place their trust in us will be given special care . . . the provinces which trust us less will come in later.”
- ¹⁷ The exact nature of this “sale” remains opaque and is at the heart of current investigations into Thaksin's alleged corruption.
- ¹⁸ The title of this source mistakenly dates the speech as occurring on 26 April.
- ¹⁹ PAD – without Sondhi and Chamlong – had first formed in 2004 in the wake of worker opposition to Thaksin's privatisation policy. According to Thanaphon (2007: 298) it aimed at “knocking out Thaksin” by mobilising workers and the public. Thaksin's offer of welfare and shares to state enterprise workers helped fragment the worker-NGO alliance, and it fell into obscurity.

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