GLOBALIZATION AND DEMOCRACY IN SOUTHEAST ASIA

Challenges, Responses and Alternative Futures

Edited by
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Boike Rehbein and Surichai Wun'gaeo

Frontiers of Globalization

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With the onset of the twenty-first century, key components of the architecture of twentieth-century globalization have been crumbling. American hegemony has weakened politically and economically. Laissez-faire capitalism that shaped the neoliberal globalization has proved to be crisis-prone and is giving way to a plurality of ways of organizing and regulating capitalism. With the rise of emerging societies the driving forces of the world economy are shifting not merely geographically but structurally; industrializing societies, rather than postindustrial consumer societies, are again propelling the world economy. These changes involve major breaks: an era of multipolarity; the affirmation of the plurality of capitalisms; the emergence of new modernities; and the new patterns of East-South and South-South relations, in contrast to the North-South relations. These changes unfold on a global scale and cannot be properly understood on a national, regional or even international basis. They represent major trends breaks, although actual changes may well take shape through a thousand small steps. Understanding these changes requires interdisciplinary and kaleidoscopic approaches that range from global political economy to cultural transformations. The series welcomes contributions to global studies that are innovative in topic, approach or theoretical framework. Amid the fin-de-regime of the millenium, with globalization in the throes of dramatic changes, the series will cater to the growing interest in educational and study material on contemporary globalization and its ramifications. Proposals can be submitted by mail to the series editor: Jan Nederveen Pieterse, Mellichamp Professor of Global Studies and Sociology, Global& International Studies Program, University of California, Santa Barbara, CA 93106-7065, USA.

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Surichai Wun'gaeo
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Globalization and Democracy in Southeast Asia

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1

Introduction

**Boike Rehbein
and Chantana Banpasirichote Wungaeo**

It has been taken for granted that the global spread of capitalism and the Western development model will lead to a transformation of all nation-states into liberal democracies. The transformation presumably implies the emergence of an economically active, educated and wealthy middle class. On the surface, this seems to have happened all around the globe. However, we are also witnessing the persistence of socialist state structures, as in Vietnam and Laos, and opposition to democracy, especially in the upper middle classes, as in Thailand. The hypothesis of a simple Westernization of the world has neglected the relevance of local histories, regional cultures and national class structures in the formation of

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capitalism and democracy. We do not see the transformation of all political systems according to the Western model, but a negotiation between Western and local values within the framework of twenty-first-century globalization.

Southeast Asia may be the best case to study this process, as each nation-state has a rather unique history and culture, as well as a unique political system (Bertrand 2013). All Southeast Asian states have imported aspects of the Western model reaching back to colonial times. However, each state has established a unique configuration of Western, local and globalized elements. What is more, there are powerful trends against liberal democracy in all Southeast Asian states, ranging from Chinese socialism and Buddhism to Asian monarchy and military dictatorship (Croissant and Bünte 2011). These are not manifestations of backwardness or underdevelopment, but results of negotiations between classes, political camps and layers of history. Many proponents of the opposition to liberal democracy would argue that the Western model itself is not only unfit to be applied to Asia, but also partly outdated (cf. Crouch 2004). From this perspective, Southeast Asia offers both a case study of negotiation and a laboratory for experiments with democracy (McCargo 2002).

Democracy

It is certainly true that liberal democracy is rooted in a very peculiar European social configuration. Capitalists and the bourgeoisie successfully challenged the unstable coalition of monarchy and Church on the basis of economic capital and science while democratic movements associated with the European Enlightenment proposed to construct a new social and political order according to scientific principles. These ideas dominated political discourse from the seventeenth to twentieth century. The early core of the idea has been the notion of the social contract, as developed by Thomas Hobbes (1968, p. 1651), and further elaborated by Jean-Jacques Rousseau (2012, p. 1762). The notion points to a purely rational construction of society through a contract between all citizens of a political entity, which presupposes that all citizens are free and equal. Through the contract, they transfer part of their powers to the abstract

political entity in exchange for the protection of their physical integrity, property and freedom.

The ideas of the social contract did not remain purely academic, but were adopted by the democratic movements in Europe and North America. The constitutions of the early democratic nation-states explicitly referred to the notion of the social contract and its theoretical foundation, which ultimately lay with the Christian God. The preamble of the American Declaration of Independence (1776) reads: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.' These ideas also entered the American Constitution.

Directly inspired by Rousseau's philosophy and the Declaration of Independence, the revolutionary movement in France published the *Déclaration des droits de l'homme et du citoyen* (Declaration of Human and Citizen Rights) in 1789. It proclaimed the 'natural, untransferable and holy rights of man'. The Article two summarized the philosophical foundation in the spirit of the Enlightenment by claiming that people are born equal and enter the State as legally free and equal citizens. Article two explains the purpose of the social contract, which consists of the protection of human rights, namely the rights to freedom, property, security and resistance against oppression. Freedom is defined in article four as the possibility to do whatever one pleases if it is not detrimental to anyone else. Article six could have been copied directly from Rousseau: 'The law is the expression of the general will.' It is the same for everyone and by everyone.

Article six also adopts Rousseau's view on social inequality, which is the core of any liberal interpretation of inequality: all citizens are equal before the law and have access to all positions, places and jobs according to their virtues and talents. The liberal interpretation of inequality is meritocratic. All citizens are supposed to be born equal and to enter society as equals. Any inequality between them is interpreted as the result of personal merit or failure on the basis of their individual 'virtues' and 'talents'. In reality, basic preconditions for social action, participation in democracy and economic success are unequally distributed right from the start (Rehbein and

Souza 2014). Merit is not achieved by equal individuals, but is linked to the socially differentiated abilities and resources people have. In Western democracies, most social groups did not even initially have the possibility to acquire merit because they were denied the very human rights that the declarations quoted above professed to extend to all human beings. Slavery was abolished only in the nineteenth century, and dispossessed persons, women, (formally recognized) immigrants and many minorities received full citizenship only in the course of the twentieth century. As they were integrated, their symbolic devaluation and lack of resources persisted. They did not receive the same starting conditions as the old nobility and the bourgeoisie, who had already acquired wealth, occupied the leading positions in society and dominated the symbolic universe.

The inclusion of the majority of human beings into liberal democracy was the result of political struggles. The struggles aimed at participation but left the unequal structure of society untouched. The former feudal structures were only transformed and persisted under the surface, as they were never consciously abolished. The egalitarian surface of democracy, the market, legal institutions and discourse rendered the structures of inequality invisible (Crouch 2004). While inequality is supposed to be the outcome of individual merit and failure, it is actually rooted in pre-capitalist structures of inequality and the unequal integration of under-privileged groups. Each newly integrated group becomes the lowest stratum in the democratic state of equals. After integration, some members of the lowest stratum are able to actually acquire merit and move up the social ladder. This individual success serves to legitimize and cover the hierarchy of classes in liberal democracies.

The same process took place in Europe and all over America after the end of colonialism. In most African and Asian societies, however, the entire population was declared equal and integrated into the social organism, which often were democracies, arriving with the end of colonial rule. The old structures of inequality were directly transformed into capitalist classes. During the transformation, these societies experienced much more social mobility than Western societies after their revolutions, as independence fighters, new entrepreneurs and members of the military were able to rise into the ranks of the new elite. At the same time, the structures of inequality became invisible much faster, as the

underprivileged groups were formally equal from the start, and individuals originating from them managed to be upwardly mobile.

In many African and Asian states, this process continues, but it does not alter the unequal conditions of participation in capitalism and democracy. A few revolutionaries join the elites but, otherwise, the peasants remain poor even after their transformation into commercial farmers and migrant laborers, while the nobility keeps its wealth and access to power. The capitalist transformation fundamentally changes the structure of the division of labor, but not that of society (Piketty 2013). Precapitalist ranks are transformed into invisible classes, as the meritocratic liberal discourse declares them to be nonexistent. The dynamic distribution of economic capital contributes to this. A laborer's son may get rich as a football player or singer, but this does not make him, let alone his family, a member of the ruling class, especially since he tends to lose his wealth within his lifetime.

The capitalist transformation does not result in an egalitarian and fully democratic society, but it does imply a democratization within the elite. The dominant precapitalist groups and the capitalists share power with each other in both a cooperative and competitive manner. The king is replaced by a dominant class, while the leading functions in society are increasingly carried out by the well-educated bourgeoisie (cf. Mills 1956). This has been the structure of most democratic societies from the early USA to the contemporary Philippines. It is largely a compromise between the old ruling classes and the new functional elites, which are often referred to as the middle class. The rest of the population is unequally integrated but, as Adam Smith suggested at the time the Declaration of Independence was published, co-opted through the increased 'wealth of nations', a small share of which will keep them satisfied (Smith 1998, p. 7).

Southeast Asia

The Southeast Asian liberal democracies have preserved precapitalist classes and structures to a larger degree than contemporary Western democracies. The tendency to arrive at a compromise between nobility,

capitalists and upper middle class is obvious but highly conflict prone at the same time. On the one hand, the majority of the population grows up with the promise of democracy and equality; on the other hand, capitalists struggle with precapitalist hierarchies and clientelism. The upper middle class has not found its place within the young democracies yet and does not even play a significant role in Laos, Myanmar and Vietnam, which do not have Western-type democracies.

Against this background, the present volume seeks to inquire into the relation between democracy, middle classes and the type of domination exerted by the upper classes. The most relevant question in this regard is whether Southeast Asia can come up with an alternative interpretation of democracy that is more democratic than the Western model and possibly a way into the future. The answer given by the chapters in this volume is a clear 'no'. They do, however, point to dynamics that could or should lead to more democracy *within* the hybrid configurations of the respective nation-states. To understand these dynamics improves our understanding not only of the peculiarities of each Southeast Asian society (even on the local and transnational levels), but also of democratic processes and institutions in general.

The political configurations and frameworks for democratic governance in Southeast Asia are very diverse. Post-colonization, the Cold War and the post-Cold War have set the countries in the region into different political systems and governments. The range includes absolute monarchy (Brunei Darussalam), constitutional monarchy (Thailand), representative democracy with a parliamentary system (Cambodia, Myanmar, Malaysia and Singapore) and presidential system (the Philippines and Indonesia), and communism (Lao PDR and Vietnam). The triumph of the market economy has led to significant adjustments in the authoritarian regimes, particularly, in Vietnam. The financial crisis in 1997 had an adverse effect on the legitimacy of the Indonesian regime. Recent developments in ASEAN regional integration, to some extent, have contributed to the beginning of an electoral polity in Myanmar.

The countries of the region, however, share one important characteristic, namely a centralized and securitizing state. Through the work of multinational corporations, the neoliberal economy has been able to intervene in the national financial markets and trading regimes with

weak institutional measures (e.g., the Thai *tom yum kung* effect in 1997), but state sovereignty has remained intact in national politics and security (cf. Loh 2005, p. 3). Yet, around the turn of the twenty-first century, new grassroots movements and civil society organizations, in parallel with the emerging new middle classes, have become more politically visible in the region, but their relationships with the securitizing state have not been fruitful. The region is more prominent for economic growth than for democratic consolidation (cf. Schmidt et al. 1998, p. 220).

However, informal and formal aspects of politics do not coincide in Southeast Asia, which is another characteristic that all nation-states of the region seem to share. Analyzing trends in democracy or democratization therefore also means studying informal politics. All the chapters in this volume address the issue to varying degrees. The discussions reveal that Southeast Asia's contribution to twenty-first-century democracy will lie in the realm of informal movements and arrangements rather than in formalized institutions.

The Book Chapters

The book is divided into three unequal parts. The first part consists of one chapter, which combines a global overview of democracy in the twenty-first century with an analysis of the framework for democracy in Southeast Asia. The second part contains country studies of democracy in the region. The chapters differ greatly in their topics and entry points, but they all share the search for democratic potential in the social setup of the respective countries, while exploring the challenges and limitations. The final part of the book comprises an in-depth study of Thailand, which used to be one of the success stories of Southeast Asia but has now revived its long tradition of military dictatorship. The role of the new middle classes emerges as a topic that bridges the wide span of issues tackled in the chapters.

Jan Nederveen Pieterse provides a critical analysis of the characteristics of democracy in Southeast Asia by examining three themes: the East Asian developmental state as a model for Southeast Asia; the role of the middle class in ongoing transformations; and democracy and

equality. He emphasizes that the convergence of modernity, capitalism and democracy is a myth invented in the Cold War period and that there is not just one democracy in the singular. He also points out that neoliberal democracy can go together with high degrees of inequality. He concludes that the hope for alternatives to neoliberal globalization in the twenty-first century will rest on the role of the state.

Abdul Rahman Embong raises concerns over the right-wing movement in Malaysia's recent popular uprising. He compares different movements, the Coalition for Clean and Fair Elections (BERSIH), *Persatuan Pribumi Perkasa (Perkasa)* and Malaysian Muslim Solidarity (ISMA), as well as 'the Red Shirts,' to distinguish their political propensities in the democratization process. It is important to note that it is not only progressive civil society that is using the opening political spaces, but also right-wing groups, which he calls 'the noisy right'. Malaysia is one of the countries in which the right wing is found to be allied with the state and the ruling political party. Of particular concern is the right wing's use of ethno-nationalism in its politicization. The role of civil society in monitoring political performance might lead Malaysian politics toward becoming a 'mature democracy', while the rise of the right wing and the imposition of strict laws could leave the country 'stuck in transition'.

Andrew Yeo Zhi Jian, Yeoh Lam Keong and Au Yong Haw Yee analyze the situation of the city-state Singapore as a 'social contract trilemma'. The country, according to them, needs to find a balance between the three dimensions of market competitiveness, social protection and democratic development. The main argument of the text seeks to establish that these three dimensions are not necessarily contradictory, but can actually reinforce each other. While Singapore's economy is highly competitive, less attention has been paid to the other two dimensions. They conclude that only if this imbalance is tackled, will Singapore be ready for the challenges of the twenty-first century.

Sok Udom Deth and Daniel Bultmann study how the challenges of the twenty-first century can be met in Cambodia. They identify the decreasing role of agriculture, rural–urban migration and the youth bulge as recent challenges. According to them, these challenges have to be met by a country whose elite, centered around Hun Sen, is characterized by closure, clientelism and corruption. In this framework, grassroots

movements, emerging middle classes and the young segment of the population have to find new ways into political participation.

Boike Rehbein analyzes the social structure of Laos in order to identify the social groups that might form an opposition to the communist government. While the Lao People's Revolutionary Party, which has been in power since 1975, claims to represent all interests of the population in a democratic way, new civil society organizations have emerged that challenge the wisdom of the party. He argues, however, that the social groups behind these movements are numerically small and comparatively powerless.

Hai Hong Nguyen and Minh Quang Pham argue against the standard Western concept of democratization by contending that, for Vietnam, it does not take regime change for the government to be more responsive to the people. On the contrary, they propose questions that are more relevant to the condition of Vietnam and its reforms that have taken place in the past 30 years, such as whether the reforms or changes are significant to the life of the people, and what kind of impact they have on the future politics of Vietnam. They explain the *Đổi Mới* policy introduced by the Communist Party of Vietnam (CPV) in the late 1980s. The policy pushes for economic liberalization as the key stepping stone to the path of democratizing society. The political aspects of *Đổi Mới* have been geared toward improving management of the bureaucracy, while civil society is still controlled by the party on the basis of keeping the nation in harmony. The CPV is seen to be changing in the area of leadership and decision-making structure toward intra-party democracy and pluralism. They are convinced that the change will come from the inside and that it will be under the control of the CPV.

Zaw Aung analyzes the preconditions and implications of the 'roadmap to democracy' proclaimed by Myanmar's military leadership in 2004. He argues that the steps undertaken by the military are the consequence of popular unrest and democratic movements, but that full-fledged democracy has yet to emerge. The chapter shows that the process of democratization has brought the country's many ethnic conflicts to light, as marginalized ethnic groups have begun to demand adequate representation in the democracy to come.

Emma Porio looks into the issue of inequality that has accompanied the neoliberal economy. She uses a housing program in urban Metro Manila to demonstrate the contradictions within urban development brought

about by the idea of modern society. She argues that the weakness of governance systems, lopsided urban development and natural disasters have contributed to increasing poverty and inequality. Through case studies, she reveals that even governance reforms providing better access to housing for the poor in the 1990s–2000s could not withstand the recent intense capitalist development projects that have caused the price of land to skyrocket. Equitable social services for the urban poor will face greater challenges, and local government and social movements of the urban poor will have to deal with an aggressive market-driven economy as well as unpredictable natural disasters arising from climate change.

Francisia Seda studies the challenges to democratization in Indonesia within the framework of the tension between globalization and decentralization. She demonstrates that the nation-state is torn between these two tendencies, which evade its control. She identifies the tendency of globalization with the market and the tendency of decentralization with the community. The weakening of the nation-state, according to her, on the one hand leads to a decline in nationalism, but on the other hand makes it difficult to deal with global and regional crises, such as environmental degradation.

The focus on Thailand comprises three chapters covering the Thai political crisis, the practice of deliberative democracy and online social surveillance. Chantana Banpasirichote Wungaeo explains the ongoing Thai political crisis and violence beginning from 2006 onward with a guiding question asking why democracy has been unable to contain conflict without resorting to violence. She lays out a few assumptions based on previous understandings of the Thai democratic polity, the nature of changing Thai hierarchical society and aspirations, and the incidents of polarized conflict. The politics of distrust is highlighted among other interpretations of the crisis. Distrust in the system has caused the erosion of political legitimacy. Therefore, the liberal form of democracy, placing legitimacy on electoral representation alone, important as it is, might not be sufficient to put dysfunctional democracy back on the right track. She points out that inadequate discussion has occurred on a new terrain of political legitimacy, the politics of distrust, new sources of moral authority, the illusion of state security and the rules of engagement to withstand intolerance.

Surangrat Jamnianpol and Nithi Nuengjamnon discuss the state of democracy in Thailand with an emphasis on the practice of deliberative democracy during the high tide of democratic reform under the 1997 Constitution. They use a systemic approach to analyze three policy areas: health and political reform, peace and reconciliation, and decentralization. Different forms were experimented with national assemblies, citizens' juries, citizen dialogues, scenario planning and public forums. The concrete outcomes of deliberation were draft bills submitted to decision makers at a higher level. Deliberation, as experimented with in these key policy areas, did not and could not strictly follow minimum requirements. They found that the application of deliberation without careful consideration of the principles runs the risk of creating a legitimacy deficit. Concerns encountered in the process were lack of inclusiveness and effectiveness. It is imperative to ensure the reason-giving component and the inclusive setting in the process. In addition, meaningful deliberative democracy can be achieved only when it is well connected with the formal decision-making institution.

As political conflict in Thailand expands greatly into extremely active social communication in the cyberworld, Pirongrong Ramasoonta focuses on civil contention in cyberspace and acts of intolerance against non-conforming views. She studies online social surveillance and cyber-witch hunting in the wake of the 2014 coup d'état using three cases, namely Cyber Scouts, the Kingdom's Garbage Collector Organization, and Zeroing-in surveillance and doxing. This social surveillance and cyber-witch hunting can be classified as ultra-royalist. The purpose of those conducting it is ostensibly to defend the monarchy by pursuing legal action and social sanctions against those whom they believe to have committed lèse majesté. These civic actions are in line with the junta's policy, so the cyber-witch hunters are able to use the laws to bring about prosecution of the suspects. She reflects that this social surveillance has violated people's rights to privacy and personal data. Above all, it contributes to a climate of fear in cyberspace, which remains an available forum for political communication under military suppression.

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Part I

Democracy and Globalization

2

Democracy Is Coming

Jan Nederveen Pieterse

In the 1990s democracy was the dominant imaginary of politics. A global trend toward democracy was celebrated, heralded at world summits, prominent in the discourse of transition in Eastern Europe and institutionalized as part of international development policy where good governance became a condition of foreign aid. The worldwide scope of democracy was widely heralded. 'No doubt, the defining concept of the 1990s is democracy. Like *Coca Cola*, *democracy* needs no translation to be understood virtually everywhere' (Norton 1993, p. 208).

Democracy was a keynote during the Cold War years: capitalism, the free market and democracy go together, in stark contrast to communism and totalitarianism. Samuel Huntington's 'third wave of democracy' was an expression of this diagnosis. Francis Fukuyama's 'end of history' followed suit. With fascism and communism defeated, liberal democracy is the one ideology that remains. The high tide of democracy was a

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post–Cold War discourse. Democracy had been tied in with anticommunism and the 'Free World', and its rise coincided with the comeback of American hegemony (recovering from the Vietnam War) and the rise of neoliberalism in the 1980s. It was also part of the Washington consensus: liberalize markets, economies will grow and, in time, democracy will follows (a subtext rather than a loud part because the IMF and World Bank are not supposed to meddle in politics).

In fact, the idea that democracy is coming has been a *leitmotiv* in western thinking and social science for a long time. Grand narratives of the 'American century' include twentieth-century updates and reworking of nineteenth-century French and European ideas of progress. This has been a driving force in American foreign policy from Woodrow Wilson's support for the right to self-determination to postwar American support for decolonization. It was followed by policies to bring prosperity and democracy to various parts of the world—to Latin America and the Caribbean in the Alliance for Progress; to former East Bloc societies through the National Endowment for Democracy and support for the 'color revolutions' in Eastern Europe and the Caucasus; and to 'bring democracy' to the Middle East and Central Asia by ending dictatorships and supporting moderate political forces and supporting human rights. These efforts have often not been particularly successful. While battered by setbacks, it continues to inform American foreign policy, for instance, in support for Internet and social media connectivity in North Korea, Iran and the Middle East (Nederveen Pieterse 2012). An underlying motive in these perspectives is convergence theory. The general idea is that, variations and time lags notwithstanding, over time societies will converge on (a) modernity, (b) capitalism and (c) liberal democracy.

A large literature criticizes the contradictions and gaps in hegemonic narratives—such as double standards for allies or with a view to geostrategic interests. Nevertheless, democracy has generated a working consensus across a wide political spectrum, from Francis Fukuyama to the left. As the model of social revolution and armed struggle withered, left-wing parties contest in multiparty elections in countries such as El Salvador, Nicaragua, Bolivia, Uruguay and the Philippines.

On a world scale, however, liberal democracy was not the only model that remained standing after the collapse of socialism. There were at least

two rival models—Islamic theocracy and the East Asian developmental state. Islamic theocracy did not have a fortunate career. Iran ceased to inspire; a counterpoint is the 'Green Revolution'. Saudi Arabia and Wahhabi influence, the FIS in Algeria, the Taliban in Afghanistan and Pakistan, the Muslim Brotherhood in Egypt and Islamic State (IS) in Syria and Iraq likewise fail to inspire.

The East Asian developmental state (EADS) is an entirely different case.

This chapter discusses three themes. The discussion first takes up the EADS, which poses questions of the state and democracy, both in relation to development. This is taken up with a focus on Southeast Asia, which has sought to follow the EADS model. A related, second theme is the role of the middle class in ongoing transformations. Classic perspectives of social progress and convergence attribute a key role to the middle class. Recent trends, for instance, in Thailand and Egypt, raise the question whether or to what extent this remains tenable. The third problematic concerns the relationship between democracy and social equality, a problematic that is common to developed and developing countries. Ours is an era of momentous socioeconomic transformations that generate new accumulation opportunities and is accompanied by extreme levels of social inequality. In many countries democracy goes together with sharply rising inequality and has become divorced from socioeconomic restructuring, due to, among other things, institutions and procedures that enable elite capture. This produces a governance gap which is paralleled by a stalemate of democracy. In light of major ongoing economic transformations, notably accelerated globalization and financialization, are the institutions that are commonly associated with democracy up to contemporary challenges?

This discussion argues that we need to *unbundle the state*—states may be capable and developmental, or they may be weak and predatory; we need to *unbundle democracy*—the focus on electoral democracy may be a distraction; what matters more is institutions and policies. We also need to take into account levels of development. For instance, institutions that may be effective in bringing a society from a low-income to a middle-income level of development may not be able to lift a society to a high-income level.

East Asian Developmental States

The experience of the East Asian Newly Industrialized Countries (NICs) has stood out amid often dismal decades of development. The economic success of the tiger economies has been remarkable, but the way it has been achieved runs completely counter to neoliberal tenets.

The notion of the developmental state goes back to Chalmers Johnson's account of Japan's economic success (1982). It has been taken up by many scholars (e.g. Wade 1990; Leftwich 1996; Weiss 1998), also in the aftermath of the Asian crisis (Chang 2003; Studwell 2007, 2013; Henderson 2012). It is the diametrical opposite of the neoliberal idea of economic growth led by market forces.

Southeast Asian countries, in particular the middle-tier, middle-income countries Malaysia, Thailand, Indonesia and the Philippines, have sought to replicate the success of the East Asian NICs. In Malaysia this formed part of the 'Look East' policy—look at the examples of Japan and the tiger economies. At the time Mark Thompson noted,

> Malaysian Prime Minister Dr Mahathir Mohammad has recently attacked Western democracy as a 'religion' irrelevant to his country [...] Malaysian Prime Minister Mahathir led the charge, accusing the West of 'ramming an arbitrary version of democracy down the throats of developed countries'. His focus on trade barriers against Third World imports despite professions of free trade by wealthy nations and his parry of criticisms of pollution in developing countries by pointing out that most environmental destruction occurs in the industrialized states led him to be hailed 'the Hero of the South' in Malaysia [...] The Asian model of development dictatorship may become a kind of alternative political model to Western democracy. After the original Newly Industrialized Countries (NICs), ASEAN is second and China as well as Vietnam third generation in this tradition. (Thompson 1993, pp. 475, 481, 482)

Two arguments run side by side in this perspective, the role of the state and the question of democracy. This is a recurring trope in analyses of the 1990s, for instance, in Adrian Leftwich's work. According to Leftwich, '*no* examples of good or sustained growth in the developing world have occurred under conditions of uncompromising economic liberalism, whether democratic or

not. From Costa Rica to China and from Botswana to Thailand, the state has played an active role in influencing economic behaviour and has often had a significant material stake in the economy itself' (1993, p. 613). This points to 'the primacy of politics, not simply governance, as a central determinant of development' (1993, p. 614). Leftwich invokes Friedrich List and Marx in favor of the economic role of the state (1994, p. 373) and refers to the examples of Germany under Bismarck, Japan under Meiji, Turkey under Atatürk', the Soviet Union after 1917, China during the first quarter century after the revolution and other instances (1993, p. 620).

Democracy, in his view, is a consensual politics of accommodation whereas 'non-consensual and non-democratic measures may often be essential in the early stages of developmental sequences in laying the foundations for growth—and also sustainable democracy in the long run'. Land reform is an example. 'Democratic politics is seldom the politics of radical economic change' (Leftwich 1993, p. 616). Thus, democracy should come *after*, not before, development. Development requires radical measures, which require state autonomy. American modernization theory also stipulated economic growth, industrialization and nation building as components of modernization, but did *not* include democracy.

According to Leftwich, political democratization and development in its early stages are incompatible and the trend to make aid conditional upon good governance and democracy is erroneous. In his view, the current celebration of democracy is out of step with reality, the notion that democratization is a global trend is premature and a series of democratic breakdowns is likely: 'In short, we are about to enter an era of democratic reversal, not democratic consolidation' (Leftwich 1993, pp. 605–6). In sum, this presents two theses: no early development without the state, and no early development with democracy. The first argument may hold but the second poses problems.

The Asian crisis of 1997–98 highlighted problems of crony capitalism, which served to support the Washington priority of good governance but also exposed wider problems. Why have Southeast Asian countries, the tiger cubs, not been able follow the success of the Northeast Asian tiger economies (Nederveen Pieterse 2015a)? At one level we should look at democracy in Southeast Asia and at a deeper level we should consider institutions.

Democracy in Southeast Asia[1]

In Southeast Asia democracy has stalled or regressed: 'Many of the so-called new or emerging democracies have been plagued by ethno-nationalist and communal conflicts, low levels of socio-economic development and a weak rule of law.' The region hosts 'a variety of political regimes below the democratic threshold: a military government in Myanmar, communist one-party rule in Vietnam and Laos, absolute monarchy in Brunei and "electoral authoritarianism" in Cambodia, Singapore and Malaysia' (Croissant and Bünte 2011, p. 20). Indonesia might be an exception, but the jury is still out (the influence of old elites, including the army, endures in leading political parties).

Although several Southeast Asian countries have been well above the economic thresholds for stable democracy in terms of gross domestic product (GDP) and Human Development Index (Merkel 2011), Southeast Asia is a neighborhood with the world's longest ruling parties and the greatest staying power of ruling elites. The PRI in Mexico and the LDP in Japan no longer rule (or have not ruled uninterruptedly), but UMNO in Malaysia, PAP in Singapore, and ruling parties in China, Vietnam, Laos and North Korea remain in power.

Military governments tend to be short lived, while one-party rule has staying power: 'In the second half of the twentieth century, military regimes had the shortest duration (9 years), followed by "personalized autocratic regimes" (15 years), and finally one-party regimes (23 years)' (Merkel 2011, p. 16). One-party regimes have staying power because they control the bureaucracy, judiciary, army and police, and public media. Because of their longevity, the ruling parties do not merely control the institutions; they often *are* the institutions (Chin 2011). In addition, the 'Lampedusa rule' applies—for things to stay the same, everything must change. One-party regimes are often adept at managing change and at conservative modernization, that is, adopting technical or ideological trappings of modernity while keeping political institutions intact.

[1] This section draws on Nederveen Pieterse (2015c).

(The lineage of conservative modernization includes the mid-nineteenth-century Habsburg Empire and Bismarck Germany.)

Even so, they govern on conditions of economic performance and (a modicum of) legitimacy. Corruption should not be so blatant that it reveals the machinery of the 'deep state'.[2] The deep state in Thailand includes the army and monarchy; in Indonesia, the collaboration of the army and priyayi; in the Philippines, landlords and the army; and in Myanmar, the army. In Malaysia, UMNO has ruled for over 50 years.

These constellations are increasingly in friction with civil society capabilities. With economic performance limited or weak and legitimacy questionable, there is growing reflexivity and restiveness across a wide bandwidth in civil society throughout the region. Urbanization, education, rising skill levels, professionalization, social media, international savvy and experience exist side by side with old elites and tattered institutions, which contributes to a growing sense of malaise in the region.

Wave upon wave of people's movements—such as People Power in the Philippines, the People's Constitution in Thailand, Bersih rallies in Malaysia and majority votes for opposition parties in general elections, 'doi moi' in Vietnam—have, so far, not yielded structural change (Diamond 2015). Decentralization in Indonesia as a progressive structural change with lasting consequences may be an exception but also remains a work in progress (Alagappa 2015). In Thailand dismay has become routine (Chachavalpongpun 2011). In Malaysia cynicism is pervasive (Diamond 2012, p. 9) and terms in the air are ethnocracy, party capitalism and 'misplaced democracy' (Wade 2009; Rajendran and Saravanamuttu 2009; Lemière 2014). Political scandals and disarray in Malaysia have become so intense (particularly during 2014–15) that former prime minister (PM) Mahathir calls for the resignation of PM Najib and bemoans the lack of accountability and loss of autonomy of investigative government institutions, even though as PM he had been responsible for the concentration of power in the office of the PM. In Myanmar democracy is

[2] The notion of the deep state derives from the Middle East, notably the Makzhen in Morocco. Governments change but the enduring constellation of power clustered around the monarchy does not. See, for example, Kausch (2008) and Hashas (2013).

characterized as a 'malnourished child'. Other familiar terms are showcase democracy, pseudo-democracy and fake democracy (Hong Kong). According to Filipino scholars,

> In the 1960s, the Philippines was second to none except Japan. Five decades later, the Philippines finds itself at the bottom of every list measuring the quality of life and various human development indicators. The only lists in which the Philippines ranks among the top is the list of countries perceived to be the most corrupt and the list of countries most hit by disasters. Why are we where we are now? Why are we now the Sick Man of Asia? (Carlos and Lalata 2011, p. 91)

In recent years the Philippines is experiencing an uptick in economic growth, but structural limitations remain.

In light of the experience of Northeast Asian countries, the issue, however, is not authoritarianism per se but whether authoritarianism is developmental or predatory and whether governance is capable or inept. Korea and Taiwan were authoritarian developmental states when they achieved their major spurts of industrialization. China and Singapore achieved major growth with authoritarian political systems.

By its nature much of the democracy discussion is concerned with institutions and procedures. Development studies, political science, institutional economics and comparative business studies also emphasize the crucial role of institutions (e.g. Rodrik 2001; Nederveen Pieterse 2010). A related theme is elite capture (Acemoglu and Robinson 2012). By many accounts the failure of middle-tier Southeast Asian countries to follow the example of Northeast Asia is essentially a failure of institutions and a manifestation of elite capture (for discussion, see Studwell 2007, 2013; Nederveen Pieterse 2015a).

At times institutions appear on the stage as deus ex machina. It makes sense to combine the political science concern with institutions with a sociological approach—how do institutions come about? How are institutions embedded in social structures, and how do they emerge from social forces?

In Southeast Asia we must consider the composition of social forces. In the countryside land reform has not taken place on a significant scale (Booth 1999; Studwell 2013; Nederveen Pieterse 2015a). Second,

working classes in Southeast Asia are weak (industry is mostly foreign owned and labor organization has been discouraged or repressed). Third, middle classes tend to be insecure (Embong 2002), in fear of falling and self-seeking. Fourth, all strata are kept off-balance because of ethnic cleavages and ethnic or religious chauvinism in nearly every country (Kurlantzick 2013). Thus, in each Southeast Asian country, there are different reasons why authoritarian constellations endure. They all come with secondary benefits that contribute to their longevity.

The Middle Class

Among social forces let us zero in on the middle class, which according to classic scenarios is the main protagonist and the hero of democracy. The middle class, the third estate, has an intrinsic interest in the rule of law, suffrage, the right of association and in liberal democracies, individual rights and property rights.

For developing countries the conventional account is that as the middle class grows in number and pays taxes, its demands for accountability in how their taxes are spent grow accordingly (Diamond 1999). A view that has become prominent in Washington development circles is that the emphasis should no longer be on poverty alleviation (as emphasized by the World Bank and in Millennium Development Goals) but rather on policies that support the middle class (Birdsall 2010). The implicit reasoning is that what is good for the middle class is good for society. The middle class in this scenario is a progressive social force, a force for stability, social cohesion and economic progress. Do recent trends bear this out?

In 1927 the French philosopher Julien Benda published *Le Trahison des Clercs* (translated as *The Treason of the Intellectuals* in 1928 and 2006). Benda (2011) argued that European intellectuals in the nineteenth and twentieth centuries had often lost the ability to reason dispassionately about political and military matters and instead became apologists for crass nationalism, warmongering and racism. In later years this would serve as one of the explanations for the support of fascism among some of Europe's intelligentsia. (this argument applies to the working class as

well. The working class in European countries was supposed to follow proletarian internationalism but instead many labor parties succumbed to chauvinist nationalism during the First World War and the Second.) We can expand and update the notion of the treason of the intelligentsia as the 'treason of the middle class'. The middle class is supposed to support democracy but at times it supports undemocratic interventions.

Consider Egypt. In Egypt, the Arab Spring followed the Jasmine Revolution in Tunisia and inspired the Tahrir Square movement, which led to the election of a government by the Muslim Brotherhood. This was no surprise because during the long Mubarak years the Muslim Brotherhood had been the main organized political force. When Mohamed Morsi's administration overreached in its Islamization fervor, it was ousted by a military intervention. The military in Egypt is part of the deep state, an equivalent of the Makzhen in Morocco. When Muslim Brotherhood protesters rallied on the streets and, at one stage, in front of the TV station, newscasters began to refer to them as 'terrorists'. Once this language was used it became inevitable that the military would intervene again because now the protests had been framed in security terms. Thus, in effect, broadcast media—a key component of the middle class—had begun to call for military government. This is the moment of treason of the middle class. If democracy brings Islamism, better military rule than democracy.

Consider Thailand. In the long-lasting confrontation between Red Shirts and Yellow Shirts, the yellow shirts sided with the monarchy and the military. The class dimension of this confrontation is unmistakable. The income levels of the two clearly diverge and they overlap with urban–rural and South–North divides (Hookway 2014). While Thailand's urban middle class is a mainstay of the yellow shirts, most of the red shirts are from the poor rural Northeast and North. The political party of Thaksin Shinawatra took up several policies in support of the rural Northeast such as a subsidy for rice growers. The party was viewed as corrupt, and some policies were questioned as not being well-thought through, but they did make a difference and did garner votes for Thaksin's party. After Thaksin was ousted, his sister Yingluck won a major victory with a successor party that supported similar policies in favor of the poor Northeast, including

a commitment to buy rice at established and above-market prices. Her party was ousted by a military coup that received wide support from Thailand's middle class. Thus, if democracy unlocks the vote of the rural poor and comes with populist pro-poor policies, a significant segment (or a majority) of the middle class opts for military rule over democracy.

Consider China. The middle class in China is part of the grand bargain that keeps the Chinese Communist Party (CCP) in power. As long as living standards improve, people continue to support the ruling party.

Another feature of China's middle class is the secession of the rich. According to a headline in the *Shanghai Daily*, 'Half of China's rich plan to emigrate'. A 'global survey of 2,000 high net-worth individuals by Barclays Wealth Fund found that 47 percent of the wealthy Chinese who were questioned plan to move overseas within the next five years'. Preferred destinations are Hong Kong and Canada, and key reasons are better education and employment opportunities for their children and environmental problems (AFP 2014). If firms can go multinational, so can families if they have the means. If multinational corporations (MNCs) can be footloose and practice institutional arbitrage, so can families. Wealthy immigrants can 'buy citizenship' in countries such as the UK, Canada and Australia. Capital flight and outward investment from China and other developing countries and emerging markets—partly in response to weak institutions and lack of accountability—is another expression of secession of the wealthy.

In the USA the secession of the rich includes 'white flight' to the suburbs and establishing gated communities. On a larger canvas it may refer to movements for secession by more prosperous and advanced regions such as Lega Nord in Italy and Slovenia in former Yugoslavia. Slovenia opting for closer cooperation with the EU, followed by Croatia, started the breakup of Yugoslavia. (If, however, such movements cross classes and include broad lower strata—such as in Catalonia, Flanders, Scotland, Brittany and other places—this interpretation does not apply.)

In developing countries gated compounds go way back in time. Recent developments are high-modern highrises located on land from which indigenous and poor communities have been displaced, gated communities, and idealization of Singapore as a middle-class utopia.

Thailand is a country of 64 million, with a large rural hinterland. What countries such as Thailand face is the classic problem of modernity: how to integrate the peasantry into modernity. Japan, South Korea and Taiwan integrated the peasantry into modernity through land reform, broad educational reform, fiscal policies and state-supported industrialization, which at the time was undertaken by authoritarian governments. Singapore is a utopia for Asia's middle class precisely because it is a city state; it lacks a peasant hinterland and the pesky problem of the poor majority.

Fascism in Italy, Germany and Spain and Soviet communism were alternative modernization routes. If democracy threatens to bring socialism or communism, as in 1930s' Europe, a significant segment of the middle class may opt for fascism or Nazism. Note the role of the Roman Catholic Church and Catholic parties in Germany and Austria. This is part of the background of the adage of socialists from the late nineteenth century onward, 'Socialism or Barbarism'. When the middle class must choose sides, it may opt for a strong state. This question is as old as Marx's *Eighteenth Brumaire of Louis Bonaparte* (1869).

There are several strands to the treason of the middle class. Macpherson's discussion of 'possessive individualism' in western liberal democracy (1962) suggests that from the outset democracy is a way to safeguard property, rights and privilege against arbitrary government intrusion. For a segment of the middle class, upholding privilege can override democracy. If there are other, shorter ways to uphold privilege, they can be preferred. This does not just refer to material privilege. It may refer to ideological leanings (forebodings of political change), to cultural preferences (such as secularism in Egypt) or to women's rights. This means that democracy is contingent—it is the preferred option, other things being equal. But other things rarely are equal.

Another strand may be fear of the majority—as in the stereotype of the 'irrational crowd' in Lebon's mass psychology and Ortega y Gasset's 'rebellion of the masses'. Or the majority may be perceived as too different or heterogeneous—culturally, ethnically, ideologically or in terms of class or religion. The preference for democracy, then, is conditional. Democracy is fine if we agree with the outcome of elections. In a different

context, when Gaza elected Hamas, the USA and Israel disavowed the outcome.

Democracy is a wide heading, so wide and so burdened that it can be distracting. Paul Collier refers to the West's fixation with elections as a mistake, which has mainly to do with lingering Cold War habits. The Soviet dread of the ballot 'confused us into thinking that achieving a competitive election is in itself the key triumph. The reality is that rigging elections is not daunting: only the truly paranoid dictators avoid them' (Collier 2009, p. 48). Still, electoral shortcomings in such countries do not mean we should give up on democracy altogether. It is the cheap imitation that should give us pause. 'Democracy is a force for good' as long as it is more than a façade (2009, p. 11).

Democracy needs unbundling. If for democracy we read the ideas and principles of western liberal democracy, it may be a distraction. Much of this ground has been covered, in critiques such as the 'iron law of oligarchy' (Michels 2009), possessive individualism, the cultural particularity of liberal democracy (Parekh 2007), Ulrich Beck's observation that much decision-making has shifted from parliaments to boardrooms and laboratories (1992) and Colin Crouch on postdemocracy (2004).

If, however, for democracy we read institutions and policies, the discussion is more relevant. You can have democracy but wrong institutions (such as in the USA: gerrymandering, court appointments, party organization, campaign financing and the influence of corporate media). You can have good institutions but wrong policies (such as austerity in Europe)—because of elite capture, ideological bias or ineptitude. Alternatively, you can have good policies and still only dent social inequality marginally (as in Brazil and in India's National Rural Employment Guarantee Act (NREGA)) because the gap is too wide and institutions and political culture do not support the policies.

The actual conversation then is about institutions and regulatory frameworks that, arguably, can be established whether or not the overall political framework is a democracy. Against this backdrop let us consider the regulatory and governance gap that societies now face; this problematic is large and vexing and this is only a brief exploration.

The Governance Gap

Joseph Stiglitz opens a recent article on democracy by referring to Thomas Piketty's book *Capital in the Twenty-first Century* (2013) and closes by saying, 'The main issue confronting us today is not really about capital in the twenty-first century. It is about democracy in the twenty-first century' (Stiglitz 2014).

The themes of inequality and democracy have become intertwined for some time, yet it is not obvious *how* the two should be combined. Consider three points. First, during the past decades, inequality has been growing virtually everywhere, democracy or not. It has been growing in India, a democracy, just as in China, not a democracy. Second, while democracy has been important ever since the nineteenth-century 'age of the democratic revolution', the age of emancipation movements, social struggles and national movements, and the twentieth-century age of decolonization, '1968' and waves of protest, it has stalled. In many countries, observes Colin Crouch (2004), democracy has become post-democracy, a ritualized spectacle of media and elections with prefab candidates. Democracy as a bundle of institutions carries a patina of weariness.

Third, when it comes to addressing inequality, social democracy is relevant, rather than liberal democracy, but the international conversation—influenced by the USA and the UK—is mostly about liberal democracy.

Gini indices in North European social democracies are between 0.25 (Norway) and 0.30 (Germany), while those in liberal democracies are far higher, particularly in the USA (0.46 and 0.42 after taxes and transfers in 2013) and the UK (0.36 after taxes and transfers in 2013) (World Bank and Economist 2013). Social democracy (and Christian democracy) is appropriate to coordinated market economies, while liberal democracy goes together with liberal market economies. Liberal democracy assumes individualism and a society held together by contracts (rather than by deeper forms of social cohesion), which matches market-based approaches.

Since developing countries are mostly coordinated market economies (and several are state-led market economies), much of the conversation about liberal democracy is beside the point. A report on democracy in Southeast Asia notes, 'social democratic values are hardly known and understood after the long period of US influenced liberal policy and dictatorships' (Hofmann 2009, p. 26).

To what extent does insisting on multiparty electoral democracy in fact bring newcomers (developing countries and emerging economies) onto the terrain of incumbents, a terrain cluttered with human rights discourses (and their emphasis on individual rather than social rights) and democracy promotion by organizations such as the American National Endowment for Democracy? If neoliberal globalization is about weakening the state, some forms of democracy promotion also weaken the state. Besides, from liberal democracy, it might be a small step to neoliberal democracy—when combined with free trade agreements (FTAs).

We could argue that to address inequality, democracy is a necessary but not a sufficient condition; necessary because it establishes minimum conditions for accountability, but not sufficient because other variables intervene. Yet, even this cautious formulation may not apply universally.

Think of China. In China, the world's oldest continuing state, the conversation is not about democracy (which many view as a western kind of thing) but about shifting economic models, rebalancing the economy, addressing uneven development between coast and inland, east and west, uplifting the majority in the countryside, improving the lot of migrant workers and expanding the Hukou system of urban residence rights (Nederveen Pieterse 2015b). Political reform is on the agenda, but in the background.

In the USA, a one-time model of democracy, democracy in recent years means political polarization to the point of paralysis of governance. Because of institutional designs, gerrymandering in the states ensures that conservative politicians can outflank popular majority votes, and may do so well into the future. At times it is considered an achievement if Washington can keep government open at all. Meanwhile, this is a

society where median wages have barely risen since the 1970s even as productivity has increased manifold. Terms that circulate in the USA are a congress of millionaires, rich man's democracy and plutocracy.

In India, the conversation is not about democracy (the trappings are there) but about democratization, that is, making the institutions of democracy work, and extending and deepening them.

A report of Oxfam International (2014) highlights the situation as follows:

> The wealth of the world is divided in two: almost half going to the richest one percent; the other half to the remaining 99 percent. Almost half of the world's wealth is now owned by just one percent of the population. The bottom half of the world's population owns the same as the richest 85 people in the world. The richest one percent increased their share of income in 24 out of 26 countries for which we have data between 1980 and 2012.

Thus, it is meaningful to combine the themes of democracy and inequality; addressing inequality has become a key challenge for democracy. There are several options for approaching this question: (a) to address inequality, democracy is necessary—which is implied in Stiglitz's view; (b) to address inequality, democracy needs reworking—which ongoing trends suggest and which brings us back to the distinction discussed above between liberal democracy and social democracy; and (c) to address inequality, democracy is not per se necessary—which the experience of countries such as South Korea and Taiwan suggests, although they may be outliers that were part of a conjuncture that is no more.

Over time technological, economic and political changes produce new economic opportunities and changes in class relations, which, after a time lag, produce adjustments in governance and institutions. In Marx's perspective, changes in the forces of production lead to changes in relations of production, usually as the outcome of new technologies, such as navigation (compass, lateen sail) and long-distance trade, the steam engine and industrialization, computer chips and global value chains (GVCs), containerization and the expansion of world trade, and so forth.

Technological changes and changes in the forces and relations of production are perennial features of political economies. At each juncture, new accumulation opportunities bring new economic actors to the fore (such as merchants, industrialists, banks, telecoms and IT firms) that sideline incumbents (aristocracy, monarchy and, later, industrialists), so the structure of privilege changes and new inequalities emerge. New accumulation requires new regulation, but institutional adjustments come about with a time lag.

Since the Second World War there have been major technological changes in production (integrated circuits, flexible production), the organization of firms (MNCs, transnational corporations [TNCs], Toyotism, lean firms), logistics (containerization, Walmart, Amazon distribution networks) and marketing (global brands, e-commerce). Major developments of the last 50 years include accelerated globalization, Information and Communication Technology (ICT), IT and financialization.

As ever, institutions lag behind new economic developments. The institutional and governance lag is both of a structural nature (in the sense of a perennial feature) and a function of change in that its forms differ depending on the nature of the conjuncture and economic transformation. Reforms develop over time in response to the reshuffling of elites and strategic groups, social pressure, class struggles and emancipation movements. The institutional lag in regulation is a composite of diverse elements. It involves power shifts between incumbents and new forces, a new emerging *rapport de forces*, a reshuffling of strategic groups, alliances and hegemony. Incumbents and new forces try to use regulation to enhance their advantages, extend monopoly rents, keep out newcomers and Small and Medium size Enterprises (SMEs), and create regulation so cumbersome that only large corporations can comply (Derber 2007). Establishing loopholes becomes a side-industry of regulation.

Given the magnitude and scope of recent technological and economic transformations, the inequalities that have developed have also been of unprecedented scale. The governance gap is wider than ever. Consider a brief schematic review of these dynamics over time, with emphasis on Europe and North America (Table 2.1).

Table 2.1 Economic transformation and institutional changes (in the West)

Time	New economics	New institutions
13–17C Europe	Levant trade, merchants	Rise of city states, town rights Absolutist monarchy, state centralization Mercantilism
17–18C	Triangular trade, colonialism Rise of bourgeoisie	French Revolution, national sovereignty
19C	Industrialization	Parties, unions—suffrage, social reforms
1890–1929	Finance capital	(*Belle Époque*)
1930s	Great Depression	New Deal, Keynesianism, fascism, Nazism
20C	Oil majors, Multinational Corporations, Global Value Chains	
1980s	ICT, telecoms, financialization	Deregulation
1990s	Financial crises in LDCs	Chiang Mai Initiative, Asian Bond Fund
21C	Hedge funds, credit default swaps, high-frequency trading, etc. Rise of emerging economies Sovereign wealth funds	Basel III, DoddFrank bill, Vickers Report Central Banks Quantitative Easing BRICS New Development Bank, Asian Infrastructure Investment Bank

The rise of telecoms since the 1970s and 1980s opened up vast new accumulation opportunities (Schiller 1999) and many billionaires hail from this economic niche. Carlos Slim's wealth, the richest man in the world, 'derives from establishing an almost complete monopoly over fixed line, mobile, and broadband communications services in Mexico' (Oxfam 2014). Thaksin Shinawatra, the Thai billionaire, derived his wealth from a telecoms monopoly, as did Silvio Berlusconi in Italy and Rupert Murdoch in Australia and the UK. The rise of Li Ka-shing, the Hong Kong business magnate and the richest person in Asia, illustrates a similar 'anti-competition and regulatory failure' (Oxfam 2014). What these situations share are weak institutions—weak because of governance transitions (as in Singapore and Hong Kong), or weakened by ideological interventions (such as the 'Reagan Revolution' in the USA), by political interventions (such as market shock therapy in Russia) and political chicanery of various

kinds. Recent accumulation frontiers are the Internet and Silicon Valley (with innovations such as apps, Uber, Airbnb, e-commerce, Alibaba).

Consider major crises such as the dotcom bubble bursting and the Enron series of crises in the USA and virtually no significant institutional reform has taken shape. The subprime crisis of 2008 has led to re-regulation such as Basel III, the Dodd-Frank bill in the USA and the Vickers Report in the UK, but many provisions are so complex and opaque that their actual impact is marginal or nearly imponderable. Central Bank policies such as quantitative easing (QE) have been monetary holding operations rather than structural reforms.

Review Table 2.1 and major pattern differences between economic changes and regulatory responses in the past and during the last 50 years become visible. First, major economic changes of the last 50 years—such as the rise of MNCs, TNCs, GVCs, tax evasion, tax havens—are *transnational* in nature. Second, *financialization* plays a major part along with new financial instruments (such as quantitative investment, algorithms, credit default swaps and high-frequency trading) and new actors such as sovereign wealth funds. Third, overall, there has been little regulation in response. Ours is an era of digital capitalism with analog regulation.

More precisely, since the 1980s, the response has often been deregulation. Often the response is not just political inaction but also political maneuvering, which deepens the effects of technological and economic changes. Political scientists in the USA show that the steep inequality of recent decades has been politically engineered by Congress (Robinson and Murphy 2009; Vogel 2014). Political coalitions in government enable banking to develop as a rent-seeking racket. Media and movies portray misdeeds as individual crazies (as in *The Great Gatsby*, *The Wolf of Wall Street*), not as socioeconomic patterns and institutions. In the USA,

> From the 1980s onwards, the financial and banking sectors pumped millions of dollars into undoing regulations put in place after the stock market crash and Great Depression of the 1930s. Deregulation has had two major ramifications: corporate executives associated with the banking and financial sectors have become exceptionally wealthy, and global markets have become much more risky, culminating in the global economic crisis that began in 2008 […] there is a direct correlation between financial deregulation and economic inequality in the US. (Oxfam International 2014)

The 2008 crash has not changed this situation. Luigi Zingales notes 'the capture of regulatory bodies by those whom they are supposed to regulate'. 'The 2010 US Dodd-Frank financial "reform" was 2139 pages long and popularly known as the "Lawyers, and Consultants Full Employment Act". The complexity serves to hide the loopholes' (Zingales 2012). 'The biggest obstacle to reform is that insiders can devote time and energy to maintaining their position' (Brittan 2012). According to Oxfam, 'Left unchecked, political institutions become undermined and governments overwhelmingly serve the interests of economic elites to the detriment of ordinary people'.

Conclusion

In sum, characteristic of the past 50 years is a momentous expansion of technological capabilities and economic opportunities, which enable a global reach and scope, and governance institutions that are out of step with accumulation opportunities. The mismatch between the momentous increase in tech capabilities and economic transformations, and institutions of governance poses a core problem. In addition, two related problems overlap and intertwine. Because of accelerated globalization, many changes unfold at a transnational level and fall outside the range of national institutions. Second, because of the neoliberal turn, also broadly since the 1980s, deregulation has been in vogue ('the market knows best', the efficient-market hypothesis of the Chicago school of economics, etc.) and the political will and capacity to regulate has diminished. The interplay of these factors contributes to the dramatic increase in social inequality.

Reforms are primarily national because that is where decision-making power resides to implement institutional reform. This is an era of regionalism, but regional and transnational bodies of governance are thin or slim. In addition, they are crosscut by transnational arrangements which are often biased toward the interests of MNCs and incumbent powers, as in the case of the World Trade Organization (WTO) and bilateral, regional and interregional FTAs. The Trans-Pacific Partnership (TPP) is a case in point. The negotiations were conducted in secret, and as

participating governments were signing the agreement, teams of lawyers were still working on the actual text of the agreement, which was not to be released until much later.

The contractual nature of these agreements refer to methods of dispute settlement that often apply in national settings while many dynamics are transnational in scope such as global value networks, tax evasion, tax havens and transfer pricing. Special Economic Zones and Free Trade Zones create 'zones of exception' sited outside the reach of normal sovereignty. FTAs often include foreign investment rules that shelter or extend zones of exception. With accelerated globalization comes a growing gap between the institutional nationalism of mainstream politics and the economic transnationalism of much contemporary political economy. The big conundrum of 50 years of accelerated globalization is transnational and global institutional reform (Nederveen Pieterse 2000).

It is possible to navigate or mitigate this problem in itself. According to Judith Teichman, variables that determine the capacity to mediate the effects of globalization are the historical role of the state and the strength of civil society and labor. The latter explains, for instance, 'Korea's social welfare expansion since the late 1990s', while its comparative weakness in Chile and Mexico has meant slower progress (Teichman 2014, p. 72). Inequality is *not* inherent in capitalism or the market economy but is a political creation. The central actors are the state, civil society and organized labor. The outcomes and timing of institutional adjustments and reforms depend on the *rapports de force*, which includes the quality of institutions, the public sphere, civil society organizations, and the role and ownership of media.

The key problem of the convergence thinking mentioned in the beginning (the idea that, over time, societies will converge on modernity, capitalism and democracy) is the deeply misleading use of the singular, that is, one kind of modernity, one kind of capitalism, one kind of democracy, which presents the hegemonic variant as the *sole* option.

There are two major counterpoints to the trends discussed above—social democracy, particularly in Nordic Europe, and the EADS, particularly in Northeast Asia. This is essentially what the democracy discussion is about. It is about accountability, institutions and regulation, rather than about the minutiae of multiparty elections. Key questions are where

China and Latin America are headed on this spectrum. In conclusion, whether or not democracy is coming does matter, but the larger issue is *which* democracy is coming. The key issue is institutions. The EADS has been a success in Northeast Asia and a failure in Southeast Asia essentially because of institutions and policies, and whether or not the overall heading is democracy is a secondary question. Thus, the discussion shifts from democracy to institutions.

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Part II

Southeast Asia

3

The Noisy Right and the Not-So-Silent Moderates: Democracy and All That in Malaysia

Abdul R. Embong

Introduction

A number of historical processes evolving since the second half of the twentieth century in Asia and their outcomes are of great relevance in the discussion of democracy and twenty-first-century globalization. First, the rapid industrialization and modernization of the last century have given rise to new middle classes, which have become highly visible in various cities and towns. Indeed, the dramatic rise of this social formation has led some scholars to label the twentieth century as 'the century of the middle class'. Second, tied up with the rise of the middle class is the opening up of different types of political systems—be they authoritarian, semi-democratic, pseudo-democratic, or even hybrid regimes—in response to a convergence of both domestic and international pressures.

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This opening up has unleashed the emergence of a plethora of civil society groups, mostly middle-class led, championing various interests.

Nevertheless, what has been somewhat less discussed is that the spaces occupied by civil society that have been opened up by the democratization process are not only a site for the dissemination of reformist ideas and mass actions of progressive forces, but also seized by forces of reaction, who are hell-bent on preventing reform and change. It can be argued that the very process of opening up contains within itself a process of closure, and that the spaces that nurture reform and change have also given birth to their opposites, that is, the activation of forces aligned with vested interests that are set to prevent such reform and change, and that undermine the fruits gained thus far. The contestations today seem to revolve around forces that demand for reform and change versus those aligned with vested interests and uphold the status quo. In this rather polarized situation, the latter has become more strident, vociferous, and, in some cases, even violent.

In this contestation, the state is often not neutral; in some ways, parts of the state may have been captured by such forces, or are tacitly aligned with them. While some enlightened sections of the state may respond to democracy and reform, thus becoming responsive, the repressive elements in the state apparatus use the means at their disposal to suppress the democratic forces directly, but often close an eye or at best adopt a kid-glove approach to the antics of the right wing elements. Indeed, civil society has produced its other side—the 'not-so-civil' forces or the extreme right wing elements that have been mobilized into action, with tacit, and in some cases, explicit connivance from the reactionary sections of the state. This chapter will explore some of these questions on the challenges to democracy by drawing on a few examples on the rise of the right wing elements and their contestations with the forces of civil society fighting for democracy in Malaysia.

Democratization and Hybrid Regimes

In the literature, the subject of the relation between middle class, civil society, liberal democracy, and hybrid regimes has been discussed extensively following the 'Third Wave' thesis articulated by Huntington

(1991a, b). While generally euphoric about democracy coming in 'waves', Huntington was also concerned with the 'reverse third wave', that is, the transition from authoritarianism to democracy and then back to authoritarianism. Commenting on Huntington's thesis, Diamond (1997) suggests:

> Reverse waves are obviously traumatic times for political freedom and human rights in the world. They may also be especially dangerous times for world peace. The first reverse wave gave rise to the expansionist fascist regimes that brought on the Second World War. The second reverse wave occurred during the peak of the Cold War and witnessed a number of regional conflicts and civil wars in which [...] some established democracies fought directly or through surrogates and vigorously backed certain anticommunist authoritarian regimes.

This means that democratization and its outcomes—democratic institutions and spaces—do not come on a silver plate but have to be struggled for, protected, and cherished.

While Huntington's 'Reverse Waves' thesis is noted, it is his democratization 'Third Wave' thesis that has met with various critical responses. Contrary to Huntington's euphoric view of the rise of democracy in the developing world along the US model, many are of the view that the real world is far more complex and that the concept of democracy is far from monolithic. Much of the literature recognizes that the democratization process is not linear, and that the categorization of political systems into 'democratic' and 'authoritarian' is problematic because many do not fit the categories. McGlinchey (2010), for example, criticizes Huntington's American ethnocentrism that has led him 'to assume that the democratisation process will, and should follow the American example'. He points out further that Huntington's 'idealistic' and 'romantic' elitist notion of democracy cannot withstand empirical reality because in the real world only a small part of the world population lives in 'consolidated democratised societies'. He thus suggests that we should not accept democracy as a 'unitary phenomenon', and should take note that the concept is not 'as successful as is widely perceived' (McGlinchey 2010).

A similar view was earlier proposed by Menocal et al. (2008, p. 30), who caution that

> Despite the momentous transformation that the Third Wave has brought about to formal political structures in much of the developing countries, it is essential to keep in mind that democratization processes are not linear. In fact, only a limited number of countries that have undergone transitions to democracy have succeeded in establishing consolidated and functioning democratic regimes.

What happened to these regimes is worth noting. Instead of becoming democracies, 'many of these new regimes have ended up "getting stuck" in transition, or reverting to more or less authoritarian forms of rule'.

The conceptual and theoretical challenge has thus been how to classify such regimes that have been 'stuck in transition'. They show 'rhetorical acceptance of liberal democracy, the acceptance of some forms of democratic institutions and respect for a limited sphere of civil and political liberties', yet they have 'essentially illiberal or even authoritarian traits' (Menocal et al. 2008, p. 30). While Menocal et al. refer to such regimes with such terms as 'illiberal', 'delegative', or generally 'hybrid', Diamond (2002, p. 23) has been fairly forthright in calling these regimes as 'hybrid regimes'. He draws attention to the varieties of non-democratic regimes and points to the 'rather astonishing frequency with which contemporary authoritarian regimes manifest, at least superficially, a number of democratic features'. Diamond asserts that these regimes, which combine both democratic and authoritarian elements, can be found in various parts of the developing world including Malaysia and Singapore.

However, the central concern of this chapter is not so much the political nature of the regimes 'stuck in transition' but rather the spaces created through the democratization process and the contending actors. Taking Malaysia as a case study, it seeks to address the following questions: What is the nature of the emerging spaces? Who are the actors operating within such spaces, and to whom are they aligned?

Emerging Spaces, Diverse Groups, and the Noisy Right

As indicated above, among the salient features found in these hybrid regimes in the last three decades are the rise of the middle-class-led civil society organizations and the opening up of spaces for public expression

and movements. The emergence and expansion of the middle classes and various civil society organizations they champion have been a welcome breather for many Asian countries including Malaysia that have been under relatively tight control. The civil society organizations occupy the spaces that have opened up, and have become a significant force in exerting pressure on the state and the market to make them more accountable and responsive to people's demands.

Nevertheless, the spaces created are not autonomous. They exist within tight legal parameters and the watchful eye of the state. In the case of Malaysia, strict laws such as the Sedition Act; the Printing Press and Publication Act; the Internal Security Act (ISA), which allows detention with trial (repealed in 2010); the Security Offences (Special Measures) Act 2012, which replaces the ISA; and the Prevention of Terrorism Act hang like the sword of Damocles that can be used (or abused) to curb such spaces. The Peaceful Assembly Act 2012 that allows public gatherings—an important development in the struggle for democracy and human rights—can still be circumscribed by those other laws. In short, while spaces exist, one needs to tread very carefully in order not to get on the wrong side of the law.

The other point is the nature of civil society itself. As shown in the literature and in the real world, civil society is relatively diverse and far from homogeneous; while it comprises groups that champion democracy and human rights, it also consists of right wing groups and criminal elements including mafias. These latter may consist of right wing ethno-nationalists, religious extremists, and outright fascists occupying the same social space as the democratizing civil society groups. In this chapter, they are referred to as 'the noisy right'. Some of these groups are related to the state or to certain segments of the state. Their role is often to connive with the state or to exert pressure on it and on the rest of society to prevent change.

The rise of the right wing forces is not peculiar to 'hybrid' or 'illiberal' regimes as they also make their presence felt in 'liberal democracies' such as in the USA and Western European countries. The phenomenon of the Tea Party in the USA is well known; it feeds on socio-economic grievances of the middle- and lower-income groups and has been fanned by the anger toward President Barrack Obama's policies on bankrupt homeowners, immigration, and so on. Although not a political party, the Tea

Party activists regard themselves as Republicans and always align themselves with Republican candidates and are supported by the latter. In the Netherlands and Denmark, the two Western European countries known for their tolerance toward immigration and religious diversity, the swing toward the right has been dramatic, marked by the sharp criticisms and attacks leveled at Muslims and migrant minorities by the right wing elements in their society (Buruma 2014).

Whereas the emergence of the right wing forces in the contemporary world is found in both developing and developed societies, what may differ perhaps are the reasons behind their aggressive upsurge and strident voices and the kinds of spaces they operate in. The following sections will deal with this issue with reference to Malaysia.

Democratic Movement and the Rise of the Right in Malaysia

The rise of the right wing movement in Malaysia in recent times may be divided into two distinct stages: first, during the period when Prime Minister Abdullah Ahmad Badawi suffered serious electoral losses in March 2008 and, second, during the current crisis when the sitting Prime Minister Najib Razak is facing the toughest political battle in his life, namely, the demands for him to step down that erupted since early 2015, emanating from both inside and outside the party. It should be noted that the contemporary right wing movement was not visible during Mahathir Mohamad's rule, when United Malays National Organization (UMNO) and Barisan Nasional (BN) were in a relatively stronger position. The rise of the noisy right in Malaysia is the result of two important developments: one is the considerably weakened position of the UMNO-led BN government, which has been especially noticeable following Mahathir's retirement in 2003; and the other is the dramatic rise of the democratic forces in civil society and the upsurge of the opposition Pakatan Rakyat (PR) challenging the ruling UMNO-led BN. In fact, it is quite clear that the right wing forces have objectively played the role of shoring up the declining support for UMNO and certain leaders they are linked with, and fighting the opposition including the civil society groups. Many of the

leading elements in the right wing organizations belong to the ruling party UMNO, and the latter seems to have outsourced some of its functions to these forces to 'speak' for the so-called silent majority by pandering to racism and upping the ante of anti-Chinese sentiments. All these receive the tacit and even explicit approval of some of the top leaders of the regime.

Let us put these developments in some historical perspective. Since independence in 1957, despite the implementation of parliamentary democracy and regularly held general elections, Malaysia has seen only one regime in power at the federal level—it has been under the helm of the UMNO-led coalition called the Barisan Nasional (National Front) consisting of 13 or so political parties until today. UMNO ideologues have been justifying their power of incumbency for almost six decades by using the mantra that no other political party or coalition of parties can rule Malaysia, and that the UMNO-led BN is 'destined' to rule the country.

The longest rule in Malaysia was that of Mahathir from 1981 to 2003. It was during Mahathir's long years that saw Malaysia's electoral democracy experiencing reversals toward semi-authoritarianism with the press being muzzled, the independence of the judiciary undermined, dissidents imprisoned under the ISA, and the non-governmental organizations (NGOs) that were critical of the government being lambasted as 'tools' of foreign powers. Nevertheless, it was during Mahathir's long tenure too that Malaysia experienced a period of rapid modernization and economic growth, putting Malaysia on the map as an 'emerging tiger'. These developments emboldened Mahathir to confidently announce in February 1991 'Malaysia's Vision 2020'—a long-term vision to transform Malaysia into a developed nation by the year 2020.

Mahathir was succeeded by Abdullah Ahmad Badawi who took over as prime minister at the end of 2003 with the promise of reform, anti-corruption, and opening up. While these promises endeared him especially to the urban middle-class electorate who had been rather suffocated under the Mahathir leadership—and thus they gave him a huge victory in the 11th general elections in March 2004—Abdullah's reforms were short-lived. The turning point came in the 12th general elections in March 2008, when the UMNO-led BN took a severe beating by losing its long-held two-thirds majority in parliament as well as five state assemblies. It should be noted that the BN was only able to hold on to a simple

parliamentary majority by winning 140 seats due to 54 seats contributed by Sabah and Sarawak—the so-called BN vote-banks, showing how weak it had become in Peninsular Malaysia itself. This in fact was the trigger that led to Abdullah being pressured by former Prime Minister Mahathir and his supporters to step down. Against this background, Najib Razak rose to power taking over from Abdullah in April 2009. Positioning himself as a reformer and a moderate, Najib Razak initially with Mahathir's support came up with a slew of political and economic reforms. But many of these reforms, especially in the political arena, were also short-lived, and the authoritarian tendencies emerged again.

Malaysia was on the cusp of change and this could be seen in the 13th general elections held in May 2013. Instead of winning more seats than in 2008, the BN under Najib fared far worse. It not only lost its two-thirds majority again but also won only 133 out of 222 parliamentary seats—down from 140 seats won in 2008. Its popular votes also decreased to 47.4 percent from 51.4 percent in 2008. Due to the first-past-the-post electoral system and gerrymandering, its opponent, PR, while winning the majority of the popular votes (51 percent, up from 47.8 percent secured in 2008), managed to win only 89 parliamentary seats.

In trying to etch his legacy, Prime Minister Najib Razak, who also appointed himself as finance minister, introduced, among others, the now highly controversial 1-Malaysia Development Berhad (1MDB), a company incorporated under the Finance Ministry, which has been making huge losses and deeply in debt. Najib's frequent travels abroad with his wife and entourage and charges of corruption and lavish lifestyle together with the reported mismanagement of 1MDB, which he chairs, have earned him severe reprimands and attacks not only from the opposition but also from within the party, the most significant being the attacks from his former mentor turned fiercest critic, Mahathir himself. Mahathir and those allied with him regard the results of the 13th general elections as the writing on the wall for the eventual downfall of UMNO and BN if nothing is done; thus, Mahathir has been waging a crusade demanding Najib's resignation on the grounds of the latter causing UMNO's downfall. This marks the second stage of the weakened power base of UMNO and BN, and also the rise of another group of right wing elements aligned with Najib, and opposed to Mahathir.

While the above developments show the weakened position of UMNO and BN faced with the assault by the opposition parties in PR, one must not forget the rise of the democratic forces in civil society, the most important being the Coalition for Clean and Fair Elections (BERSIH). Formed in November 2006, BERSIH consists of a coalition of more than 60 like-minded NGOs who fight for clean and fair elections with supporters coming from various generations though they are mostly youth, men and women, and middle class. Representing what may be termed as 'Middle Malaysia', they are multi-ethnic, multi-religious, liberal, and democratic. BERSIH was first co-chaired by Ambiga Sreenevasan (a prominent lawyer) and Samad Said (a respected and aging Malay literary figure), both regarded as icons of freedom and democracy. In the last one year, its chairmanship was taken over by another activist, Maria Chin Abdullah, who had previously served as deputy chair.

BERSIH has put forward eight demands, which are: (1) clean the electoral roll; the electoral roll must be revised and updated to wipe out what is called 'phantom voters'; (2) reform the postal ballot; (3) use of indelible ink in all elections; (4) minimum campaigning period of 21 days; (5) free and fair access to media; (6) strengthen public institutions—the latter must act independently and impartially in upholding the rule of law and democracy; (7) end all forms of corruption; serious action should be taken against all allegations of corruption, including vote buying; and (8) put an end to dirty politics, and focus on policies that affect the nation. BERSIH has promised to continue with the struggle for clean, free and fair elections, independent of political parties, and is being supported by what is known as 'Global BERSIH' consisting of Malaysians in various parts of the world.

BERSIH organized the first public demonstration in November 2007 (called BERSIH 1.0), which saw tens of thousands of ordinary Malaysians taking to the streets in Kuala Lumpur demanding clean and fair elections. This was followed by the BERSIH 2.0 rally (called the Walk for Democracy) held in Kuala Lumpur held on 9 July 2011. Another huge and far bigger demonstration—BERSIH 3.0—followed just before the 13th general elections in May 2013. These mammoth rallies and demonstrations—participated by all ethnic groups and ages—have proved the power of the people demanding for greater democratization and

change. The emergence and activism of BERSIH have been regarded by analysts as heralding a 'new stage in civil societal discourse in Malaysia'. This movement has successfully mobilized Malaysians, and also 'managed to influence the government decision-making process as never before in Malaysian politics' (Govindasamy 2015, p. 124).

Inspired by the success of earlier rallies, the leaders organized the BERSIH 4.0 rally, this time not for one day, but held for 36 hours on 29 and 30 August 2015, on the eve of the nation's Independence Day which fell on 31 August. Their demands were not only for clean, free and fair elections, but also for Prime Minister Najib Razak to step down. And unlike earlier rallies, Mahathir and his wife, Siti Hasmah, turned up for a while on both days, with Mahathir speaking to the media and those present, arguing that this was people's power, and repeated his demand for Najib's resignation.

These developments—the rise of the multi-ethnic democratic forces in civil society, the rise of the opposition PR, the electoral losses suffered by UMNO and BN in the last two general elections, and the demand for Najib's resignation—spooked the powers-that-be in UMNO and the BN and triggered the emergence of the noisy right. Let us now examine briefly the rise of the noisy right and relate it to the two episodic stages in the country's recent political history as mentioned above: (a) the rise of Perkasa and Ikatan Muslimin Malaysia (ISMA) and (b) the rise of the 'Red Shirts'.

The Rise of Perkasa and ISMA

Perkasa (the acronym for Persatuan Pribumi Perkasa) was formed in the aftermath of the March 2008 general elections following the electoral reversals suffered by UMNO and BN at the hands of the opposition coalition, PR, and amid the rise of BERSIH. It is led by Ibrahim Ali, a student leader in the early 1970s, who rose to become a UMNO leader and a deputy minister in Mahathir's cabinet. Ibrahim worked closely with his mentor, Mahathir, who was appointed advisor/patron of Perkasa.

Perkasa claims to have a membership of more than 420,000 with branches throughout the country and also overseas. It is claimed that more than 60 percent of its membership consists of UMNO members

who are disgruntled with the leadership especially on issues affecting the ethnic Malays. The stated objectives of Perkasa are (a) to protect Article 153 of the Constitution of Malaysia (involving the rights of Malays); (b) to defend Bumiputera rights from being eroded; and (c) to defend the rights of the Malays, which are allegedly being challenged by non-Malays. Perkasa is obviously a right wing movement that feeds on the fears and grievances of the Malays by painting a scenario that the latter are 'under siege' by the non-Malays, especially the Chinese. This was a clear right wing backlash, a reverse democratization of sorts, that launched an offensive against 'middle Malaysia'.

Perkasa used two major issues to make its impact: anti-Chinese sentiments and threat of race riots along the lines of 13 May 1969 and anti-Christian postures. For example, following an anti-BERSIH meeting held on 19 June 2011 Perkasa President Ibrahim Ali gave a speech which reportedly stoked up racial tension, when he warned the Chinese to 'stock up food' as 'anything can happen'. He claimed that if the BERSIH 2.0 rally was not canceled, racial riots similar to the 13 May incident might happen. This anti-Chinese scare tactic was repeatedly used in subsequent situations.

The other move was the anti-Christian clamor over the Bible in Malay language and the use of the word 'Allah' by Christians. Following a report in *Utusan Malaysia* (a right wing UMNO-controlled Malay daily) that accused Christians and the opposition party Democratic Action Party of having a 'conspiracy of turning Malaysia into a Christian country', Perkasa through Ibrahim Ali called for a 'holy war' against Christians. On 12 May 2011, he also accused Christians of having the agenda to replace Islam as Malaysia's official religion, criticizing them as being ungrateful people. On 21 January 2013, he went further by calling on Muslims to burn copies of the Malay-language Bible which use the term 'Allah', claiming that the usage of Allah is solely for Moslems, and later urged Prime Minister Najib Razak to ban the Malay-language Bible in Malaysia. He also threatened that he would quit supporting Barisan Nasional after receiving criticisms from its component parties, Malaysian Chinese Association and Malaysian Indian Congress. He warned that the government had been too compromising by giving in to the demands of Christians in Malaysia who insisted on using the word 'Allah' in the Bible. In the wake of Perkasa's threat to burn the Bible, there were attacks on churches by unknown groups.

One thing to note here is how the law enforcement agencies handled the case of Perkasa leader Ibrahim Ali, who was investigated for sedition, especially for his call to burn the Malay-language Bible. Nancy Shukri, Minister in the Prime Minister's Department in charge of legal affairs, said that the Attorney General's Chambers and the police had conducted investigations on reports lodged against the Perkasa president on Bible burning in January 2013. However, the Attorney General at the time, Gani Patail, decided that there was 'insufficient evidence' to charge him in court. 'In this matter, the authorities involved have abided by the legal process', Nancy said, arguing that Ibrahim was not hauled to court as the police had concluded that he was merely defending Islam (*Malaysiakini*, 10 October 2014). The government's position drew outrage from politicians and Christian groups, with critics accusing Putrajaya of selective prosecution.

However, subsequent developments are worthy of note. After receiving a lot of criticism from various quarters, Perkasa President Ibrahim Ali subsequently toned down his anti-Chinese and anti-Christian postures, claiming that he was misunderstood and that he was not racist. He in fact organized a Chinese New Year gathering, and also held a dialogue with Christian groups to foster better understanding between Muslims and Christians. When the BERSIH 4.0 rally was held in August 2015, he even said that he was not against Perkasa members who wanted to attend the rally, as that was their democratic right.

The other group that should be mentioned here is Ikatan Muslimin Malaysia (ISMA) or the Malaysian Muslim Solidarity that claims to champion Islam. Unlike Perkasa, ISMA was established earlier in 1997 under the name Ikatan Siswazah Muslim Malaysia, which was later changed to Ikatan Muslimin Malaysia in 2005. The group became more strident after 2008. On its website, ISMA claims to have 30,000 members with 23 nationwide and 8 overseas branches. Its slogan is 'Melayu Sepakat, Islam Berdaulat' (Malays United, Islam Supreme), which is a combination of Malay nationalism and Islam, or Malay-based Islamism.

Evidence of Malay ethno-nationalism couched in Islamic rhetoric is quite clear. In a controversial statement made on 6 May 2014, by ISMA President Abdullah Zaik raised anti-Chinese clamor, saying that the Chinese migrants who were brought in by the British were 'intruders' and 'trespassers' into Malaysia. He further said that 'sharing a harmonious

Malaysia together is not a problem, but economical and political power and sovereignty should be held by Malays' (*The Star Online*, 22 May 2014). He even questioned the wealth of the Chinese and their citizenship, raising the rhetorical question, 'Who gave them [the Chinese] citizenship and wealth until the results of their trespassing are protected until this day?' To this, he gave his reply as follows: 'This was all the doing of the British, who were in cohorts with the Chinese to oppress and bully the Malays.' He regarded this as 'a mistake that needed to be rectified', but did not specify how. Several police reports were filed against Abdullah Zaik following those incendiary statements, and he was investigated by the police and later charged for sedition.

In the same vein as Perkasa, ISMA also raised the threat of race riot. On 8 July 2014, ISMA raised the specter of the possibility of a repeat of the 13 May racial riots. The ISMA president said that there was 'concrete evidence' of 'threats' against Malays and Islam, which would soon lead into full-blown racial conflict if left unaddressed. 'There is concrete evidence where certain parties are now forcing their will on the Malays and Muslims and denying them their sovereignty and their rights as enshrined by the federal constitution', Abdullah Zaik was quoted as saying.

The Rise of the 'Red Shirts'

The 'Red Shirt' movement (known as such because of their red shirts as opposed to the yellow shirts worn by BERSIH) is a very recent phenomenon. It emerged publicly for the first time on 25 August 2015 in front of the Sogo Mall in Kuala Lumpur, where its members led by a local UMNO leader Jamal Md Yunos demonstrated their martial arts prowess by breaking roof tiles with their heads and beating each other with sticks (*FMT Reporters* 2015a), which was perceived as an obvious threat to BERSIH that planned to hold its rally on 29 and 30 August. This movement is obviously anti-opposition, anti-BERSIH, and in support of the embattled Prime Minister Najib Razak.

Following their first appearance, 'the Red Shirts' held a massive rally in Kuala Lumpur on 16 September 2015, which was attended by some

45,000 participants according to a police estimate. However, there is some confusion regarding who its organizers were. One of the leaders was Jamal Md Yunos, the local UMNO leader mentioned earlier, who is believed to be very close to Prime Minister Najib Razak. Based on media statements issued by Jamal, who is also the president of Gabungan NGO–NGO Malaysia (coalition of NGOs Malaysia), the rally aimed at pressuring the government to take action against Petaling Street traders, that is, the Chinese traders in Chinatown, Kuala Lumpur. However, on the actual day itself, a martial arts organization, the National Silat Federation (Pesaka), assumed the role of the lead organizer of what they called the 'Himpunan Rakyat Bersatu' (United Citizens Gathering). While UMNO officially did not endorse this rally, many of its leaders were present and gave speeches. In fact, the president of Pesaka, the rally organizer, is Mohd Ali Rustam, a former vice president of UMNO and ex-chief minister of Melaka (Awani 2015).

The 'Red Shirt' rally outlined eight objectives, the essence of which is to defend Malay supremacy through UMNO rule, to bring back the dreaded ISA in the name of protecting national security, and to curb BERSIH gatherings (Awani 2015).

Unlike the BERSIH 4.0 rally, which was attended by various ethnic groups, the Red Shirt rally attenders were Malays, and mostly UMNO members and supporters. They were ferried in buses from various parts of the peninsula and given red T-shirts and pocket money to attend. Racial slurs such as calls of 'Cina Babi' (Chinese pigs) and harassment of ethnic Chinese reporters marred the rally. According to Jamal, the rally was organized because Malays purportedly were offended by the allegedly mostly-Chinese participants at BERSIH 4.0, whom they claimed had insulted Malay leaders by stomping on the photographs of Prime Minister Najib Razak and another Malay leader. The protesters wanted to enter Petaling Street—a traditionally Chinese area—as a show of force and to cause similar losses they claimed Malay traders had suffered due to the BERSIH 4.0 rally (Razak 2015) but were blocked by the riot police. In fact, Jamal a few days after the rally threatened that the Red Shirts would return again to Petaling Street a week later and a riot might occur if the authorities did not act on the Chinese traders who allegedly were selling counterfeit goods (*Star Online*, 23 September 2015).

Whereas UMNO leaders supported the rally and called it a demonstration of Malay unity, with Najib thanking them for their support, the 'Red Shirt' rally was condemned by Mahathir himself, who said there was no need for such a rally. Mahathir said it was only meant to demonize the BERSIH 4.0 rally, even though it was racist while the latter comprised people of various ethnic groups (Nazari 2015). Rafidah Aziz, former UMNO leader and cabinet member under Mahathir, also castigated the rally, asking: 'Just what are they proving by trying to get some Malays, especially from UMNO, to be brought to KL to demonstrate in red shirts?' She said that the Red Shirt rally gathering the Malays was counter to the theme of unity in diversity for Malaysia Day celebrations on 16 September. She argued that the country's problems were not racial in nature and that 'September 16 is Malaysia's Day […] a day to celebrate our unity in diversity and the planned demonstration goes totally counter to that and has the potential to create more chasms and divisiveness'. (FMT Reporters 2015b)

Concluding Remarks

Based on the above, it is obvious that the rise of the noisy right in Malaysia is related to the weakened position of UMNO and BN as well as to the rise of the opposition parties and the democratic forces in civil society. More specifically, its recent upswing is orchestrated by the ruling party UMNO and to defend the embattled Prime Minister Najib Razak. It panders to ethno-nationalism meant to demonize the Chinese and counter the rising political opposition. However, the right wing elements are not solidly united as they are aligned to different forces.

Compared to the Red Shirts, the democratic civil society groups united under BERSIH have different objectives and a heterogeneous ethnic composition. The movement is multi-ethnic in character and espouses the spirit of 'bangsa Malaysia' (Malaysian nation). However, there is intense competition for the spaces opened up by the democratization processes. Such spaces are being constricted, as many BERSIH leaders and leading figures from opposition parties have been arrested and charged under various laws, especially the Sedition Act. In fact, at the height of the

BERSIH 4.0 preparations for the rally, the government banned all publications of BERSIH including the signature yellow T-shirt with the word BERSIH on it.

What will happen to these civil society groups? Will they join political parties to achieve their aims? BERSIH maintains to be independent of political parties though some of their members may be drawn from them. In this regard, it is interesting to note Hoffman's (2009, p. 25) observations that in Southeast Asia, including Malaysia, civil society groups had debated several strategies: first, 'to work within the existing system and to press for changes in law, law enforcement institutions, and mindsets, through various forms of social action and political lobbying'. The second strategy is to form political parties to provide a more direct channel for change, while the third is to resort to anarchism, that is, ignore the state and draw strength from the community and through networking between communities. He concludes that they chose the first option, that is, to work within the system. This seems to be BERSIH's strategy.

What then is the future of democracy in Malaysia? According to a Bernama report from 2 October 2015, Malaysian Prime Minister Najib Razak said in New York on the sidelines of the UN General Assembly that Malaysia is 'a mature democracy'. Commenting on the BERSIH 4.0 demonstration and the 'Red Shirt' anti-BERSIH protest in Kuala Lumpur, Najib said despite the two rallies, there was political stability in Malaysia and the demonstrations were managed well by the police. 'Being a mature democracy, we have to allow a little bit of divergence of views. People made their protests but at the end of the day, we hope the like-minded and rational people will prevail' (*Malaysiakini*, 2 October 2015).

Is Malaysia moving toward a 'mature democracy' or is it still 'stuck in transition'? Menocal et al. (2008, p. 31) suggest that there is considerable variation in terms of democratic developments between democracies in the developing world and that democratic reversals can occur. They argue that democratic reversals have been induced by political elites rather than by pressures from below (Menocal et al. 2008, p. 35) because 'political leaders have justified such reversals on the grounds that more authoritarian measures are needed to strengthen state capacity'. In the case of Malaysia, while democratic reforms have been promised by the

political elite, their implementation has been in fits and starts, with fierce opposition coming from entrenched vested interests Embong (2011), Milner et al. (2014). Thus democratic reversals may take place with the imposition of stringent laws and the increasing trend toward the right, away from a 'mature democracy' as has been taking place in contemporary Malaysia.

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4

Singapore's Social Contract Trilemma

Lam Keong Yeoh, Andrew Zhi Jian Yeo, and Hawyee Auyong

The last 50 years of nation building has firmly established Singapore as a globally competitive and highly successful economy and *city-state* with one of the highest per capita incomes in the world. Singapore has achieved a prosperity undreamed of by its founders. How successfully Singapore can evolve into a fully developed *nation*, with a firm sense of national belonging, social cohesion, political legitimacy and participation—and not just a strong and successful developmental *state*—will depend on the extent to which the country is able to translate this success to broader social protection and democratic participation for her

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people, and the extent to which the country is able to forge a common national identity.

As analysts of global long-term trends, the authors are optimistic that Singapore can eventually achieve this goal, but this is by no means assured. Globalization and technological innovation have generated distressingly high income and wealth inequality in many countries—an inequality that is often accompanied by decreased social mobility and increased economic uncertainty for everyone except the well-off. These trends that tend to generate significant centrifugal forces within society are particularly harmful to Singapore. To thrive, a small open economy like Singapore cannot avoid being deeply connected and integrated to the global economy. As such, the country is the proverbial canary in the coal mine, and structural socio-political problems and trends associated with the global economy and the process of modern globalization tend to manifest themselves even more virulently in Singapore.

For Singapore, the sharply rising inequality characterized by modern globalization is both (in the context of its domestic growth model and social security system) a political as well as an economic problem—a crisis of the social contract and not just socio-economic policy. Karl Polanyi's opus *The Great Transformation* (1944) traced the influence of neoclassical economic thought on the social contract between market and society that occurred after the Industrial Revolution. He observed that the development of the welfare state, where 'social life became embedded with the formal economy', came about as a result of societal demand for social protection in reaction to unfettered capitalism, in what he termed a 'double movement' (Dean 2006). The labor/capital settlement has also been described as a trade-off between security and dependence (Supiot 2013), and more specifically between social provision and paid work (Lewis 2006).

This double movement was critically expanded upon in the context of modern globalized capitalism by Nancy Fraser (2013), who probed the lack of a modern countermovement despite the recent neoliberal excesses of capitalism. Developing Polanyi's idea, she points out that modern globalization should, like earlier capitalism, also create a countermovement that manifests in the demand for social protection. She explored several hypotheses to explain this lack of a countermovement in spite of recent

severe economic crises, such as the lack of political leadership, the changing nature of capital from production to finance (thereby crippling the clout of organized labor), as well as the reframing of this crisis from a national to a global one. These hypotheses, she says, are insufficient, as 'we would still have failed to grasp the specifically *political* dynamics that have derailed Polanyi's scenario' (p. 127). The neglected third movement in the prior duality is what she terms *emancipation*, and is characterized by the social movements that took place during the decades of the 1960s and 1970s.

We will use both Fraser's neo-Polanyian analysis in the resurgence of demand for social protection systematically engendered by modern globalized capitalism as well as her conceptual orientation concerning this third pillar—emancipation—of Fraser's triple movement, as a framework for articulating what we term Singapore's social contract trilemma, especially the simultaneous and interconnected potential movements toward both greater social welfare and protection as well as democratic reform and development.

Singapore's Social Contract Trilemma

Singapore's original social contract has been described as an 'instrumental acquiescence' (George 2005), premised on faith in the administration's ability to deliver acceptable material standards of living in exchange for the curtailment of certain civil liberties. This is fraying due to the expressive support for more democratic development, as elaborated later on in the chapter, as well as rising inequality levels, exacerbated by technological disruptions in the new economy.

Our thesis is that Singapore's essential social contract trilemma arises from a highly developed economic competitiveness coupled with underdeveloped social protection and relatively undeveloped democratic development. Its polity therefore tends toward social contract crises centered around social protection and democratic development. The most likely political and social expressions of this imbalance are a gradual loss of political legitimacy and policy credibility, a cumulative loss of social cohesion and social capital, as well as creeping policy paralysis, populism

and a politics of petty recrimination rather than constructive debate. This risk comes at a time when national cohesion is critical to guide the nation through emerging technological disruptions and new threats to national security.

The three axes of the social contract are causally linked. Having almost fully mobilized local resources and harvested the low-hanging fruits of economic growth, Singapore needs to depend on industrial restructuring and business and technological innovation for its next stage of economic development. Broader social protection will contribute to entrepreneurship, industrial restructuring, and the associated labor reallocation and capital upgrading/reorganization, thus enhancing economic competitiveness. In turn, democratic development will be necessary to ensure that national institutions remain responsive to the specific forms of social protections needed. Economic competitiveness is also vital in generating the government revenues necessary to provide this politically relevant social protection in the long run.

Economic Competitiveness

As early as the 1930s, Singapore was already the richest country in Asia. But it was plagued at that time by high unemployment and underemployment. Since then, it has embarked on a highly successful export-oriented, foreign direct investment (FDI)-led industrialization program that has virtually eliminated unemployment and that has made it one of the richest countries in the world. Between 1965 and 2013, Singapore's gross domestic product (GDP) increased by more than 400 times in nominal terms.

Today, Singapore's economy is deeply globally connected and highly competitive. The country ranks first for investment potential and ease of doing business and is rated as the best Asian country to work in. In 2013, Singapore became the richest country in the world according to IMF estimates, with a per capita GDP of 61,567 USD.

Nevertheless, there are many side effects to this rapid growth that have strained the country's social and physical infrastructure. Singapore

reached full employment in the early 1970s due to the success of its industrialization drive. Since then, the import of labor has been an important tool in supporting continued rapid economic growth. Despite efforts to improve labor productivity in the early 1980s, by the later part of that decade, the government had decisively prioritized economic growth over economic restructuring, and also effectively abandoned its plans to reduce and reverse the inflow of foreign labor, following which Singapore's population swelled by between 3 and 5 percent per year for the next two decades. More than a million people per decade were added to the country during this 20-year period (Auyong 2015). This rapid population augmentation, together with a failure to build key infrastructure ahead of demand in areas such as healthcare, housing, and public transport, resulted in growing anti-foreigner sentiments and a simmering discontent that boiled over in the general elections of 2011, in which the ruling party put in its poorest showing since independence, winning only 60.1 percent of the popular vote.

The massive import of labor in the 1990s and 2000s in order to maximize GDP growth also distorted the domestic labor market, depressing wages on the lower end and dampening the incentive for employers to invest in improving productivity. This resulted in an odd and persistent feature of Singapore's economy—that despite being a high per capita income country, its *GDP per hour worked* lags behind that of other high-income countries in Asia (10–20 percent below that of Japan and Korea). This productivity gap is even bigger when Singapore is graded against its peer group of small advanced economies. Singapore's labor productivity is about 40–50 percent below that of small European economies such as Sweden, Denmark, and Ireland, and is in fact closer to that of European transition economies than to its peers (Skilling 2015).

The fact that rapid economic growth could have inimical side effects if not properly managed was foreseen by Dr. Goh Keng Swee, one of the Singapore's chief economic and institutional government architects. In 1972, he warned that Singapore's overdependence on foreign capital, foreign entrepreneurship, and foreign labor could severely limit Singapore's long-term growth prospects (Goh 1997). Also in the same year, one of the Singapore's leading statesmen, Minister for Foreign Affairs S. Rajaratnam,

also warned that Singapore's growth model of being plugged into other 'global cities' would require 'social, political, and cultural adjustments that may be beyond the capacity of its citizens' (Rajaratnam 1972). However, the aversion to expanding state welfare during this extended period of high economic growth in the 1990s and 2000s meant that the population was ill placed to cope with the attendant social dislocations.

Since 2010, Singapore has again embarked on a concerted productivity drive to try to reduce the reliance of its economy on foreign labor. Although this effort has yet to show conclusive results (annual productivity growth has remained near zero or negative), the country will most likely eventually succeed in this restructuring effort given its past accomplishments in facing off economic challengers and the country's substantial financial resources to sustain this endeavor. The government has proven itself to be competent on economic and industrial policies, and the country has in previous occasions recovered rapidly from economic shocks, never spending more than a year in recession. Given its past economic success and strong competence in economic management, Singapore will most likely succeed in its current effort to reduce its dependence on labor intensive growth, raise productivity and maintain or even improve on its economic competitiveness in the coming decades.

Social Protection

Although Singapore is well developed along the dimension of economic competitiveness, this economic hypertrophy has come partly at the expense of social protection. The People's Action Party was originally a left-leaning social democratic party, but it has increasingly leaned to the right on most socio-economic issues. However, electoral losses at the 2011 general elections combined with a better understanding of the inadequacy of the current social security system and social policy framework have forced the ruling party to rethink many of its key social policy stances, including its ideological aversion to Western welfarism.

Somewhat surprisingly, given the many pro-business policies that have been implemented by the government over the past decades, Chief of the

National Trades Union Congress (NTUC[1]) Chan Chun Sing recently reiterated the party's socialist roots, in effect acknowledging that social protection in many areas still needs to be expanded significantly, not least to make up for decades of inaction and erosion. In spite of the recent improvements, social protection could still be inadequate in the following areas:

Social Security Singapore's main tool for providing social security is the Central Provident Fund (CPF), an individualized, defined-contribution pension fund with restrictions to prohibit most types of withdrawals before retirement. Singaporeans have to contribute a significant percentage of their wages to their CPF accounts during their working lives. Even at high rates of contributions (37 percent of basic monthly wage in 2015), about half of all current CPF members are not able to provide for a basic standard of living after retirement solely through their CPF savings (as defined by the CPF 'Minimum Sum'). This is partly because many CPF account holders tap on large portions of their CPF savings to fund property purchases (see section below on housing). Additionally, Singaporeans who do not have steady employment (such as homemakers) would not have contributed much to their CPF. There is no national unemployment insurance in Singapore either.

Decades of liberal immigration policies to support economic growth and the absence of a national minimum wage have depressed wages for large segments of the population so that even though Singapore has a very low unemployment rate relative to other countries, a significant number of Singaporean households live in absolute and relative poverty. In the absence of official government statistics, some estimates have put the number of Singaporean households living in absolute poverty (defined as being unable to meet basic needs) at between 110,000 and 140,000 households. These include the 'working poor', 'unemployed poor', and 'poor retiree' households (Smith et al. 2015, p. XI).

Healthcare Singapore's health system is internationally recognized as one that achieves excellent health outcomes despite low state expenditure. The government spent only 1.9 percent of GDP on healthcare in

[1] Singapore's only union congress allowed by law.

2014, compared to 1.6 percent in 2013 and 1.4 percent in 2012. The OECD average is 8.9 percent of GDP. Since 2002, out-of-pocket payments by patients and other third-party insurers have hovered at about 60 percent of the national health expenditure (Low and Gill 2014). This has led to concerns that access to healthcare in Singapore is highly income-dependent (Abeysinghe et al. 2011). The country still has no systematic or substantial state-supported national long-term care infrastructure, especially in community-based nursing homes and hospices. The country also severely lacks the skilled manpower required to run them.

Housing Early housing policies in Singapore were extremely successful in distributing wealth and enabling high ownership rates. As of 2014, 82 percent of Singaporeans live in Housing & Development Board (HDB) flats. As much as 95 percent of public housing owners finance their flat purchases with their CPF savings. However, housing policy in the 1990s and 2000s became focused on increasing asset prices and has drastically reduced the affordability of houses in Singapore. The 11th Demographia International Housing Affordability Survey in 2015 rated housing in Singapore as 'seriously unaffordable'. Over the two time periods of 1990–1999 and 2000–2012, the resale price index of public housing flats has grown faster than both the private property price index and the Straits Times Index. Since large segments of the population live in public housing, this 'asset enhancement' policy was viewed by the government as a way to provide for social welfare and retirement security without cash transfers.

However, housing as a method of welfare provision suffers from at least three structural weaknesses: it individualizes risks, it creates dependence and entitlement, and it may not be sustainable in perpetuity (Low and Gill 2015). In the long term, the government will need to rethink the reliance on housing for welfare provision.

The rapid increase in housing prices during the 1990s and 2000s was also an indication that housing supply did not keep pace both with demand and with the rapid population increases. Post 2011, the government delinked the prices for new HDB flats from market prices and embarked on a massive house construction program, building more

than 20,000 units each year until 2015. Even after clearing most of the demand backlog, housing affordability still remains a significant issue.

Education Education has traditionally been the great social leveler in Singapore. However, this role has steadily declined. In 2012, 60 percent of the children in the six most popular primary schools come from families who live in private (therefore more expensive) housing even though more than 80 percent of Singaporeans live in public housing (see above). Children from private housing also made up a majority (53 percent in 2008) of those awarded prestigious government scholarships, and university students were more likely to be from families staying in private properties (Straits Times 2008). This is in contrast to the period between 1959 and 1978, when of the 670 Singapore students receiving prestigious Public Service Scholarships, 39 percent were children of manual workers (Straits Times 1981). The profile of scholarship recipients back then largely corresponded to the occupational mix. More recently, the principal of Raffles Institution, Singapore's most prestigious primary school, said that the institution has evolved to become one that largely catered to the more affluent segments of society (Chan 2015).

In addition to the social stratification in public schools, high-stakes testing and streaming has created a shadow education industry where children are sent for extensive extracurricular tuition. This industry is estimated to be worth S$1.1 billion a year, with four in ten families sending their children for tuition. Naturally, less well-off families face difficulty in affording such supplementary education and are less able to compete at high-stakes testing.

Public Transport Even as the population increased rapidly in the 1990s and 2000s, there was an underinvestment in infrastructure maintenance and in expanding public transport. The increased number of users and reduced spending on maintenance culminated in system-wide disruptions in the Mass Rapid Transit (MRT) train system in October and December 2011 and July 2015. Singapore's 25-year-old, 180-km network breaks down once every 120,000 km despite not operating for 24 hours a day. In contrast, breakdowns on New York City's 125-year-old, 340-km, 24-hour New York City subway average once every 260,000 km.

Public transport reliability in Singapore is also critical because the cost of private transport in Singapore is extremely high. Singapore controls the vehicle population through the auction of vehicle ownership entitlements. While this method reduces road congestion and maintains relatively high traffic speeds, the auction system makes the cost of owning a private vehicle more expensive than that of other cities. Despite the high cost associated with private transport, the perceived unreliability in public transport, crowdedness during peak hours, and the lack of viable public transport options in many parts of the island mean that car ownership rates in Singapore are quite high. Car ownership rates reached 45 percent of all households in 2012.

Population and Immigration Policy Singapore has traditionally been a society of immigrants. However, in the 1990s and 2000s, the government embarked on an unprecedented program of labor augmentation through immigration without paying enough heed to the potential social dislocations, even ignoring previous warnings from members of the ruling party that highlighted possible deleterious social consequences. By 2007, the majority of new jobs created were being filled by foreigners. This rapid import of foreign labor and the lack of effort at social integration have caused deepening anti-foreigner sentiments, culminating in a public protest against the government's 2013 Population White Paper that projected a population of 6.9 million by 2030.

Democratic Development

Singapore remains an electoral democracy, but without fully developed democratic institutions and significant barriers to entry to parliamentary opposition. Electoral democracy thus coexists with features of a soft authoritarian state—tightly-controlled mainstream media, state monopoly of information, incomplete or unclear independence of some areas of civil service of the ruling party. However, electoral democracy and the trends we discuss in the rest of this chapter—growing demands for social protection and democratic participation over the long term—could gradually lead to fuller reform of democratic institutions in the future.

The PAP's early political legitimacy was initially premised on merger with Malaysia; the 1959 legislative assembly general election was won by the PAP on the back of a tough anti-corruption stance as well as independence from the British through merger. The PAP government has pointed to decades of prosperity under its continuous rule as a basis for its *performance legitimacy* and to strong electoral performances (relative to other developed democracies) conducted in free and fair elections as a basis for its *electoral legitimacy*. However, the 2011 general elections results marked the PAP's worst electoral performance since independence, garnering them only 60.1 percent of valid votes cast. Prior to that year's showing, scholars have described the ruling party's political legitimacy as broad-based, without challenge, and resting on shallow foundations (Khong 1995, p. 108). More recently,[2] scholars have pointed to factors such as high ministerial salaries that diminish the political legitimacy of the PAP government (Wong and Huang 2010), and that the ruling elite would struggle to cope in a period no longer dominated by the narrative of Singapore exceptionalism (Barr 2015).

The demand for democratic development is driven by an increasingly large proportion of politically active, well-educated younger cohorts, informed and connected by new social networking technology. This is immeasurably strengthening and qualitatively transforming the very nature of democratic accountability. It enables an increasingly activist public to intervene, check, make accountable and influence both major and minor policies on an almost real-time basis. This has been critically observed by political theorist John Keane (Keane 2008) and heralded as the age of monitory democracy. In a highly internet-literate society connected digitally through social media, notions of surveillance no longer engender top-down but also engender ground-up scrutiny by the public. Democracy and the clamor for the democratization of institutions are thus wielded as a tool against unequal sites of political power.

A recent report by the Institute of Policy Studies advances the view that Singaporeans want more political participation. Political alienation,

[2] But less so after the publication of the 2012 White Paper 'Salaries for a Capable and Committed Government', where Ministerial salaries were reviewed, Prime Minister Lee Hsien Loong's salary was, for example, lowered by 28 percent to S$2.2 million.

defined by Dr Tan Ern Ser as the difference between the people's desire to take part in the political process and their perceived opportunities to do so, was found to be at levels twice as high in 2011 than in 2001. In 2011, 48 percent of the respondents surveyed indicated they were politically alienated, while only 23 percent felt that way in 2001.

A 2014 incident at the National Library Board (NLB) is a clear illustration of the level of policy scrutiny as well as the self-agency many Singaporeans effectively possess today. After a complaint by a reader over a children's book depicting two male penguins raising a chick, the NLB announced that they would destroy the book by pulping, before reversing that decision because of a public backlash, and relocating it to the adult section in the library instead. The main message of the incident at the NLB is not just the need for an improved, more inclusive and transparent process of book classification; it is also that in the current age of internet- and social media-based public transparency, policy making at a micro level and—by extension—politics at a macro level will never be free from an unprecedented level of public scrutiny and influence again, at a time when democratic development coincides with a developing sense of self-agency among the young (Ho 2015).

Both regionally and locally, mass demonstrations (Pink Dot in Singapore, Bersih 4.0 in Malaysia, and Occupy Central in Hong Kong) point to the increasing potential for the younger generation utilizing social media to mobilize en masse in support of democratic and social reforms. While each demonstration is sited within unique political contexts, the impact of rapid political awakening among better educated, socially networked youth should not be underestimated, and this constituency could very well play the role of swing voters in future elections.

Reforms Needed

In the long term, there are three key requirements for a stable and successful social contract—economic competitiveness, adequate social protection, and sufficient democratic development. Studies of long-term trends suggest that these are three unavoidable and irresistible social demands for both political legitimacy and stable governance. They constitute

a foundational trinity for a healthy economy, polity, and society. Governments that can provide these three in balance will tend to have a relatively healthy social contract, and those that fall short will tend to have their social contracts undermined by the very area(s) they fail to develop. To stabilize the social contract and to stave off political crises, Singapore needs to broaden governance priorities to seriously develop both adequate social protections and stronger democratic institutions.

Social Protection

The demand for social protection is inherently driven by the need for market competitiveness in a globalized economy. Globalization and the inevitable competition with the huge cheap workforces of the emerging world plus the exponential rise of labor-displacing and outsourcing infocommunications-based technologies mean that the middle and working classes in the developed world will face increasingly poor income and employment prospects generated by global free markets. This is exacerbated by demographics and the strongly growing need for adequate social security for rapidly aging populations. Providing the social protection that insulates citizens from the worst risks and stresses of an unavoidable engagement with globalization is one of the major tasks of a good modern government. An adequate social protection in Singapore needs major social policy reform in the following key areas:

Social Security Although the government has made some headway in the past decade in expanding income support for low-wage workers through cash- and CPF-based transfers such as the Workfare Income Supplement (WIS), such programs, especially the WIS and the recently introduced Silver Support Scheme (SSS), need to be greatly expanded in order to eliminate both absolute and relative poverty. Some form of effective unemployment insurance and automatic income support still needs to be introduced to help the population deal with the increased employment volatility (frictional and structural labor retrenchments due to the ongoing industrial restructuring). Additionally, the government will need to expand the sectoral coverage of its Progressive Wage Model

(PWM), which are sectoral minimum wages. This will help ensure that all Singaporeans who undertake full-time work will be able to earn sufficient wages. Also unresolved is the retirement adequacy for citizens such as homemakers who undertake unpaid labor during their working lives.

Healthcare Since 2011, the government has introduced mandatory hospitalization insurance and healthcare insurance for Singaporean elderly who are above 65 in 2014. These programs need to be expanded to cover other large healthcare needs besides hospitalization and to cover new cohorts of elderly after 2014. Moreover, these programs still individualize much of the financial risk because of insufficient risk pooling. Most importantly, an effective long-term care infrastructure covering a much wider availability of community-based elderly care centers, adequate medical and nursing staff as well as affordable individual- and family-based insurance and financing systems for long-term elderly and chronic illness care need to be set up.

Public Housing The massive housing construction since 2011 has gone some way in alleviating the backlog in housing demand. However, the prices of new public housing still need to be brought down further, especially since most Singaporeans pay for their houses by drawing down on their CPF savings, thus affecting their retirement adequacy. To be fair, the affordability of new, post-subsidy flats has improved steadily over the last two years. However, more widely available low-cost subsidized rental housing needs to be provided as an alternative to the current, largely ownership-driven model. This is especially important for low-income families and wage earners who find it difficult to sustain mortgage payments or meet basic needs in the face of higher cyclical employment volatility and structurally depressed unskilled and semi-skilled wages.

Education The Ministry of Education has introduced recent reforms to reduce the emphasis on high-stakes testing, assigning bands rather than specific scores for the Primary School Leaving Examination (PSLE). Politicians have also tried to de-emphasize the importance of degrees and talk up technical and vocational education. While these moves are in the right direction, more still needs to be done to close the wage gap between

degree and non-degree holders, and to reduce the social stigma attached to technical and vocational jobs. Core educational reforms are needed to prioritize social mobility such as reduction of unnecessary streaming (including the PSLE), raising the teacher pupil ratio markedly (especially in primary and secondary schools) so that disadvantaged students get sufficient attention, as well as further educational subsidies for low-income groups and neighborhood schools.

Public Transport The stance on strict adherence to fiscal prudence and only investing in public transport infrastructure when each service makes economic sense has been recently reversed. Since then, the government has unveiled plans to massively expand the rail network. By 2030, 80 percent of households will be within a ten-minute walk of a train station. At the same time, the government has helped the private transport operators to purchase additional trains and buses, cutting down on waiting times and crowding levels especially during peak hours. Prior to the 2015 disruptions, rail reliability has also improved steadily. Nevertheless, some of the rail infrastructure will take decades more to be completed; the government will need to ensure that the population growth during this period does not again exceed the capacity of the public transport system and that the maintenance of the public transport infrastructure is improved. The organizational and corporate structure and incentives of the Singapore MRT and taxi companies as well as their oversight by the LTA also need to be reviewed and restructured to align their corporate objectives more fully with the needs of commuters rather than shareholders or near-term profits.

Population and Immigration The population and immigration issue is perhaps best described as a potential long-term social and political crisis. The average labor force growth rate over the last 20 years has been 3–4 percent per annum which, given slower domestic demographic growth, is due to massive immigration and therefore has resulted in rapid population growth. Demographic projections by IPS have shown that unless labor force growth slows to an average of 0.5–1 percent over the next three decades, the total population by 2050 could be well in excess of the 6.9 million figure that provoked huge popular antipathy (Yap and Gee 2014).

For example, even if labor force growth slows to 1.5–2 percent per year over this period (the upper end of the range suggested by the Economic Strategies Committee in 2010), terminal population could be well over ten million by 2050 with 33–40 percent comprised of non-resident foreigners. This is likely to lead to much higher housing prices, increased wealth inequality, tremendous overcrowding, growing xenophobia, and social divisions particularly between locals and foreigners.

Key reforms needed here include an immigration policy that is consistent with a long-term labor force growth of 0.5–1 percent and a productivity growth rate of 2–3 percent. This is likely to need clear, transparent, and publicly auditable immigration quotas rather than the demand-driven model that has resulted in massive overshooting in the expected rates of immigration and population growth of the last two decades. This in turn will require reforms to industrial policy, social security, and the educational system to ensure that this massive restructuring of the economy and its attendant impact on local SMEs as well as the local labor force are sustainable (Yap and Gee 2014, pp. 30–1).

Democratic Reforms

Democratic reforms in Singapore will be more difficult than broadening social protections, requiring the development of a wider range of democratic institutions and practices from even lower starting levels. This, however, is not to say that Singapore does not have a historical foundation of established democratic norms. The democratic development of Singapore and its contribution toward social protections have been described as a missing historical narrative. Instead of pinning the success of modern Singapore's social policies to the democratic contestation of ideas during this period of open and fair elections, Thum (2014) notes that the 1950s and 1960s are often officially characterized as periods of strife and tensions instead. This framing, he says, was imposed by the PAP for nation-building purposes and assessed to be suitable for the political reality during the Cold War period. There are major political reforms required in key areas such as free media and speech, guaranteed access to public information, stronger rights of association and organization in

civic society, a more non-partisan civil service, and stronger and more supportive government-civic society links.

Sudhir Thomas Vadaketh, referencing Robert Dahl's checklist of 'The Institutions of Polyarchy', compares the city-states of Singapore and Hong Kong based on seven institutions which he considers as necessary to democracy: elected officials, free and fair elections, right to run for office, inclusive suffrage, freedom of expression, alternative information, and associational autonomy. He notes that Singapore and Hong Kong share complementary institutions. While Hong Kong does not have access to the former three institutions, he considers Singapore not to have access to the latter three. Both cities, he notes, overlap on inclusive suffrage. Singapore does not fare better in other indices of democratic development either. In the latest iteration of the Democracy Index, Singapore ranks only 75th.

On free speech and expression, academic Cherian George in a lecture for the Singapore Advocacy Awards remarked that Singapore has the least freedom of expression among the advanced industrial nations. He notes, however, that Singapore has never pretended to champion the free speech model, as they are not signatories to the International Covenant on Civil and Political Rights—the world's main human rights treaty. He observes that while allowing for freedom of expression might have short-term political costs to the incumbent ruling party, the long-term positive effect of such a media environment is twofold. First, it improves the legitimacy of the media in the eyes of the people, compared to an attitude of distrust. Second, in the event the PAP loses a general election, it would still be able to succeed subsequently in a fair media environment (George 2015).

Several commentators have written about the questionable political independence of key civil service organizations. The People's Association (PA), a statutory board, was established pre-independence in 1960. While its functional roles have been related to grassroots leadership and national identity development, the body has been criticized for its latent political role. Although Singapore's grassroots sector is formally divided into 'political' and 'apolitical' sectors, 'all are ultimately linked administratively to the government that has since 1959 been formed by the PAP' (Tan 2003). In the PA, the grassroots advisers have traditionally been

PAP members. This is officially explained with the reason that the PA, being a government body, requires a connection between the government of the day and the people: opposition members of the parliament are thus deemed unsuitable for the role. This has been criticized by opposition parliamentarians as enabling the politicization of local grassroots, for grassroots organizations can 'be politically motivated to lower the standing of an elected (opposition) MP' (Tham and Ong 2014). Suffice to say, the effective independence of all civil service organizations is an important institutional democratic reform.

To address the information asymmetry between civil society and government, there have been calls for a Freedom of Information Act. Access to timely and accurate information is critical for civil society to perform its vital roles (Ho 2015). These views were later echoed by Professor Kishore Mahbubani, Dean of the Lee Kuan Yew School of Public Policy, who called for a change in the 'prevailing culture in Singapore when it comes to sharing information' (Mahbubani 2015). Within the government, responses to calls for such an Act have been mixed. Objections raised by the government have included that such sharing of information may not lead to better governance. On the other hand, Deputy Prime Minister Tharman Shanmugaratnam conceded in 2013 that 'the balance has to shift over time'.

In the broader context of framing Singapore's voting electorate, the country's middle and working class is essentially a property-owning democracy, with the bulk of net worth in their HDB flats. Given that, since the establishment of town councils in 1986, elected MPs have an important property and town council management function, the electorate tends to be politically conservative in terms of voting in the ruling party with its established and proven national economic and municipal management capability and infrastructure. The monopoly of expertise on municipal management has been criticized by commentators as a big barrier to entry to opposition members in parliament, with some suggesting that the management of housing estates should return under the jurisdiction of the HDB.

An inherent political conservatism can be seen in the strong swing of the popular vote back to the ruling PAP in the recent September 2015 general elections to 69.85 percent from 60.1 percent in 2011. This was

probably largely an endorsement of the PAP's more aggressive shifts toward social protection in healthcare, housing and social security since 2011, as well as instabilities in the global and local economy, and across the strait in Malaysia, which shifted the vote back toward the incumbent PAP. In addition, the recent death of PAP founding leader Lee Kuan Yew could also have attracted a significant share of the swing votes. While this obviously poses difficulties for the political opposition to make further headway in parliament, we would like to note that it does not obviate the underlying long-term driving trends toward greater demand for social protection or democratic accountability.

Conclusion

Having a good balance of market competitiveness, social protection, and democratic governance is not entirely Utopian. Many Northern European and Nordic as well as some Anglo-Saxon states meet all three requirements quite well and are as a result among the most stable, cohesive, and happiest nations in the new globalized world. Even Singapore's developed Asian neighbors Japan, Korea, and Taiwan seem to have achieved a better balance between these three requirements—and as a result have less fundamental social contract problems stemming from inadequate social protection or democratic development that Singapore seems to suffer chronically.

Without a healthy and stable social contract, the social cohesion needed for national identity becomes precarious. Political legitimacy and its vital twin—trust in governance institutions and policy—tend to become weak and dysfunctional. A healthy social contract is vital if we are to make a successful transition from being merely a successful *city-state* to a viable, resilient, and cohesive *nation* that needs to be globally connected and economically competitive.

In all fairness, there have been major recent reforms in several areas including healthcare, housing, and public transport (see respective sections). This is commendable and is moving social protection policy significantly in the right direction. However, legitimate concerns remain that such efforts are piecemeal and insufficiently bold and transformative.

All these issues represent outstanding unreformed social protection policy that is still undermining vital policy credibility and ultimately political legitimacy.

In our view, over next two decades, the good news for Singapore is that she could well have an opportunity to look back on an unprecedented period of reform in these two major currently underdeveloped and undeveloped areas—social protection and democratic development. And well before 2065, it is quite likely she could have much fuller range of both social policy and political reform driven by the irresistible long-term demands for social protection and democratic development demanded by an increasingly informed and organized electorate. Singapore would merely be converging toward developed country political and social policy norms from a highly exceptional but probably unsustainable current position. However, this could also happily result, as it did following the political liberalizations in Japan, Korea and Taiwan, in a much more mature and vibrant society, as well as a level of social and cultural well-being and richness well beyond current norms and imagination.

The critical uncertainty is how smooth and successful or fractious, disruptive, and contentious this journey will be. As the cases of political liberalization of even more severely authoritarian regimes in Japan, Korea and Taiwan have shown, the more the current government leads genuine, transformative reform in both these areas, the smoother and more successful this process will be. The more the incumbent resists or only carries out merely piecemeal reforms, the more potentially disruptive the process, with greater public loss of trust, less social capital, greater policy paralysis and more suboptimal populist policy outcomes that could be difficult to reverse. Singapore's national identity itself may be the ultimate casualty.

Government in Singapore is institutionally strong partly because of the civil service's excellent policy formulation and execution capability, but in the context of modern democratic governance, this is perhaps not enough. While it needs to be responsive to the elected political direction, the civil service also needs to be above and independent of partisan politics for the long-term public good. Key areas of social policy like healthcare, education, or immigration policy need to be planned and executed over a decade or longer. Political parties have shorter term, sometimes

populist horizons that may or may not coincide with the common long-term good. This means that top civil service appointments need to be independent of partisan political influence.

Government and particularly the civil service also need go to beyond its traditional role as director, producer, and regulator and evolve toward the roles as facilitator, coordinator, and co-creator. To do this effectively, it needs open and supportive partnerships with strong, well-researched, and responsible civic society groups which share—and can help anchor and guide—its long-term social vision for the common good, insulating long-term policy from the finicky ebb and often unsound flow of populist political dynamics.

The current government has seen the need to strengthen safety nets and social protection and is moving in the right direction, arguably in too piecemeal a fashion. Can they continue to change transformatively, coherently, and boldly enough? Just as importantly, does a deeply held elite governance philosophy prevent government from adequately leading political reform and development of democratic institutions? If so, this could pose difficult times for Singapore's successful future development from city-state to nation as Singapore's key social contract trilemma remains painfully unresolved.

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5

The Afterglow of Hun Sen's Cambodia? Socioeconomic Development, Political Change, and the Persistence of Inequalities

Sok Udom Deth and Daniel Bultmann

Introduction

Since the fall of the Khmer Rouge regime in 1979, Cambodia has been largely ruled by the incumbent Cambodian People's Party (CPP). As one of the Asia's longest-ruling leaders, the Cambodian Premier Hun Sen has long been regarded as the 'Strongman of Cambodia'—an almost almighty sovereign whose unthreatened rule has been secured by his reputation as a guarantor of peace, order, and prosperity following decades of genocide and civil war. In addition, Sen successfully incorporated political competitors into the party's patrimonial networks and cronyism. In the national elections of 1998, 2003, and 2008, the CPP gained an increas-

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ing number of vote shares and parliamentary seats (41 percent or 64 seats in 1998, 47 percent or 73 seats in 2003, and 58 percent or 90 seats in 2008) despite allegations by the opposition of electoral fraud and irregularities. With no real separation of power among the executive, legislative, and judiciary branches of government, Cambodia has been described as a 'façade democracy' (Karbaum 2011) or a 'hybrid democracy' (Un 2005).

However, after more than a decade of strong economic growth, Cambodian society has undergone significant transformations that threaten the current political settlement. With an extremely young population, deep shifts in the structure of the economy, and a rising middle class, new styles of politics are being demanded and slowly emerging. The official result of the latest election, as announced by the National Election Committee (NEC) and the Constitutional Council, claimed victory for the CPP, but with a reduced number of parliamentary seats of only 68 while the Cambodian National Rescue Party (CNRP) won 55. Against this background, this chapter will discuss factors that led to the seemingly surprising election result and that may lead to further future conflicts within Cambodian society and its current political settlement.

The first section deals with facts and figures regarding Cambodia's socioeconomic development over the last decade: the changing structure of the economy; a boom within the education sector and its impact on an extremely young population (about 70 percent are below the age of 30); and patterns of migration to urban areas that lead to a politicization of the populace—and garment workers migrating from the countryside to the volatile urban labor market in particular. The second section outlines how, despite impressive economic growth and change, patterns of inequality persist and lead to societal and political conflicts. Decisive here is the structure and persistence of the political elite, alongside widespread patron-clientelism and kleptocracy and limits of vertical mobility for important sectors of society, such as the poor in the countryside or the emerging middle class. The last section deals with two dynamics seemingly at odds with the persistence of the political settlement: the emerging grassroots movement and the dynamics instigated by (social) media. Thereby, the authors aim to shed more light on the complexities of the current Cambodian socioeconomic and political development.

Socioeconomic Development

The Changing Structure of the Economy

After decades of prolonged conflict, Cambodia has seen tremendous growth rates from 1998 until now. Despite a significant downturn during the world financial crisis in 2008, exemplifying the heavy dependence of the country's economy on global market performance, the Cambodian GDP growth rate averaged 7.7 percent during the post-conflict period, ranking it among the highest in the world. According to a World Bank report (2013a), household consumption increased by 40 percent from 2004 to 2013, while the poverty rate dropped from 52.2 percent to 20.5 percent, indicating a strong pro-poor development. With the GINI coefficient (measuring income inequality) decreasing from 41.3 in 2007 to 31.8 in 2011, statistics point to a comparatively inclusive and stable growth. Growth acceleration was made possible partly due to a new investment law in 1994, improved security and political stability in a post-conflict setting, and a cronyistic but more ordered and still relatively open business environment after the political settlement in 1998 (cf. Kelsall and Seiha 2014). However, this growth also rested upon high volumes of development aid, with donor funds currently accounting for almost 80 percent of the total public investments and 34 percent of the total public outlays (World Bank 2013b, p. 79) as well as a steep rise in foreign direct investment (FDI), mainly as a result of China and Thailand transferring labor-intensive aspects of production to Cambodia. Chinese business investments are particularly strong in garment, telecommunications, fiber optics, pharmaceuticals, gold mining, agro-industry, and elastic bands (Sullivan 2011). Over the course of 20 years (1994–2014), the Chinese government alone invested roughly USD 10 billion, mainly into the country's infrastructure, the building of hydropower dams, and the textile industry.

Growth has been accompanied by structural changes within the economy, which has gradually shifted from the agricultural to the industrial sector (NIS 2011). In particular, the apparel industry, which took hold after the internal conflicts ended in 1998, saw a steep rise of about 30

percent per year, already representing 27 percent of the country's GDP in 2004. Within the same period, agriculture decreased from 44 percent to 29 percent of the GDP. The Cambodian economy moved from exporting unprocessed agricultural products to exporting processed agricultural products (milled rice), garments, tourism, and slightly more sophisticated manufacturing goods (electronics and machine components) (cf. Kelsall and Seiha 2014). Economic development, however, largely focused on urban areas. Cambodian cities generate about 50 percent of the current GDP while being home to only one-fifth of the overall population. At the same time, urban migration rates have been comparatively high, between four and eight percent, thus doubling the size of the capital since the 1990s (Asian Development Bank 1999, 2014). This constant flow of the rural young to the cities forms the basis for low-level employees, unskilled laborers—especially in textiles—and the urban poor. Reasons for the exodus from the countryside to the cities include improved educational standards, increased population (mainly due to reduced mortality), and improved infrastructure and communication, which brings information and new concepts of life to the villages, as well as hopes for higher living standards within cities through employment, especially within the booming garment and tourism sectors.

These well-known economic shifts translate into changes in social structure. According to the data of the Cambodian National Institute of Statistics, the ratio of people working in agriculture decreased from 77 percent in 1998 to 65 percent in 2010, while industry employment increased from 4 percent to 11 percent. On top of these figures, 784,000 persons were employed in tourism-related services in 2014 (World Travel and Tourism Council 2014), and about the same number were employed as workers in the construction sector, accounting for roughly nine percent of total employment. Even though these trends all relate to urban areas, (whereas 90 percent of the country's poor reside in the countryside) they translate into new forms of political conflict due to urban migrations and merely horizontal economic mobility reproducing age-old social inequalities. These became most visible through the emergence of politicized garment workers leading many of the protests over the last years.

Urban Migrations and the Politicization of Garment Workers

Following the renunciation of socialism in 1989 and the signing of the Paris Peace Agreements in 1991, which brought relative political stability to the country, Cambodia has attracted considerable foreign investment, especially in the garment industry. The Cambodian garment industry has grown rapidly during the past two decades, from only 7 factories to 238 in early 2005 (Derks 2008), to at least 1200 in 2014, which currently employ about 700,000 people in Cambodia (Human Rights Watch 2015). The majority of the garment workers are female Cambodians who migrate from rural areas to work in suburban areas. In the words of Annuska Derks, '[these] Cambodian women have become part of the so-called "new" international division of labor by taking their place an imagined "global assembly line,"' and are 'caught in ambiguous and contradictory representations':

> Cambodian factory workers are considered at once to be dutiful daughters and loose women; a docile and industrious workforce as well as obstinate, lazy workers; a driving force behind national economic development and a threat to Khmer values and traditions (2006, p. 193).

The establishment of these factories not only brought about social, cultural, and economic changes to the Cambodian society but also led to political changes. Since the late 1990s, the garment factory workers (though by no means unanimous) have been a viable political force represented by labor unions and backed by the opposition party in putting pressure on the ruling government to demand higher minimum wages and better working conditions. They do so not only by voting for the opposition but also by participating in strikes, demonstrations, and/or roadblocks, which occasionally lead to deadly clashes with authorities (especially during the deadlock after the 2013 election). After a long period of negotiations, the Cambodian government, the Garment Manufacture Association of Cambodia (GMAC), and labor union groups agreed to the minimum wage rate of USD 140 per month. Although the minimum wage issue appears to be settled for now, it may re-emerge in

the future if and when the workers feel a discrepancy between their fixed income and rising inflation costs. This seems particularly likely ahead of the 2018 national election.

Education Boom and Youth Bulge

The vast number of young Cambodians working in the garment industry is partly a result of the underdevelopment of the education sector. The control of the Khmer Rouge in Cambodia between 1975 and 1979 culminated in, among other tragedies, the destruction of education and human resources in the country. During this period, teachers and educated people in general were often targeted for execution while schools were emptied, destroyed, or turned into prisons. According to the Information Agency of the PRK, in 1979 about 80 percent of teachers were killed, whereas the Soviet Union estimated the loss to be up to 90 percent (Clayton 1998). The revival of the education system in Cambodia has been remarkable though certain challenges remain.

Article 68 of the Cambodian Constitution promulgated in 1993 stipulates that 'the State shall provide primary and secondary education to all citizens in public school.' In 1996, the Ministry of Education, Youth, and Sports (MoEYS) adopted a policy aiming to: (i) universalize nine years of basic education and develop opportunities for functional literacy; (ii) modernize and improve the quality of education through effective reform; (iii) link education/training with the labor market and society; and (iv) rehabilitate and develop the youth and sport subsector (Chhinh and Dy 2009). To those ends, the Royal Government of Cambodia adopted a number of policies related to education, including the *Education for All (EFA) National Plan* (in 2003), the *Education Strategic Plan* (since 2005), and, for the first time in the history of education in Cambodia, *Education Law* (adopted in 2007), which aims at 'strengthening quality and efficiency of education at all levels intended to support and serve the national goal for human resource development' (Chhinh and Dy 2009, p. 116).

The most remarkable success of these policies has been the near universal enrollment among primary school students in the country, which rose from 77.8 percent in 1997 to 92.1 percent in 2006. In the academic year 2014–15, the net enrollment rate was 94.5 percent (Hang 2015).

This success has been the result of a combination of factors including the elimination of all forms of registration/contribution fees, effective and frequent campaigns, construction of additional schools across the country, change of attitude among parents toward education, and complimentary strategies on the part of local and international organizations (such as providing scholarships) to encourage students to enroll (Chhinh and Dy 2009). However, as a recent report from the education ministry cautions, 'the completion rate is low and the drop-out rate high and increasing. This problem is more pronounced in the remote and disadvantaged areas and those near border regions where work opportunities lie within reach' (MoEYS 2015, p. 136).

More important, however, is the question of general quality of education. As Keng (2009) rightfully observed: 'Getting children to enroll does not mean regular attendance; regular attendance does not mean learning; and even learning does not mean children receiving quality education necessary for the effective functioning in the society.' Following the recently adopted reform aimed at improving the quality of education among high school students by controlling the leakage of exam questions and cracking down on rampant cheating, a mere 30 percent of twelfth-grade students managed to pass the National High School exam (as opposed to the regular rate of more than 85 percent in the previous years when open cheating was standard practice).

At tertiary level, on the surface, there has been remarkable progress. During the past two decades, the number of higher education institutions rose dramatically from only 9 to 105 (as of 2014), of which 66 are private. According to Un and Sok:

> The higher education landscape in Cambodia has transformed dramatically, moving from elite to mass access to higher education. The gross tertiary enrollment rate increased from around 1% in the early 1990s to about 16% currently.[1] In absolute terms, between 1993 and 1997, there was a total enrolment of slightly more than 10,000 students per annum. The number gradually increased, reaching more than 30,000 in 2005 […] In the academic year 2012–13, there were 255,791 students enrolled in all higher education institutions across the country. (2014, p. 4)

[1] The rates signify percentages of higher education student enrollment against the 18–24 age cohort.

However, problems of education quality and mismatches between students' selected majors and the market demands have resulted in high unemployment rates (or employment with mismatch of skills) among graduates. As Rana and Ardichvili pointed out:

> The formal sector employment in Cambodia, despite recent economic growth, is still very small and paid employees only account for 23.3% of the workforce. Such a low proportion indicates that the education system does not produce adequate graduates capable of contributing to the overall workforce, or that the economy does not generate enough employment opportunities for graduates. (2015, p. 47)

A report by the employment agency HR Inc. in 2010 raised an alarm about the problem of skill mismatches in the country: 'Over the six years from 2009 to 2014, higher education is projected to supply around 220,000 bachelor's degrees; however, the labor market is projected to absorb only around 86,000 graduates' (Rana and Ardichvili 2015, p. 47). According to Lall and Sakellariou, Cambodia's weak education system 'represents a significant burden in terms of public and private costs of education, which reduces the private and social returns to schooling, and, therefore, economic growth' (2010, p. 333). Since about 70 percent of the Cambodian population is under the age of 30, Rana and Ardichvili (2015, p. 47) suggested that Cambodia's 'extremely high youth-dependency ratio undoubtedly renders human capital development in the country extremely critical.' Failure to focus on such development may place Cambodia at the risk of social, economic, and political instabilities in the medium and long run.

Overall, however, the mixed progress of the education sector in Cambodia has produced a number of observable impacts on youths. On the one hand, it has contributed to the rise of the aspiring middle class among university graduates, who are by and large absorbed into the service industry in urban areas (in spite of the limitations discussed earlier). On the other hand, the progress has led to the flow of young, unskilled workers into suburban areas where manufacturing factories (especially garment factories) are concentrated. Others have also sought job opportunities abroad, especially in Thailand, Malaysia, and South Korea.

Persistence of Inequalities and Roots of Conflict

Structure and Persistence of the Political Elite

While the Cambodian social structure changes as quickly as the economy, the political elite persists. The current political settlement came into existence during the late 1990s when the ruling party brokered a deal with the warring opposition and its military leadership:

> Since 1998 the political settlement in Cambodia has been characterised by a dominant *Cambodian People's Party* (CPP), with an inner circle of career politicians, technocrats, soldiers and businessmen, presided over by Prime Minister Hun Sen and bound together by an intricate network of family ties, supported by an outer circle of development partners, business associations, foreign governments and the clergy. (Kelsall and Seiha 2014, p. 4)

Large parts of the current ruling party derive their power from the process of rebuilding central authority after the complete state collapse under the Khmer Rouge during the late 1970s (cf. Gottesman 2004). The price for this was that the elite surrounding Hun Sen had to grant prebends and multiple rent-earning opportunities to state officials, members of the warring opposition, and a vast array of lower- and mid-range power holders. This system resulted in a limited capacity of the ruling elite to deal with various power holders as its own source of power rested upon granting state resources and a certain latitude of actions. In particular, the incorporation of defecting military units did stabilize the country, but at the same time, this intensified corruption within the weakened state apparatus, which had to feed an increasing number of political networks: 'A variety of rackets from aid- and revenue-skimming to fine-collection and bribe-taking operated to shore up personal networks of loyalty within the elite and associated with the major parties of government' (Hughes and Un 2011, p. 6). The result is that the ruling party does not rule over a centralized state but over a collection of fiefdoms, which guard their own shares within a complex system of rackets. The capacity of the state—and its central leadership in particular—is much more limited than suggested

when referring to 'Hun Sen's Cambodia' as if one man personally owned the country (Strangio 2014). Most (Western) observers do acknowledge that there is a very complicated power balance at work due to the process of centralizing control after years of conflict but nevertheless tend to depict certain people as almighty patrons.

Not only does the ruling party persist through multiple networks of family bonds and patronage; so does the opposition, which is comprised of the currently largely marginalized royalty, an old military, as well as a democratic elite rooted in the Democratic Party of the 1950s. However, decades of civil war and conflict have added many former communist and non-communist commanders and warlords (largely integrated into the government's racketing system) as well as a forcibly displaced diaspora with deep roots from the current opposition networks to the upper ranks of the political settlement. While numerous studies focus on the persistence of the ruling party's elite and its deals with military and political opponents, the intimate but shattered networks of the opposition are rarely mentioned (for a glimpse into the structure of the opposition until the late 1990s, see Bultmann 2015). Within the younger and better-educated populace, the opposition is currently perceived as a possible force triggering much-needed changes and reforms. However, the opposition also adds to frustrations regarding the political settlement, as there is a question as to whether they are actually interested in structural reforms of the state and its sources of wealth, legitimacy, and power or merely wish to play a greater role within the insular system itself. While the opposition proved its increased organizational power by merging into the CNRP, its cohesion and thus its recent grip on power remain threatened.

There are two main routes to enter the *political* elite. The first is wealth. The ruling CPP, in particular, managed to integrate emerging economic tycoons into its internal structure. The linkage of money and power becomes obvious when wealthy tycoons marry into leading families or when they are staffed with more or less influential political posts within the state or party apparatus. The honorific title of an *okhna* exemplifies the intimate link between money and political influence. *Okhna* is a title traditionally granted by the king and is now being granted by the ruling party, in particular by Hun Sen, to people making a substantial financial contribution to prestigious national development projects, starting

from USD 100,000 (cf. Ear 2011; Dahles and Verve 2015). While *okhnas* receive state protection and privileges in their business activities, they need to return loyalty and money to the party/state. However, the capacity of the ruling party to secure the loyalty of the emerging rich through state protection and marriage is limited. Until now, it has been possible to include the richest of the rich into the leading elite, but this will not be possible with the emerging and socially less homogeneous middle class. Moreover, the party will increasingly face problems in securing the political and monetary loyalty of the emerging rich. While the ruling party grows its network among the rich, the opposition recruits among civil society and returning diaspora members. However, more and more of the better-educated and wealthier Cambodians have a non-partisan or at least increasingly critical stance toward both.

Patron-Clientelism and Kleptocracy

The ruling party's repeated victories during the previous elections could be attributed to several factors. Having toppled the Khmer Rouge regime in 1979 and eventually reached a peace deal with the guerillas based on Hun Sen's win–win policy, the CPP has been credited with bringing peace, stability, and economic development to the country. In addition, the CPP has been able to exert its control over the country, thanks to its extensive patron–client relationship. As Kheang Un suggested, 'Electoral victory and political legitimacy is based on personal gifts by CPP's leaders – particularly those of Prime Minister Hun Sen – made possible by the financial contributions of state officials and businessmen/women' (2013, p. 74). Furthermore,

> Given the country's history of poverty, popular alienation, and poor public service delivery, the combined use of commune funds and CPP's patronage resources has increased the perception that the CPP presides over a service state. The CPP's patronage politics is sustained by rent-seeking associated with extraction of resources – particularly land – and other state services. (Un 2013, p. 76)

The Cambodian political power base has traditionally been structured around the patronage network (Jacobsen and Stuart-Fox 2013). In the

case of the Khmer Rouge regime, the attempt by the central party to reduce the local and regional power relations to arrogate power to the 'center' partly led to the evacuation of urban areas, separation of family and kin members, and purges of cadres suspected of not being loyal to the Communist Party of Kampuchea (Brown 2013). In the current context, patron–client relations are built on political and economic incentives as in the case of political appointments and/or lucrative business deals. Various ministries in Cambodia have been referred to as 'family ministries,' reflecting the high level of nepotism in state employment. At all levels of state apparatus, career employment and/or promotion within the public sectors are rarely obtained without the use of bribes and political connections. Relations between government officials and business interest groups can also exist legally, for example, in the form of granting economic land concessions or non-transparent bidding processes for infrastructure construction projects. Such neo-patrimonial practices affect the delivery of core public services, cause inequity, lead to a permanent fiscal crisis, and make the government resistant to reform (Pak et al. 2007).

Discontentment against the patronage politics and injustices is evident in the results of the latest national election in 2013, in which the CPP lost many seats to the opposition despite decent economic growth during the previous mandate (2008–13). Hun Sen has since promised deep and comprehensive reforms and accountability to voters. Placing himself above the whole neo-patrimonial system, he strongly condemned the 'family ministry' culture and encouraged people to hold government officials responsible if they commit wrongdoings in the future. In his first cabinet meeting, Hun Sen declared that 'reforms are the top priority for Cambodia, and the country will continue deepening reforms in all fields in order to increase competition, to sustain economic growth and to reduce poverty […] Deep reforms will be focused on legal and judicial reforms, anti-corruption, good governance and land and forest management' (Vong and White 2013). However, as Martz (1997) contended, once they have become institutionalized and perpetuated, neo-patrimonial relations remain an enduring part of the institutional configuration of the state that no individual or single reform can easily unravel. Although there are some recent signs of improvement in public

services and the government's responsiveness to public criticism, there is no indication that the patronage politics that have cemented the ruling apparatus for the past decades will disappear any time soon.

During the latest party congress held in late January 2015, Khieu Kanharith (Minister of Information and spokesperson of the CPP) suggested, among other things, the recruitment and promotion of Cambodian youth into responsible party and government positions. Ultimately, the congress appointed 306 new members to the CPP Central Committee, raising the total number of Central Committee members to 545. Among the new recruitments were Hun Sen's three sons and several high-end military and police officials, including Chhay Sinarith (Head of the Internal Security Department of the Ministry of Interior), Chuon Sovann (Phnom Penh Police Chief), and Rath Srieng (Phnom Penh Military Police Commander). On the surface, the CPP-led government still enjoys support from the top tiers of the security apparatuses. Likewise, while the political elite persists, other social groups face heavy obstacles in terms of socioeconomic mobility.

The Emerging Middle Class and Limits to Mobility

What constitutes a middle class in economic terms is up for debate. Being part of the middle class may happen quickly. In a working paper, the Asian Development Bank established a threshold for entering the middle class at a daily consumption of USD 2 per day (Chun 2010), following the proposition made by Banerjee and Duflo (2008). More precisely, everyone with a daily expenditure from USD 2 to 20 in the whole of continental Asia from 1990 to 2008 is now being categorized as a member of the middle class. At the same time, absolute poverty—defined as the level of poverty at which the minimal requirements to afford living cannot be met—starts at USD 1.25 per day. Thus, USD 22.50 per month separates the absolute poor, who cannot even afford their own basic means of living, and the middle class—a class that is widely pictured as enjoying capitalist paradise in newly built shopping malls. However, Chun (2010) also stated that the lowest stratum of the middle class (with a consumption of USD 2–4 a day) may be called *vulnerable poor* as they are at consider-

able risk of falling back into poverty. Fixed thresholds for measuring the middle class are equally as problematic, as are poverty lines, due to the changing purchasing power in different countries and regions over time.

Phu Huynh and Steven Kapsos (2013) acknowledged the difficulty in measuring the middle class but nevertheless set a statistical threshold at the consumption of USD 4 per day (excluding Chun's category of vulnerable poor). According to their data, the Cambodian middle class comprised 642,000 people in 2004 and doubled to 1.2 million in 2008. Contrastingly, in line with the country's current gross national income (GNI) per capita of USD 950, the World Bank (2013a) currently defines the Cambodian middle class as those with a daily expenditure between USD 2.60 and 5.10. Additionally, each member of the middle class is expected to own a television and a motorbike. According to the World Bank, however, most gains in poverty reduction in Cambodia rest upon shaky grounds. While 21 percent of the population live at or below the poverty line of USD 1.25 per day, 56 percent are categorized as vulnerable poor (with an expenditure of USD 1.25–2.60 a day). Even the slightest economic shock may pull them back down into poverty. Above these, 20 percent are considered as members of the middle class (USD 2.60–5.10 a day). The prosperous 3-percent leftovers are those with expenditures above USD 5.10 per day. However, making a living above the poverty line does not necessarily translate into improved living conditions, especially for those living in urban areas, where prices are higher, and for those who are unable to supplement their income through subsistence farming.

The reduction of poverty is an often-cited indicator for inclusive growth. However, even though many people in Cambodia progressed from being absolute to 'near' poor, this does not necessarily translate into a better and economically secure life. According to the Asian Development Bank, even most non-poor members of the so-called middle class remain in a vulnerable poor bracket with an expenditure between USD 2 and 4 a day (Chun 2010). With regard to Cambodia, the current poverty rate would double with only a slight economic shock of USD 0.30 a day—the purchasing power of a small bottle of water. In a recent report, the World Bank (2013a) wondered: 'Where did all the poor go?' The answer is not

far. Most still linger at the edge of absolute poverty as 'near' or 'vulnerable' poor. Moreover, statistics are tricky as they are not able to depict the volatility of people's income. Earning a certain income on average does not mean that a person is always securely above the line—nor of course does it mean that the person will remain there. The momentary statistic is nothing more than a snapshot. On top of this, many people are now part of a comparatively volatile market economy in which additional farming for subsistence is less of an option.

The GINI coefficient measuring income inequality is also tricky. Although the GINI went down, inequality in Cambodia, according to the World Bank (2013a), is on the rise. How is that possible? The point is that the GINI indicator measures *relative* inequality, and it does so by using the yearly percentage increase in income for its calculations. This means that when the poor, for example, benefit from an income increase of 50 percent while the rich earn 'only' 30 percent more, the GINI coefficient improves. However, in absolute terms, inequality remains on the rise. The point is that not everyone benefits equally from the current Cambodian economic growth acceleration. Many societal groups—not just the country's poor—are confronted with considerable limits to their mobility, and this is where many of the frustrations originated that erupted during and after the general election in 2013. These groups increasingly perceive a discrepancy between value expectations triggered by promises of economic growth and actual value capabilities, leading to sustained grievances (cf. Gurr 1970). This concerns rural and urban vulnerable poor (garment workers in particular), victims of land grabbings, underpaid civil servants, the emerging middle class, and an increasingly educated youth, who face structural constraints and skill mismatches in the job market.

Weak public services, rival and overlapping political networks competing for access to scarce resources, a reduced capacity of state institutions to deal with local power holders in certain areas and policy sectors, a lack of transparency, as well as widespread corruption impede inclusive development and further foster grievances among the populace. The current economic growth continues to benefit urban areas and, particularly, the politically connected. Rural poor send their children, largely as unskilled

workers, to the cities (garment factories in particular), where they linger on as vulnerable poor with dim future prospects. While growth does not translate into better living conditions for the rural poor, it is not sufficient for the urban middle class and educated either. Many young and comparatively better-educated people are entering a job market that does not offer a sufficient number of jobs—and if it does, they risk being employed in jobs that do not meet their aspirations and expectations. At the same time, many companies complain about the low level of skills among school and university graduates. Thus, the quality of schooling is still poor, leaving students with high degrees but low skills (Madhur 2014; Rana and Ardichvili 2015). However, with high degrees in their pockets, expectations are on the rise, creating frustrations within this constantly rising 'youth bulge,' which is classically seen as an important factor in the creation of possibly violent societal conflicts (cf. Urdal 2006). In addition, most vacancies are filled with people whose main qualification is that they belong to a certain patrimonial network. An increasing number of people, without the benefit of political affiliations, are barred from higher positions due to non-competitive and money-based awarding of jobs. In addition, monopolies spring up under the protection of powerful interests. Not everyone is able or willing to constantly buy their way in or to engage in bribe competitions to secure access to certain markets. For an increasing number of people, corruption and political networking slam potentially profitable doors shut, making their businesses increasingly inefficient and more costly. Moreover, access to the political elite is a route that is open only to the richest of the rich, and it is further limited to certain areas of economic activities with prospects for lucrative rent-seeking opportunities.

Patterns of Political Change

Grassroots Movements: A Democratic Tale?

Since the establishment of the United Nations Transitional Authority in Cambodia (UNTAC) in 1992–93, the number of Non-Governmental Organizations (NGOs) operating in Cambodia has risen dramatically.

With some 2600 NGOs registered (employing about 43,000 people) in the country, the civil society groups 'are involved in every conceivable area of development from good governance, land rights, environmental conservation, and gender equality, to health care, anti-human trafficking, and wildlife rescue' (Strangio 2014, p. 193). Prominent human rights NGOs, such as ADHOC, LICADHO, and CCHR, have been among the most active organizations monitoring human rights issues and offering legal support and/or education about citizen rights to local communities.

The different forms of services provided by these human rights advocacy NGOs are of particular significance given the noticeable rise of conflicts at the community level, especially in land-grabbing cases. As LICADHO (2015) suggested in its *Grassroots Support Program,* 'Unfortunately, recourse is not always available via official channels. The perpetrators of land grabs and human rights violations are often well-connected and operate with impunity. Recourse to the notoriously corrupt and politically obedient judiciary is rarely an option.' Therefore, for most Cambodians, 'the only avenues that offer the prospect of success may be organizing a community group, publicly protesting and taking individual action – but this of course carries significant risks. Community leaders may be arrested, intimidated, assaulted and even killed' (LICADHO 2015).

Despite the associated risks, the number of grassroots protests is not declining. Unlike in neighboring Vietnam and Laos, permitted access to critical sources of information (such as *Radio Free Asia* and the *Voice of America*) has allowed disgruntled voices and pleas for help to be heard across the country. With a certain level of coordination by civil society groups, grassroots communities are sometimes brought together in their marches against governmental policies (e.g., when land-eviction-victims-turned-activists protest against deforestation or dam construction). Recently, however, the Cambodian government has adopted the highly controversial Law on Associations and Non-Governmental Organizations (LANGO), which is viewed by some as a tool to curb the influence of human rights advocacy groups in the country. In any case, without serious action and a genuine political will on the part of the government to tackle these heated issues (particularly land-grabbing cases) fairly and

efficiently, grassroots protests will persist and may potentially become flashpoints for conflict in the long run.

Youth and the Role of the Media

Cambodia's population is extremely young: more than half of the population is under the age of 30. The role of youth in politics is gaining significance, as was evident during the 2013 national election. Young Cambodians born during the 1990s or after have little relation to the memories of atrocities committed during the Khmer Rouge regime or the civil war thereafter. As such, the ruling party can rely less on one of its legitimacies, namely, the victory against the Khmer Rouge and the ending of civil war in the country. Therefore, Cambodia's ruling government will have to maintain its legitimacy through its performance, such as maintaining stability, creating jobs, and achieving inclusive, sustainable economic growth.

What renders the role of the youth in contemporary Cambodian politics even more relevant is the rise and use of social media (especially Facebook). In its 2013 report, the Cambodian Center for Independent Media (2013) stated: 'Even though freedom of the press is guaranteed under Article 41 of the country's Constitution, the Kingdom's reporters regularly feel the pressure of political influence due to nearly universal ownership or control of the media by the country's ruling political party.' According to the assessment of the organization Reporters Without Borders (RSF), Cambodia ranked 144 of 180 on the scale of the World Press Freedom Index (WPFI) in 2014. As such, 'self-censorship is the daily reality of Cambodian journalists. Moreover, political figures are immune from criticism as the 2010 Penal Code allows criminal prosecutions for defamation' (Oldag 2015). Similarly, prior to the 2013 national election, the use of social media among Cambodian youth had been confined by and large to non-political issues (Sok and Pin 2014). With more affordable Internet connection fees and easier access through mobile devices, the number of Internet users has risen dramatically. As of March 2015, it is estimated that about one-third

(five million users) of Cambodians are connected to the Internet—an increase of more than 400 percent from January 2014 (Mahdzar 2015). If this trend continues, the ruling party will increasingly lose its hitherto-advantaged control over the media and would thus have to compete on a level playing field.

Conclusion: Strive for Paternalistic but Technocratic Governance

Hopes for democratic change always fly high when there is a newly emerging middle class or the 'new rich' in sight:

> For Western liberals, there is an exception that the rise of the 'new rich' in Asia will be, in cultural terms, a process of convergence. The burgeoning middle classes and entrepreneurs are seen as embodying universal interests which will create an Asia more like the liberal stereotypes: more rational, individualistic, democratic, secular and concerned with human rights, the environment and rule of law. (Robison and Goodman 1996, p. 2)

Similarly, the election deadlock in 2013 created hopes for a democratic revolution in Cambodia. A youth bulge, increasingly open access to information via the Internet, better education, higher incomes, a comparatively quick transition from an agricultural to an industrialized economy, protests for higher wages and reform and rule of law, and the opposition party on a surprising peak of success, all contributed to having almost overthrown Hun Sen's authoritarian post-Socialist CPP through peaceful elections.

However, political patterns persist. In a recent survey conducted by the Asian Foundation, a majority of Cambodian respondents said that the country is headed in the wrong direction (Everett and Meisburger 2014). Most complained about endemic corruption and two-thirds—particularly in rural areas—believe that the government does not care about them at all. Yet, the majority of people (particularly the youth) still express a paternalistic view on politics, in which it makes sense for them to follow

the recommendations of local leaders when selecting a candidate to vote for. Moreover, most do not see any programmatic differences between parties but, at best, between leading individuals (Everett and Meisburger 2014, pp. 10–11). Hence, what is emerging is not a call for a paternalistic government but for a technocratic one, in which people demand a more rational rule that is concerned with human rights, the environment, and the rule of law. At the same time, however, classical patterns persist whereby politics are solely the business of powerful individuals.

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6

Democracy and Middle Classes in Laos

Boike Rehbein

Democracy in the West is often viewed more or less as the norm of any democratic system in the world. Against this norm, the political system of Laos seems authoritarian and utterly undemocratic. However, Western democracy has itself come under attack (Crouch 2004). It is no longer taken for granted that all aspects of this system are perfectly democratic. Western democracy is inclusive of the population only to a very limited degree. It is mainly run by a group of professional politicians who are distributed between two or more parties that stand for election every few years. The only truly democratic aspect of the system consists in the population endorsing one faction of the professional group until the next election. The limitations of this interpretation of democracy have been criticized from its very beginnings in France and the USA, especially by leftist movements ranging from social democracy to communism and anarchism.

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From this critical perspective, a socialist one-party state proposes to be more democratic by integrating the entire population into the decision-making process. Laos became a socialist one-party state in 1975, which claims to directly represent the people. It calls itself 'People's Democratic Republic' and supposedly gives the people more power than the liberal Western democracy does as any Lao citizen technically can influence the party and thereby state policy by engaging in party debates at the grass-roots level.

In this chapter, I argue that the Lao claims cannot be simply dismissed. In some ways, Laos is just as democratic as any Western nation-state. The fact that it is a one-party state does, however, limit the scope for democratic participation by the people in several ways. Firstly, visions of the world opposing the party line cannot be voiced. Secondly, the role of classes that are not part of the socialist apparatus, especially that of the educated upper middle class, is restricted in Lao politics. Thirdly, there is no civil society in the strong sense. These are limitations from a Western perspective but the Lao government would argue that multiple parties, functional elites and civil society organizations are not necessary ingredients of a democracy.

In the first part of the chapter, I will try to show that the limitations for democracy in Laos are consequences of Western intervention. The intervention of the USA in Laos created both an exploitative system and an opposition that took control in 1975. Under the given conditions, the Lao independence fighters had few other options apart from creating a one-party state. The second section of the chapter deals with the social structure that emerged after 1975 and its transformations since then. It argues that the urban middle class that could form the social backbone of a Western-type democracy is very small in Laos and will grow very slowly as other middle classes persist and emerge. These are rooted in noncapitalist and/or nonurban social formations, while the majority of the population will continue to be rural for a couple of decades to come. In contrast to most other Southeast Asian societies, there is no coalition between an upper middle and an entrenched ruling class. The final section gives an overview of the democratic options in contemporary Laos focusing on the issue of civil society and democracy. It introduces the framework of socialist democratic institutions as well as civil society organizations

following the Western model. The relation between class configuration and type of democracy will be explored in some detail.

Background

Laos is a landlocked country consisting of mountainous terrain with little flat land. Before colonial rule, several princely states, *muang* in Lao, under rulers speaking a version of Lao spread over the territory that today is Laos, eastern Myanmar, northeastern Thailand and northern Cambodia. The *muang* entertained varying relations of dependence and loyalty to smaller centers and villages. Remote areas and small pockets of the territory lay outside the reach of the *muang* and were occupied by different sedentary and nomadic groups (Tooker 1996, p. 329). The population was heterogeneous comprising certainly more than 100 groups belonging to at least five ethnolinguistic families: Tai-Kadai, Mon-Khmer, Miao-Yao, Tibeto-Burmans and Viet-Muong (Schliesinger 2002). Around half of the population of contemporary Laos is classified as Lao, who are subsumed under the Tai-Kadai family. The ethnolinguistic groups form an unsystematic geographic mosaic, with all of them seeming to have migrated to their present dwelling sites at some point in time.

After a war between the rulers of Bangkok and Vientiane in 1827/28, most of the *muang* in the region had come under Siamese and Vietnamese domination. When the French took most of what is Laos today from Siam in 1893, they felt obliged to legitimize their occupation politically and legally (cf. Gay 1995). Part of the legitimation consisted in the 'proof' that a cultural and territorial entity called Laos had existed before. The French tried to push the borders of Laos as far west as possible. The movement came to a halt as the British pushed east from Burma, which they had occupied. Animosities between France and Britain ended in 1904, when both European colonial powers concluded the 'Entente cordiale'. After this, the borders of Laos were largely fixed in their present form (Ivarsson 2008).

Under colonial rule, the territory was part of the French 'Indochinese Union'. Within this framework it was transformed into the nation-state of Laos (Deuve 1984). The French had begun to construct a history of

Laos and a Lao identity. Members of the Lao elites began to study in French institutions of education, where they came in touch with theories of nationalism and national liberation. After the Second World War, the population of Indochina fought two wars of national liberation, first against France and then against the USA. After France had surrendered following the defeat by the Vietnamese forces at Dien Bien Phu, the USA intervened in order to prevent Laos from joining the Communist Bloc—and through its aggressive and destructive policies achieved precisely this (Evans 2002).

At the time the USA began to intervene in Vietnam, the political camps in Laos had reached an agreement (Stuart-Fox 1997, p. 87). Right and left forces joined a neutralist government under the leadership of Prince Suvanna Phuma. According to US president Eisenhower, Laos was the key domino piece, whose fall would drive all other Southeast Asian nations into the Communist Bloc. He supported the Lao royalists and helped topple a series of neutralist governments. Kennedy identified Vang Pao, the leader of one Hmong clan, as the most aggressive opponent of the communists and trained his people to become the infamous 'secret army' but did not start a full-fledged war (Stuart-Fox 1997, p. 139). The chances for an independent Laos under a neutralist government were finally stifled when presidents Johnson and Nixon intensified US military involvement in Laos. Henry Kissinger pursued a policy of destruction with no intention of finding a diplomatic solution. In some periods, bombs were dropped 24/7 over zones of suspected communist influence. Part of the Lao population lived in caves and virtually every family in Laos lost some members during these attacks.

After the withdrawal of US forces, which began in 1973, the communist movement did not immediately assume power. From the outside, a return of the coalition government seemed most likely. However, during the protracted war, the socialist party had become radicalized, very well organized and prepared to assume power. At the same time, the royalist faction had been discredited and most of the neutralists had joined the communist movement because of US interference directed against the coalitions under neutralist leadership. The leadership of the socialist party viewed independence as the first step toward socialism and eventually communism (Phomvihane 1981). This was decided at the second party

congress in 1972 including the strategy to assume power after liberation (Stuart-Fox 1997, p. 169).

In spite of US military presence and financial aid, the gross domestic product (GDP) per capita in the zones under US control only rose from USD 50 in 1964 to USD 70 in 1975 (Stuart-Fox 1997, p. 153). No industrial development took place, productivity did not increase and the surface that was agriculturally viable decreased significantly. The Hmong especially, co-opted by the USA, became economically inactive; Hmong children even believed that rice originated in airplanes (Stuart-Fox 1997, p. 139). When the communist movement finally gained power in December 1975, the territory of Laos was utterly destroyed and had no economic infrastructure apart from rather unproductive forms of agriculture (Evans 1990). The immediate consequence of American withdrawal was an economic crisis. Inflation stood at 80 percent, the market for consumer goods was basically empty and macroeconomic indicators plummeted.

Along with economic problems, political and military threats remained. China and Thailand tried to undermine the integrity of the Lao state, while the USA continued to support the remainders of the 'secret army'. The socialist party was the only candidate to lead the independent country. And the Communist Bloc was its only possible source of support to turn to. Lenin had transformed the ideology of a communist world revolution into that of the self-determination of the peoples, which meant support for national independence movements and referred specifically to the global periphery. At the same time, the small and vulnerable state of Laos received military protection, financial aid and technical assistance from the socialist brother nations.

The socialist party was able to integrate most strata and ethnic groups that remained in Laos into the young nation-state, something which the precolonial state and the French had been unable to accomplish. About 30,000 persons were sent into education camps (cf. Kremmer 1997) and around 300,000 left the country. In addition, several groups that had sided with the Americans in the Second Indochinese War continued to fight against the government. Among those who left were the educated urban middle classes. This means that the construction of an independent nation-state not only had to start almost from scratch but had to do so

without any expertise in administration and technology. However, socialist rule succeeded in extending the institutions of the modern nation-state into every corner of the country. It abolished nobility and royalty, made considerable progress in alphabetization, created an administrative structure, radically reduced social inequality and spread 'Lao' culture in the footsteps of the French.

In 1986, the Soviet Union cut its assistance to Laos and finally disintegrated.[1] While in 1975 the Communist Bloc was the only possible source of support for Laos and Vietnam, the only source these countries could turn to after 1986 was the international community. Laos was forced to turn to international organizations. Integrating into the global economy also meant being subjected to global capitalism. Laos had to accumulate capital, just like China and Vietnam, in order to gain a minimum of leverage in the global economy and therefore chose to do what seemed to be a contradiction in terms. It introduced a market economy under the socialist one-party rule.

Economic and cultural globalization have accelerated in Laos ever since. International and regional organizations demand institutional reforms, ethnic groups develop a visible identity, the urban middle classes call for more political space, and the market economy raises material wishes. One might suppose that the party leadership would be unable to keep the situation under control and that one-party rule is bound to disappear in the near future. The twin brothers of Western capitalism and Western democracy usually come as a package.

The situation is more favorable for the Lao leadership than it seems. International organizations no longer work toward a change of the political system. Western-type democracy is not an explicit aim of official policies. The Lao state profits from economic aid. Lao leaders know perfectly well that a continuous rise in the standard of living is a necessary condition of their power. At present, the international community assists Laos with the standardization of the state. The legal, financial, fiscal, health

[1] Soviet assistance had decreased continuously for several years until Gorbachev announced the end of financial aid to Southeast Asia in his famous Vladivostok speech in 1985. For several months in 1986, around 40 Lao party cadres participated in a workshop on running a market economy and from April to May a workshop on the new economic mechanism took place in Laos, before the market economy was officially introduced in Laos at the Fourth Party Congress in November 1986.

and administrative systems as well as education, infrastructure, production and marketing are created with the support of foreign 'experts'. The standardization does not include the political system, however. In the early twenty-first century, there is no immediate threat to one-party rule.

In order to understand the seemingly authoritarian structure of the Lao state, its emergence out of the independence movement against a rather aggressive invader is highly relevant. In addition, the state was economically undeveloped at the time of independence and had to rely on economic as well as military assistance from the Soviet Union, which began to disintegrate soon after Lao independence. From 1986, the Lao state had to seek help from an international community, which seemingly tried to undermine its very existence. This situation began to change only in the late 1990s. The external threat came to an end only with the death of Vang Pao, the leader of the 'secret army', in the USA in 2011.

Nationalism, Globalization and Social Structure

In order to understand the framework of one-party rule in contemporary Laos, an analysis of its social structure has to complement the historical background. This analysis will show that the social group that might favor a Western-type democracy is very small in Laos even though it is growing slowly at the expense of the groups that favor socialism or precolonial forms of political and social organization. The groups leaning toward precolonial forms of organization are those that live or grew up under conditions which are associated with the old *muang*, while the groups rooted in the struggle for independence and/or that are active in the socialist party continue to favor socialism. There still are a few adults who grew up under or into the market economy.

Most people living in what is Laos today were historically organized into villages, which for many of the migrating communities were the largest units of social organization. The Lao village has had a social structure mainly determined by kinship. There seems to be a clear hierarchy according to age, gender and specific abilities. Usually, most of the villagers are relatives and their respective social position and power are

hardly ever disputed (Rehbein 2007). One's father always remains one's father. As the relative social position is tied to the respective person, one could speak of a *personal social structure* based on kinship. Much of this is implied by the Lao term for 'village', which is *baan*, signifying the social organization rather than the physical setting of the community.

Village culture could be described as *subsistence ethics*, a term coined by James Scott (1976). He referred to peasants in densely populated areas—which much of Southeast Asia is not. However, many of the characteristics he found still apply to Lao villages. The villagers' interest is focused on having enough food until the next harvest, not on having as much as possible. They achieve this by mutual aid (reciprocity), reinforcing family ties and traditionalism. The villagers aim at survival and security, not affluence and profit. Family orientation in some ethnolinguistic groups refers mainly to nuclear families (e.g., among Tai), and in others (e.g., among Hmong) mainly to extended families.

The villages sometimes became part of a larger unit of social organization, a *muang*, especially if they were situated close to a princely court. These principalities implied loyalties of villages to towns and of towns to a court and sometimes of courts to a king. Raendchen and Raendchen (1998) have used the term *baan-muang* to characterize the structure of Tai social entities. In the *baan-muang* structure, the lesser entities—the *baan*—maintained some independence, especially if they were geographically remote from the centers—the *muang*. The main characteristic of the relation was exchange of tribute and manpower against security. Loyalties shifted frequently according to the ability of the center to guarantee security and stability. The Buddhist order was to some degree integrated into the structure, while to some degree it formed a parallel structure.

As the town usually comprised the marketplace and hosted the court, social differentiation was mainly seen in the towns. There were factions inside the court and in the population, as well as an increasing division of labor. *Muang* structures were hierarchical and modeled after family relations. Any superior tried to accumulate as many bonds of loyalty as possible to enhance his position whereas inferiors tended to look for superiors who could guarantee security. Just as subsistence ethics characterized an important part of village culture, *patrimonialism* was the prevalent economic (and political) culture of the *muang*. Norman Jacobs

(1971) used Max Weber's term *patrimonialism* to characterize the relationship between inferior and superior in Thailand. We might want to replace the Latin word with the Tai term *phu-yai* culture.

After the communist takeover in 1975, Laos mainly reverted to a peasant economy. Attempts to construct a socialist economy remained unsuccessful. Most citizens of the socialist nation-state of Laos were subsistence farmers living in kinship structures controlled by an all-encompassing party organization. Laos, now, was an integrated nation-state with few economic and intellectual resources. Seemingly, the precolonial structure of an elite, a small group of city dwellers and the peasantry along with the Buddhist order was reproduced. However, the top families and much of the population living in the *phu-yai* culture had left the country, while some *baan* people moved up into the elite through the communist party. The old structure was complemented by the party, a hierarchical structure in itself.

Along with other socialist states, the Lao leadership introduced a market economy in 1986 but the precapitalist structures did not simply disappear. They continue to be components of contemporary Lao society. I call such persisting older layers of society *sociocultures* (Rehbein 2007). The first reason for the persistence of precapitalist structures is that the corresponding institutions still exist. The second reason consists in the fact that many people grew up in precapitalist times or in spaces remote from capitalist influence, where they embodied the corresponding modes of action.

Action bears a certain regularity and persistence, which is partly due to the fact that it is incorporated and partly due to the stability of the social and natural environment. Even though human beings have to learn most of their practices, these bear a certain stability because one tends to act the way one has learned to act. Our ways of walking, talking, joking and writing do not vary at random but remain rather stable over time. Pierre Bourdieu (1984) has subsumed the acquired predispositions to act in a specific fashion under the term 'habitus'. As action is learned in a specific social environment, habitus are socially differentiated. While the French laborer prefers beer, the French capitalist prefers expensive whiskey (Bourdieu 1984). And they will tend to do so even when visiting Laos, where the social difference between the two is neither detected nor

sanctioned. The habitus is an embodied tradition, an embodied socioculture. This also implies that forms of action and tradition persist even after society has fundamentally changed.

People's habitus is rooted more in their own socioculture than in others' and people's social cohesion extends more easily to those with a similar habitus than to others. They also bear similarities in the composition of their resources and therefore in the forms of life they have access to. The distribution of people in a social space will show clusters due to similarities in habitus. These clusters should be considered as social groups or 'milieus' (Vester et al. 2001). A milieu is mainly a habitus group and only partly a social position like a class or a unit in the division of labor like a profession.

In order to discern milieus in Laos, I conducted around 300 qualitative life-course interviews and a representative survey comprising about 1000 cases. The cases were selected on the basis of the hypothetical construction of sociocultures in contemporary Laos (cf. Rehbein 2007) and the results of the interview interpretations. Interviews and survey cases were subjected to a multiple correspondence analysis in order to visualize the clusters that could be considered as milieus in Laos. The results of this study will be published in 2016.[2]

In contemporary Laos, four sociocultures coexist. These are subsistence ethics (*baan*), patrimonialism (*muang*), egalitarianism and capitalism—possibly augmented by Buddhism as a separate socioculture. *Baan*, *muang* and Buddhism form part of the baan-*muang* structure. For this reason, I will only distinguish between three sociocultures or historical levels. Capitalism has a greater historical depth than socialism but the communist party and its culture reach into every village. Socialism and egalitarianism have left no Lao untouched. The sociocultures partly correspond to generations. The oldest generation grew up during the independence war, the middle-aged generation under socialism, while the younger generations are growing up in a globalized world. Only the

[2] The study was conducted in parallel to a similar research project in Germany, which used the same methodology (Rehbein et al. 2015). The precise methodological procedure is explained in the appendix of this book. It is based on Bourdieu (1984) and Vester et al. (2001) but had to revise many aspects of the methodologies because they only studied European societies without any comparison to non-European cases.

Table 6.1 Milieus in Laos

	Baan-muang	Socialism	Capitalism
Elites	Patrimonial elite	Party leadership	Entrepreneurs
Middle classes	Urban patrimonialism	High officials	Middle class
Rural milieus	Wealthy subsistence	Low officials	Commercial farmers
Marginalized milieus	Poor subsistence Non-*muang*	Rural party	Migrant workers

youngest generation has not experienced socialism—and has not yet entered the economic field.

One can discern three milieus mainly rooted in the *baan*, two rooted in the *muang*, four in socialism and four in capitalism (cf. Table 6.1). Each milieu is defined by its habitus, which in most cases is rooted in one socioculture and tends to generate a specific culture. In the socioculture of *baan-muang*, we can distinguish between non-*muang* milieus (which are mainly ethnic minorities), a subsistence milieu with little or poor land, a subsistence milieu with good land, the patrimonial urban groups and the patrimonial elite. In the socioculture of socialism, we may distinguish the rural party structure from the lower officials, the established party representatives and the political elite. In the capitalist socioculture, we should distinguish between farmers, migrant laborers (including informal laborers), the urban middle class (small entrepreneurs, self-employed people, returnees from exile, urban adolescents and students) and the economic elite (mostly Chinese and returned exiles) (Table 6.1).

Peasants largely retain a subsistence ethics, while the numerically small old urban elites either retain or revive patrimonialism. Within the party, egalitarianism and a hierarchical bureaucracy go hand in hand. At the same time, the influence of global capitalism generates new cultures of action. In the classic urban setting of capital and labor, a competitive market culture emerges. This is only the case where capital and labor are not part of older patrimonial structures, that is, in the framework of transnational business. In other social environments, capitalism is reinterpreted according to older cultures (Rehbein 2005). Peasants interpret capitalism according to occasionalism—whenever they need money, they enter the market. Most city dwellers interpret capitalism in a patrimonial way, while corruption emerges where patrimonialism and global

capitalism meet; as foreigners have no rank in the *muang* structure, there are no obligations linked to them.

Democracy in almost all Southeast Asian countries is the result of anticolonial freedom struggles. These struggles have been led by coalitions of intellectuals and precolonial elites. In most countries, a version of this coalition still dominates contemporary nation-states. Upcoming middle classes challenge the ruling coalitions, sometimes with success but more often resulting in a cooptation of some middle class groups by the ruling coalition. In Laos, the precolonial elites as well as the bulk of the upper middle class of colonial society were ousted from power by the socialist revolution in 1975. Since then, the socialist leadership, consisting of intellectuals and descendants of the lower classes, has dominated the nation-state. The middle classes, which have been emerging since the introduction of a market economy, are constrained by the tightly controlled civil society like in most other Southeast Asian nation-states—but in an entirely different social configuration. They can rise politically through the party structure or economically as capitalists, while members of the old elites increasingly gain access to the elites.

The most clearly delimited group in Laos is the upper class or elite.[3] This includes the socialist party leadership, which in turn comprises two institutional structures (civil and military), two tendencies (capitalist and socialist) and at least three external influences (China, Vietnam and Thailand). There seem to be struggles and changing alliances between them reflected in the repositioning and exclusion of certain individuals. The military forms the core of the elite, as it usually comprises the majority in the central committee and seems to be most wealthy (Walker 1999). This is relevant since social mobility has been possible through promotion within the military, until quite recently. Nowadays, however, the higher military ranks are also subjected to closure. Members of the old royal elite and successful entrepreneurs increasingly marry into the

[3] One could begin to speak of a ruling class (cf. Rehbein et al. 2015, p. 40) but the elite milieus still remain somewhat segregated. This is changing. I use the term elite in the sense of an emerging ruling class and speak of elites in the plural with reference to functional elites (Keller 1963).

socialist elite and are interested in liberalization and globalization, while the central committee is interested in control and closure.

Beneath the elite, new functional elites exist and appear. We would immediately think of the intellectual elite, but this hardly exists in Laos. High school teachers do not have a large amount of cultural or economic capital while university teachers are socially close to the intermediate administration and do not play a significant social role. Furthermore, the income of these groups is insufficient to secure their subsistence; therefore, they often have a second job, thus leaving little time for intellectual endeavors. Even if they had the time, they would not find a public sphere to engage in intellectual discussions. Many of the teachers and professors are rooted in socialist milieus. Meanwhile, very few people in Laos read books or newspapers while the government exerts complete censorship over the media. In spite of this, a certain cultural elite starts to emerge that is connected to the economic field and to global forces. The new cultural elite consists of professionals with a comparatively high level of education with its basis in economics and technology but not in intellectual realms. Finally, the urban population is much more exposed to tendencies of globalization than the peasantry is.

The Buddhist order continues to play an important role in Lao society. It is a haven for socially marginalized groups and offers them at least the hope of upward social mobility as it offers education for free and a mode of subsistence. The order loses importance because the religious functions, abilities and knowledge lose their value in contemporary Lao society. A monk, after all, is hardly employable on the capitalist labor market.

Buddhism and Lao youth culture integrate ethnic minorities only to a very limited degree. Globalization entails a growing consciousness of identity among all minorities. Socialism declared ethnic minorities to be equivalent to ethnic Lao—if they accept the domination of the socialist party and Lao culture. Today there is a demand for minority identities by tourists, scholars and aid workers. In this regard, it does not matter if these identities are authentic or reconstructed—as long as they are different from dominant Lao culture. They do not play a major political role as minorities. The opposition against socialism by the Hmong faction under the leadership of Vang Pao has vanished.

Civil Society, Middle Classes and Democracy

There are various types of civil society in Laos that correspond to different sociocultures or historical layers of Lao society, namely the village, the socialist party and the market economy. As these layers continue to persist and to inform much of everyday life, a discussion of civil society has to acknowledge their existence. As the colonial state did not contribute to the emergence of a civil society in the modern Western sense, its roots in Laos can be traced back as recently as to the 1990s. International nongovernmental organizations (INGOs) have been active in Laos since the colonial period but national and local nongovernmental organizations (NGOs) have begun to emerge very recently and were not able to be publicly recognized until 2009.

In precolonial society, the population did not participate in state affairs. The state was mainly identified with royal or princely households and to some degree the nobility while there was no general public concerned with the organization of society (van Wuysthoff 1986). However, at the village level, decisions concerning the community were usually taken by the community itself and often in a rather democratic way (Bourlet 1906). This was especially the case for those *baan* that were not part of a *muang*. The Buddhist order played an important role in society but did not constitute an independent institution as it overlapped with village structures at the lower ranks and was controlled by the royal household at the upper ranks (Zago 1972). Social movements emerged after the construction of the colonial state in 1893, especially in the form of millenarian movements (Gunn 1990). They opposed the intrusion of the state into community affairs. Institutions like colleges, research institutes and professional associations were formed under the French in the twentieth century. Neither the French nor the Americans and the Royal Lao Government encouraged any type of civil society, however.

After 1975, the socialist party assumed the role of the only democratic organ in the state. The idea was that all citizens would organize themselves within the party, voice their concerns within the structure and elect their representatives. As the party considered itself the success of the independence movement and followed communist ideology, it interpreted its own role as the voice of the people. Competition between different

ideas was supposed to take place within the party, not between different parties. If all citizens had an equal chance to access the decision-making levels of the party, this concept could not be easily dismissed as undemocratic. But the party clearly has an internal hierarchy, which increasingly converges with the hierarchies of the precolonial and the capitalist sociocultures, and there are no mechanisms to provide for alternative, let alone oppositional, opinions. The multiparty system and the separation of the judiciary and the legislative from the government, at least in principle, provide for the possibility to contradict the ruling party. This possibility does not really exist in Laos.

The first fledglings of civil society in Laos are not supposed to fulfill any political function but complement the structure of governance. In terms of the Western sense of civil society, there are informal local associations, some international organizations and very few formal local organizations, called non-profit organizations (NPAs) in Lao legal terms. The dominant form of civil society is still community self-organization on the level of the *baan*. The village has been a somewhat democratic organ and to some degree this is true until today, even though the village headman and the steering committee are usually party members. Their official task is to mediate between population and government, that is, to report to the next level in the party structure and to disclose the relevant elements of the party line to the village population. In theory, the headman is also supposed to represent grassroots concerns to the higher levels but in practice this often amounts to information gathering for the higher levels rather than the representation of people's interests.

Party structure and administrative structure largely overlap. Apart from the administrative levels (village headman, district chief, provincial governor, central government), the party entertains several mass organizations that are supposed to be civil interest groups, among which the women's union, the senior citizens' union and the young people's union are the most prominent. Before 2009, the mass organization was virtually the only type of legally recognized civil society organization in Laos. However, one has to acknowledge that the socialist party was part of the civil society movement before 1975. Therefore, it is not entirely legitimate to oppose state and civil society in Laos. A substantial percentage of the population has either participated in the party's struggle or grown

into the mass organizations and these citizens actually consider the party organs to represent their interests, at least to some degree. Even so, only 200,000 Lao were officially party members in 2014.

The social base for independent civil society organizations did not evolve before the late 1990s and is still very small. While up to 70 percent of Lao citizens continue to be peasants or farmers, part of the pre-socialist elite has returned to Laos and continues to act according to patrimonial ties, while the socialist party structure continues to adhere to the party line (Rehbein 2007). Many returned exiles form part of patrimonial networks, while the overwhelming majority of those who do not figure in any of these structures are not active in any type of civil or political organization. These are mainly workers, white-collar employees and business people, mostly residing in cities but also in rural areas. This group is the conventional social base for a civil society in the contemporary Western sense. However, there are few associations of migrants in Laos and no officially registered NGO seems to exist in the field.

If we link the issue of democracy to the structure of milieus in Laos, we clearly see that the *baan*, the socialist party, the emerging upper urban middle class and the emerging lower classes each have their own concept and practice of democracy. Whereas the *baan* socioculture is still numerically the strongest, the socialist party has a solid base of power, on the one hand, in the party apparatus and, on the other, in the coalition of elites. The *muang* socioculture cannot be called democratic in any sense. The old *muang* groups are now transformed into elites and upper urban middle class. In both of these capitalist classes, *phu-yai* culture still plays a role.

This is also the case in Southeast Asian countries that have not witnessed a socialist revolution. However, in these nation-states the old elites and upper middle class form the ruling coalition of classes, very much like in most young democracies of the Western type. The so-called new middle class, which actually comprises the functional elites of capitalism, the precapitalist elite and the new capitalists, tries to dominate the state and to limit popular participation in it. Compared to this structure, Lao democracy is more inclusive as lower milieus do participate in the socialist party. At the same time, the power of the so-called new middle class is very limited in contrast to all democracies of the Western type.

The inclusion of lower milieus, especially the rural population, into the party does not offset the hierarchical structure of the party itself and the dominance of a new elite coalition within it, which consists of a growing alliance between the top milieus of all three sociocultures. This alliance is forged through networks and a significant degree of endogamy. Laos, like any other state that calls itself democratic, is dominated by a ruling class that tends to complete closure with increasing stability and maturity of the system.

The system will only remain stable for more than a decade to come if the increasing percentage that enters the capitalist socioculture can be integrated into the party structure. This is the strategy that seems to be pursued by the Chinese Communist Party. As Laos continues to have economic growth rates well above those of China (7.6 percent in 2013) and to reduce its poverty rates significantly (halved since 2000), the immediate pressure is low. But resource plundering, destructive mega-projects, land-grabbing and corruption are creating conflicts that point to a similar domestic scenario as in China. As long as growth persists and reaches all classes, Lao society will tolerate these conflicts to the degree that insufficient political participation and inequality are offset by relative economic gain.

Conclusion

The social structure of Laos is beginning to be vertically and horizontally differentiated to a hitherto unknown degree, which also entails political differentiation. Undoubtedly, more political differentiation will take place in the coming years. Nor is differentiation identical with the abolition of one-party rule, though the party is increasingly unable to accommodate all social interests and to regulate all social processes respectively. This is certainly one of the reasons for the state to allow the foundation of NPAs in 2009. At the same time, the government expects the emerging civil society to assist in implementing official policies and uses its power to channel urgently needed funds to back its claims. Most NPAs seem to accept the framework of little independence from the government (Jersild and Shroff 2009, p. 22). One reason is the inclusion of a significant part of the population into the socialist structure.

Precisely this capacity of inclusion will diminish over the coming years, not only in terms of social groups but also in terms of the new classes. The party represents most of the precapitalist milieus and integrates the capitalist class. But it fails to include the upper middle class, which comprises the functional elites, such as technocrats, intellectuals, medium-size entrepreneurs and the liberal professions. There is no society that has completed the capitalist transformation without co-opting this class. Possibly, the few remaining states under socialist rule will come up with a new formula to integrate this class without establishing a Western-type democracy.

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7

Democratization in Vietnam's Post-*Đổi Mới* One-Party Rule: Change from Within, Change from the Bottom to the Top, and Possibilities

Hai Hong Nguyen and Minh Quang Pham

Introduction

Amid the collapse of authoritarian regimes in the Soviet Union and Eastern Europe during the stormy third wave of democratization that swept across the world (Huntington 1991a, b) and inspired Francis Fukuyama to write *The End of History* (Fukuyama 1989), Vietnam, under the rule of the Communist Party of Vietnam (CPV), diverged spectacularly by introducing what has become known as the *Đổi Mới*

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(renewal) Program (CPV 1986). The CPV boasted that reforms were all-embracing and executed in all fields, from the economic and political to the cultural and social. Nevertheless, it also acknowledged that emphasis would be placed on economic reform (CPV 2005). Consequently, many analysts have questioned the sincerity of the CPV's reforms (Hải 2016). Skepticism has been further provoked by four additional factors. First, the CPV does not accept private or independent media (CPV 2006; PM 2006). Second, popular demonstrations in all forms and for any reasons, including those mobilized to protest against China's aggressive activities in the South China Sea (or East Sea in Vietnamese), have been disrupted by the authorities in the name of security and social order. Third, independent civil society is not yet functioning to provide critiques of public policy or the state (Abuza 2015). Fourth, the CPV's dominant role as the single party ruling the country, without free and fair elections or a Western parliamentary model, remains enshrined in the constitution (Lockhart 2007). Based on these four characteristics, most analysts of Vietnamese politics have concluded without hesitation that the country is a typical undemocratic one-party authoritarian regime. The discourse on Vietnamese politics is also influenced by the assumption that the nation is carrying out economic liberalization without democratization (Li 2012). However, this assertion contradicts the views of Vietnamese scholars and theoreticians, who have boasted that Vietnamese citizens do in fact enjoy freedoms and democratic rights. In addition, the communist government has also claimed that the nature of the state has been democratic ever since it was established 70 years ago. These contradictory narratives about the nature of Vietnamese politics abound.

Two points pertaining to democratization theory require further examination here. First, Western theories of democracy emphasize three inherent elements of democracy, namely a free market economy, free and fair multiparty elections, and a functioning independent civil society. Vietnam does not yet have these three elements. Second, democratization literature and discourse tend to stress regime transformation, from dictatorship or authoritarianism to democracy. Different transformation models are conceptualized in democratization theory and purportedly offer lessons from which nondemocratic societies can learn (Rustow 1970; A, Nguyễn Quang 2015). A common denominator

often mentioned in democratic transitions literature, which is important for comparative purposes, is the opposition force that already exists or emerges to become the driver of the transition. For the present and foreseeable future, there will likely be no opposition force that emerges to challenge CPV rule. The tendencies to reduce democracy to just three static elements and to conceive of democratization narrowly in terms of regime transformation have been called into question in empirical studies, and are also inherently flawed. First, they place emphasis on final outcomes rather than actual developments in a particular political environment. Second, democratization does not necessarily mean regime transformation, and is entirely different from violent uprisings that can lead to regime change, from dictatorship to democracy and back within days, as seen, for example, in the Arab states in 2011 and, more recently, in Ukraine in 2013. Charles Tilly defines democratization as a dynamic process that always remains incomplete (Tilly 2007, p. xi). Christian Welzel concurs with Tilly and characterizes the democratization process as advancing in three different stages: first, emergence, during which democracy is introduced in a nondemocratic regime; second, deepening, in which the democratic qualities of existing democracies increase; and third, survival, which involves the question of how democracy can survive (Welzel 2009, pp. 74–5). Implicitly, Tilly and Welzel suggest that democratization occurs in all political environments, whether democratic or autocratic, and is a process that advances unceasingly 'in response to pressures from within a society (Welzel 2009, p. 75). Furthermore, they maintain that regime transformation is just one part of the process. In this context, this chapter attempts to situate the study of Vietnamese politics within the broader literature on democratization.

The analysis in this chapter shows that Vietnam is undergoing a process of democratization that is driven by *Đổi Mới*. While we concur with many others that political reforms are taking place more slowly than economic liberalization (Horsley 2004), we contend that these reforms will eventually materialize. However, the question of regime change in Vietnam, from one-party rule to a multiparty system, lies beyond the scope of this chapter, as regime change is influenced by myriad factors, including citizens' emotions. Here, we aim to establish an alternative approach to the understanding of existing democratization narratives. Pursuing this goal,

we keep in mind a set of three questions put forward for analysis: (1) What are the reforms and actual changes that have taken place in Vietnam in the last three decades since the CPV officially introduced the *Đổi Mới* policy in the late 1980s? (2) How are these reforms and changes significant to the life of the people? (3) What are the latest developments that could have an impact on Vietnamese politics at present and in the future? The answers to these questions enable us to argue that changes in Vietnam, particularly in the political arena, should not be overlooked. The analysis, which focuses on three areas, namely economic liberalization, political reforms, and the emergence of civil society, shows that even under the rule of one single party, democratic institutions do exist and are continuously being reformed in order to respond to pressures from within society. We argue that democratization is occurring in Vietnam's one-party authoritarian regime, but it is strictly controlled and limited to cautious political experiments and reforms under pressure from within the party and society. Based on the analysis, we characterize this process as *change from within, change from the bottom to the top, and slow but steady change*, in contrast to democratization processes in other places that occur quickly but are unsustainable, perhaps even resulting in chaos. We label this process as *democratization with Vietnamese characteristics.* Having said this, we concur with Welzel (Welzel 2009, p. 75) that the sustainability of democratization is of more concern than the emergence of democracy, which perpetually runs the risk of reversal, reverting to authoritarianism or, to use Tilly's term, 'de-democratization' (Tilly 2007, p. xi).

Understanding the Concept of *Đổi Mới*

In 1986, the CPV formally introduced the *Đổi Mới* policy at its Sixth National Congress. Since then, scholars have attempted to define the meaning of this concept. One simple explanation of *Đổi Mới* is 'change and newness', meaning reform and renovation of the economy (Dương 2011). Others also associate *Đổi Mới* with economic reform, but define it as a process rather than an event (Fforde and Vylder 1996; Naughton 1996). From another perspective, Schellhorn views Vietnam's *Đổi Mới* as political reforms in response to pressures from both within and outside the country (Schellhorn 1992). These different understandings and interpretations of this concept have led to varied approaches to appraising the development of Vietnamese politics

in the last three decades, as reflected in a growing body of literature. In the meantime, recent CPV literature reviewing *Đổi Mới* has revealed that the CPV's own understanding of the concept differs from the preceding explanations. According to the CPV, *Đổi Mới* means renewing and continuing initiatives that had already started to be carried out or existed, but had faced disruption due to various reasons, including the government's erroneous policies (CPV 2005). The CPV wanted to emphasize that *Đổi Mới* was not an entirely new policy. In effect, sporadic and clandestine experimental reforms in agriculture known as *xé rào* (literally translated as 'fence-breaking') in Vĩnh Phúc Province and Hải Phòng City in the early 1960s and the late 1970s, respectively, and in commercial activities in Hồ Chí Minh City (formerly known as *Sài Gòn*) after the war ended in 1975 (Đức 2012b), were conceived as stepping stones to the CPV's launching of *Đổi Mới* (Thanh 2015). More significantly, *xé rào* resulted from local people's resistance to state policies in what Kerkvliet has described as 'everyday politics' (Kerkvliet 2005). Following a resolution adopted at the Sixth Plenum (Tenure IV) in August 1979, some formal reforms in both politics and economics were introduced, such as encouraging free market rules–based transaction of commodities (CPV 2005), decentralization, recognition of the private economic sector, and eradication of bureaucracy and subsidies undertaken at both central and local levels (Schellhorn 1992). These practices show that *Đổi Mới* was not limited to economic activities, but was also implemented to some extent in the political field. As such, the authors of this chapter contend that biased views of the reform program have often been presented by commentators because they have lacked a valid understanding of the CPV's intention in introducing *Đổi Mới* In other words, when *Đổi Mới* is understood as either an economic-centric or political-focused policy, one fails to comprehend the dynamics around implementing this concept and, subsequently, democratization in Vietnam.

Economic Liberalization

The term 'economic liberalization', which is more strictly associated with Western liberalism, has thus far never appeared in CPV documents. Instead, the CPV formally used a more nuanced phrase in the early 1990s, 'multi-sectoral commodity economy', referring to the

economic participation of several elements in society. Since Vietnam's conclusion of the Bilateral Trade Agreement (BTA) with the USA in 2001 and admission to the World Trade Organizations (WTO) in 2007, the term 'market economy' has been accepted and used as a sign of the country's deepened integration into the world economy and expanded economic cooperation with the developed world. However, one can trace back the idea of market economy, characterized by the mere involvement of different sectors in economic activities, to the 1960s speeches of Hồ Chí Minh, the founding father of the CPV. In one of his selected works recently published by the communist government, Hồ stated that in the new democratic regime of Vietnam, the economy would encompass five different sectors: state-owned economy; collective cooperatives; private-run economy, including peasants and handicraft workers; private capitalist economy; and state-run capitalist economy (HoChiMinh 2000, p. 279). Unfortunately, Hồ's vision at that time was unable to find its way into the party's policies and could not be realized in practice. However, when the CPV decided to shift away from central planning toward a market-driven economy in the late 1980s, these five economic sectors were formally recognized in party documents (CPV 1986). The CPV boasted that diversification and the vibrancy of different economic sectors were plausible evidence of democratization. Nguyễn Đức Bình, a former CPV Politburo member and leading theoretician, put it this way:

> Democracy in the economy is the key link along the path of democratizing society. Democratization in other areas will have a greatly reduced significance, and it will be hard to have conditions for adequate and meaningful implementation; indeed we may even encounter obstacles if democratization does not succeed in the economic sphere, the basis for social life. (Bình 1990)

Following initial economic progress after the Sixth Congress, the CPV reaffirmed at the Sixth Plenum in March 1989 that the multisectoral economic policy was of strategic importance, as it aimed to promote democracy in the economy and guarantee citizens' freedom to do business in accordance with the law (CPV 2010, p. 595). The government

progressed with further reforms by untying the economy (*cởi trói nền kinh tế*) to a greater extent, intensifying emancipation of production capacity, and eliminating stereotypes as well as unequal treatment of working people in society. For instance, in the lead up to *Đổi Mới*, state-owned enterprises (SOEs) and collective cooperatives dominated the economy, both in terms of the number of SOEs operating and the services provided by them (Collins and Zhu 2005). Nevertheless, by the early 1990s, thousands of SOEs had been eliminated, with their numbers dropping from 12,084 in 1990 to 7060 in 1993 (Tuấn et al. 1996, pp. 20–1; Woo 2003). As of January 2012, 4715 SOEs of all types remained (GSO 2012), of which only 1039 were entirely state-owned (CIEM 2012). Furthermore, the government plans to privatize even more SOEs. At the same time, private enterprises, which had earlier been labeled 'the enemy of socialism' (Han and Baumgarte 2000, p. 6), were recognized and became important, comprising an increasing portion of the economy (Han and Baumgarte 2000). Foreign direct investment (FDI) was also welcomed into the country, being considered a driver not only of economic development but also of the transformation of the country's economic structure (Dixon 2000; Ngọc 2002). Vietnam's domestic legal framework, including the Foreign Investment Law (1987, and amended in 2000), the Law on Enterprises (2000, and amended in 2014), and the Law on Investment (2014), aimed to create a favorable environment for foreign investors. Moreover, by signing the BTA with the USA in 2001, joining the WTO in 2007, and entering free trade agreements with different partners in recent years, Vietnam has been able to attract more FDI into the country.

The CPV's economic liberalization policy has produced tremendous fruits. Prior to the Asian financial crisis in 1997/98, Vietnam had one of the fastest-growing economies in the region and the world, with record growth in gross domestic product (GDP) registered at 9.5 percent in 1995 (BMI 2003). The next decade saw Vietnam's economy continue to expand at a remarkable average annual rate of 7 percent. At the time, the country was dubbed the 'new tiger', joining the ranks of the other four preexisting East Asian tigers, namely South Korea, Taiwan, Singapore, and Hong Kong. Also during this period, the nation's poverty reduction was widely

hailed as impressive. In 1993, 58.1 percent of Vietnamese lived on less than 1 dollar a day (MPI 2015). In 2012, that figure was about 9.6 percent, with more than 20 million people having been lifted out of poverty (MPI 2015). A number of other social indicators also show a positive correlation and direct link between high-level economic growth and *Đổi Mới*, with the former attributable to the latter. For example, the net enrollment rate in primary education reached 99 percent in 2014; the mortality rate in children under the age of five was halved between 1990 and 2004, while the infant mortality rate decreased by 2.5 times in the same period; life expectancy of Vietnamese has increased from 63 to above 71 years; and around 1.5 million people of working age are added to the workforce annually.

Since the global financial crisis in 2008, Vietnam's economy has slowed down, but it is now progressively recovering. In 2012, the economic growth rate was 5.25 percent, the lowest since 2000. Slowing economic growth has had an adverse impact on the government's efforts to reduce poverty further, particularly in remote and ethnic minority–populated areas. Social inequality and the gap between the rich and the poor have become more acrimonious. Moreover, weaknesses in the economy and public governance system have been exposed. In November 2015, the government presented a work report to the National Assembly listing nine weaknesses and limitations in the government's performance in the last five years. These included an unstable macro-economy, high levels of public expenditure causing immense pressure on the state budget, rapidly increasing sovereign debt, a large gap between the rich and the poor, rampant corruption in the public sector, and relentless complaints from citizens relating to land acquisition. These problems can potentially cause instability in a society (Hải 2015). The government has undertaken various measures to restructure the economy to meet these challenges. Positive outcomes have been acknowledged. In *Asian Development Outlook 2015*, the Asian Development Bank (ADB) forecasts that Vietnam's economic growth would increase by 6.1 percent in 2015 and 6.2 percent in 2016 (ADB 2015, p. 47). It seems Vietnam is on the way to surmounting the crisis.

Vietnam's economic progress in the last three decades since *Đổi Mới* is indisputable. The nation has transformed itself from being one of the poorest in Asia to becoming a middle-income country. Today, it is industrializing, modernizing, and globalizing. Undoubtedly, Vietnamese

people's living conditions have significantly improved, as has their opportunity to access better education and state-of-the art information technology. Empirical studies have shown that citizens have higher expectations when their standard of living increases (Gurr 1968). This is also true for the Vietnamese. Today they are empowered and enjoy more freedom compared to the era prior to *Đổi Mới*. The most substantial change resulting from economic liberalization that is conducive to democratization in Vietnam has been the establishment of the rule-of-law principle, which prescribes that citizens are entitled to do whatever the law does not prohibit, rather than only that which is expressly permitted by the law. The recognition of this rule substantiates the conventional wisdom that economic liberalization is very often followed by political reforms.

Political Reforms

While students of Vietnam as well as international organizations that monitor human rights and rate political freedom, such as Human Rights Watch, Polity IV, and Freedom House, deny outright that Vietnam is a free and democratic society (for a sampling, see: Brown 2015; FH 2015; HRW 2015); political reforms have nonetheless been acknowledged and are drawing the attention of analysts (for a sampling, see Jonsson 2002; London 2015). In effect, since *Đổi Mới*, the CPV has implemented a wide range of changes in the management of the bureaucracy that aim to buttress the party's governance credentials (Koh 2004, p. 42). It undertook these reforms cautiously and experimentally in an attempt to 'build up the capacity and intensify compatibility' of the party (CPV 1991, 2011). Vietnam's political reforms can be divided into three categories: (1) reforms of political institutions at the central level; (2) reforms in the relationship between the central and local authorities (at provincial level) through the public administration reform program as part of a broader decentralization policy; and (3) constrained reforms in communes, which are the lowest administrative level in Vietnam's governance system and considered to be the closest to the citizens in their daily life (CPVMMC 2005). Here, our analysis only concentrates on changes within the CPV

and the National Assembly, the nation's law-making body and a new center of power (Koh 2004, p. 44). CPV-led political reforms in response to new developments under the impact of *Đổi Mới* can be explained (Hải 2014). Reforms are important for the CPV's survival and legitimacy as the ruling party when the conventional wisdom holds that authoritarian regimes are fragile and easily broken up (Xiaojun 2011).

The CPV is still considered a secretive organization (London 2014). Nevertheless, Vietnamese citizens' limited understanding of how their party works must give way to the fact that the party is changing (Hải 2014). Recent changes in the leadership and decision-making structure, membership rules, and elite competition within the party provide clear signs of increased adherence to intra-party democracy and emerging intra-party pluralism.

In the post-Đổi Mới era, the story of leadership and the decision-making structure in the CPV has always been about the distribution of leadership positions on the basis of a regional balance formula, and who in effect holds political power and makes decisions. After the death of Hồ Chí Minh in 1969 and prior to Đổi Mới, even though the party created three top leadership positions (party general secretary, president, and prime minister), it was believed that real political power remained in the hands of a few led by Lê Duẩn, CPV general secretary between 1960 and 1986. Though the party attributed the socioeconomic crisis in the country in the decade following the Vietnam War to the embargo and sanctions imposed by the West in response to the country's invasion of Cambodia in 1978, it also stressed erroneous policies adopted by the leadership, implicitly downplaying problems with the decision-making structure that had been manipulated by individuals. The Sixth CPV National Congress in 1986 marked not only the beginning of nationwide economic reforms but also the end of the cult of leadership. The formula of equal distribution of power based on regional balance has been adopted since then, according to which the general secretary position is given to a northerner, the presidency to someone from the central region, and the post of prime minister to a southerner. This change in the power structure within the party has also reduced the power of the CPV general secretary. The general secretary sits on both the Politburo and the Secretariat, and should theoretically be the most powerful figure

in the party-state. However, since *Đổi Mới* and the introduction of collective leadership, the general secretary has had less influence on matters that are vested in the executive branch. This role is now limited to party-related affairs, including party building and ideology, and leading the military as the chief secretary of the Central Military Party Committee. In addition, the election of the general secretary and members of the Central Committee has become more competitive. For example, at the last two party congresses, nominations and self-nominations were permitted for the first time, and two candidates for the post of general secretary rather than just one were nominated and subjected to a vote of confidence. At this stage, Competition to fill the position of the secretary general at the 12th Congress, convened in early 2016, is even more heated between the incumbent secretary general and the prime minister. A consensus could only be reached within the party elite a few days prior to the congress on the top four leadership positions, namely secretary-general, state president, prime minister, and chairman of the National Assembly. Outcome of the congress shows that since Đổi Mới for the first time the current regional formula is broken when a northener is chosen to be the state president and the prime minister is a man from the centre.

In recent years, students of CPV politics have drawn attention to the issues of decision-making authority as well as the relationship between the party's Politburo (its supreme body), Secretariat (the body overseeing the party's daily work), and Central Committee. This is because these two issues have been linked to the influence of what the party has defined as 'vested interests' *(lợi ích nhóm)* and 'interest groups' *(nhóm lợi ích)* (Trọng 2011; CPV 2012), as well as the emergence of rivalries and elite competition within the CPV (London 2015, p. 231). Vietnam's authoritarian regime and the pursuit of free market reforms in the last three decades have created ripe opportunities for the rise of a new wealthy class of 'red capitalists', a term widely used to refer to party members who are perceived as having enriched themselves through holding public positions (Abuza 2001, p. 111; Fforde 2013; Davies 2015). In party members' discussions of 'interest groups', these groups appear to be identical with the 'red capitalists' (Nguyên 2011; Để 2014; Hoàng 2015). While the 'red capitalists' have become the engine of political transformation

and democratization (Barro 1999, pp. 158–83), the CPV has warned of their increasing influence over decision-making and efforts to maneuver for positions within the party (Hải 2014, p. 143). The two most striking instances reflecting the influence of 'interest groups' and elite competition within the CPV occurred at the party's Sixth Plenum in October 2012 and the Tenth Plenum in January 2015. In the first instance, the Politburo made a decision to discipline one of its members for his conduct that was allegedly contrary to the party's rules. However, for the first time ever, the Politburo's decision was rejected by the Central Committee, which then called on the former to report on its own collective shortcomings (London 2015, p. 231). This phenomenon can only be attributed to the influence that the Politburo member who was able to avoid being disciplined had over the Central Committee. In the second instance, also for the first time ever in the history of the CPV, all 16 members of the Politburo and the Secretariat were subjected to unprecedented votes of confidence within the CPV Central Committee. The final tally from the votes of confidence have thus far not been released, in spite of former high-ranking party officials calling on the party to keep the public informed (Mão 2015). The voting was considered an experimental reform within the party and described as being conducted 'in the sphere of democracy, solidarity and unity' (Trọng 2015). Even though the immediate effects of the confidence vote remain unclear, this political experiment, combined with the Central Committee's unprecedented criticism of the Politburo, contains the hope that the CPV is moving toward a more pluralistic party.

Another change within the party concerns its membership. In 2006, the Tenth Party Congress adopted a resolution allowing party members to run businesses. This decision was followed by another breakthrough commitment at the 11th Party Congress in 2011, when the CPV agreed to admit private entrepreneurs into the party. Many saw this change as a break away from party rules and Marxist-Leninist ideology. Private entrepreneurs, the 'enemy of socialism' (Han and Baumgarte 2000, p. 6), can now join the party in spite of fears among the conservatives that this reform threatens the party's class representation and nature (Thông 2011). In effect, this new party resolution aimed to formalize a reality that had existed since the early 1990s. In March 1994, under Decisions

90/TTg and 91/TTg issued by the prime minister, a large number of SOEs were merged into large-scale state corporations or economic groups known as Corporations 90 or 91, whose operational capital had nearly 50 percent contributed by private entrepreneurs (Doanh 1996, p. 66; CIEM 1999, p. 46). These corporations were fashioned after the South Korean *chaebol* (OECD 2013) and chaired by a party member. By appointing party members to oversee these corporations that would implement Western-style liberalism and pursue capitalism, the CPV sought 'to increase its compatibility' and to build up its image as 'the party of the whole nation, representing the most advanced production force' (Hải 2014, p. 144). At the same time, it could still control these liberal forces, even while noting that the alternative Stalinist economic policy of central planning had led the country to extreme poverty and the brink of political crisis in the 1980s.

Since the mid-1990s, with priority placed on building a state based on the rule of law, the National Assembly has become a center of power within the Vietnamese political system (Koh 2004, p. 44). Because this former 'rubber-stamp' organ now plays an important role, its chairman has secured a top leadership position within the CPV, along with the three other top leaders (party general secretary, president, and prime minister), and has become the subject of a growing corpus of studies (for a sampling see: Abuza 2001; Malesky and Paul 2010; Malesky 2014). Vietnam's 1992 Constitution (amended in 2001 and 2013) has consolidated the National Assembly's authority by handing it a large number of powers, including the right to amend the Constitution, pass codes and laws, elect the president and the prime minister, approve and dismiss Cabinet members, the chief justice, and the chief prosecutor. It also has the power to verify reports submitted by the government, approve national-scale projects, and follow up on implementation of its recommendations to the government. To fulfill these constitutional responsibilities, the National Assembly has adopted myriad reform initiatives, not only to make its activities more transparent but also to hold the executive more accountable. As recently as in the early 1990s, the National Assembly worked entirely behind closed doors, so citizens had limited information about how their representatives worked. However, in 1998, under the leadership of Nông Đức Mạnh, the National Assembly for

the first time had its query sessions broadcast live on television (Đức 2012a). Since then, live televised query sessions have become the norm, drawing great attention from the public. At the Tenth Session of the 13th National Assembly in October–November 2015, both the prime minister and the chairman of the National Assembly were placed in front of the cameras to answer random questions from the deputies. The National Assembly has also asserted its authority over the approval of candidates nominated for government positions, as well as multibillion-dollar national projects. For instance, in 2002, the National Assembly rejected the prime minister's nomination for the position of minister of public security in connection with accusations of wide-scale corruption within this ministry (Lucius 2009, p. 11). In 2010, more than two-thirds of the deputies in the National Assembly voted against the government's US$56 billion plan to develop a high-speed north–south railway (Hanoist 2010). A deputy critical of the project was quoted in hailing the vote as a watershed, showing the National Assembly had assumed greater independence in its work (Steinglass 2010). More significantly, during the term of the current Thirteenth National Assembly (2011–2016), two confidence votes have been conducted on officials whom the National Assembly had elected or approved, including the president, prime minister, and chairman of the National Assembly. Prior to these votes, a vote of no confidence had been proposed targeting the prime minister during debates on the floor of the National Assembly over the bankruptcy of Vinashin Shipbuilding Corporation in 2010 (Malesky 2014). Although no one who received 'low confidence' results had to resign from office, the votes nevertheless carried high hopes for more democratic governance and accountable representative politics in Vietnam's party-state.

Emerging Civil Society

Civil society has been a recurrent topic of study within Vietnamese politics in the last three decades. There is a massive body of literature on the development and operations of civil society in Vietnam (see some

examples: Thayer 1992; Norlund et al. 2006; Hannah 2007; Kerkvliet et al. 2008; Wischermann 2011; Wells-Dang 2014; Hai 2014; Abuza 2015). This literature is based on a common understanding that civil society consists of the public realm between state and family, and has some inherent features like operating on a not-for-profit basis in the form of associations, with individuals joining on a voluntary basis (Hall 1995; Diamond 1999, 2001; White 2004). These studies generally cast no doubt on the existence of civil society in Vietnam, in spite of strict control by the government. Indeed, some of the studies investigate the challenge that civil society poses to the CPV. However, missing in these publications are the CPV's formal views of civil society. A lack of understanding of the CPV's approach to civil society invites failure to explain why there are different views and assessments of civil society in Vietnam. Therefore, instead of analyzing civil society developments, which have been covered thoroughly in the existing literature, we provide here the CPV's unpublished views on civil society based on internal sources to which we were recently able to gain access.

Even though the CPV has directed its think tanks to study civil society since the early 2000s, the term has thus far not been fully spelled out in any of its formal documents. However, in a document recently submitted to the CPV Politburo and Secretariat, the Ministry of Home Affairs (MOHA), which oversees nongovernmental organizations (NGOs), defined civil society as

> [a] network of diverse relations, activities and actors in society. Civil society is formed by citizens on the basis of voluntariness and self-management. Its operation is relatively independent from the state and the market. It operates not-for-profit and aims to satisfy certain needs and interests of individuals and communities.

More specifically, MOHA identified members of civil society as including unions, associations, societies, federations, clubs, funds, foundations, institutes, centers, councils, committees, voluntary groups, and so on. These associations are generally called civil society organizations (CSOs). Vietnam has witnessed a boom in the number of CSOs since the early 1990s. As of December 2008, there were nearly 20,000 CSOs

of all kinds. This number has risen to 52,565 as of November 2015 (PPWG 2015). These CSOs are involved in different social activities and professions, from environmental protection, philanthropy, and humanitarian aid, to human rights, governance, anticorruption, and democracy advocacy.

According to MOHA, the role and functions of civil society are as follows:

- CSOs demonstrate how citizens come together and are venues for citizens to raise their voices, to organize life by themselves, to take responsibility for what they do and say, to submit recommendations to the government on issues relating to democracy, human empowerment, the fight against red tape, and corruption.
- Civil society contributes to creating a social environment for democratic practice and building the rule-of-law state. It is also involved in monitoring and auditing the performance of public institutions as well as the conduct of public servants and officers, preventing moral decadence and abuse of power in public office.

While these functions of civil society are quite normal in democracies, they hold a special significance in authoritarian regimes. By acknowledging these functions in a document submitted to the CPV Politburo, MOHA indirectly recognized the importance of civil society in ensuring more respect for civil liberties and political rights, as well as greater adherence to the rule of law. Nevertheless, MOHA also pointed out limitations in civil society, noting that the rules it creates sometimes conflict with state law. In particular, the party warns of external political forces exerting influence on domestic CSOs in order to intervene in state affairs, which would damage the regime's stability and survival. This view demonstrates that the CPV remains highly cautious about civil society in light of the 'color revolutions' that led to regime change in the former Soviet Union and socialist Eastern European countries. Therefore, MOHA recommended that CSOs must be led and controlled by the government in order to generate a 'healthy democratic society' and to ensure the nation's harmonious development. Nothing guarantees that the CPV Politburo will accept MOHA's recommendations, but

there are signs indicating that the CPV is changing its perception and treatment of civil society.

In his 2014 New Year's speech, Prime Minister Nguyễn Tấn Dũng emphasized three elements of modern states that Vietnam must also purse in order to respond to new challenges, namely democracy, the rule of law, and a free market economy (Dũng 2014). The CPV's draft political report, which is currently posted online for public comment and is due to be presented at the 12th Party National Congress in 2016, offers a clearer definition of its socialist-oriented market economy, in which the role of civil society is implicitly recognized. Another factor that will require the CPV to open up to civil society is Vietnam's commitment to the Trans-Pacific Partnership (TPP) Agreement. Under this pact, Vietnam must allow independent trade unions to operate. Former high-ranking government officials have called for the acceptance of civil society together with the market and the state as three pillars of a modern economy (Tuyển 2014). Recent political developments and the vibrancy of associational life in Vietnam make one hope that the CPV will soon heed to these calls. As recommended by MOHA, while the emergence of a civil society is unstoppable, the CPV needs to lead and control this process in order to create what would be a 'socialist-oriented civil society'. Nevertheless, the CPV is in a dilemma after its political decision to join the TPP, which requires independent trade unions to be established to protect workers' rights (NYT 2015; Bradsher 2015; Calmes 2015). How the CPV will strike a balance of having its own 'socialist-oriented civil society' on the one hand and its duty to obey the TPP rules on the other hand remains to be seen.

Concluding Remarks

We have analyzed the reforms and provided an overview of recent economic, political, and civil society developments in Vietnam since *Đổi Mới* was introduced by the CPV three decades ago. A question can now be posed: Is Vietnam democratizing? Politically speaking, by all measures,

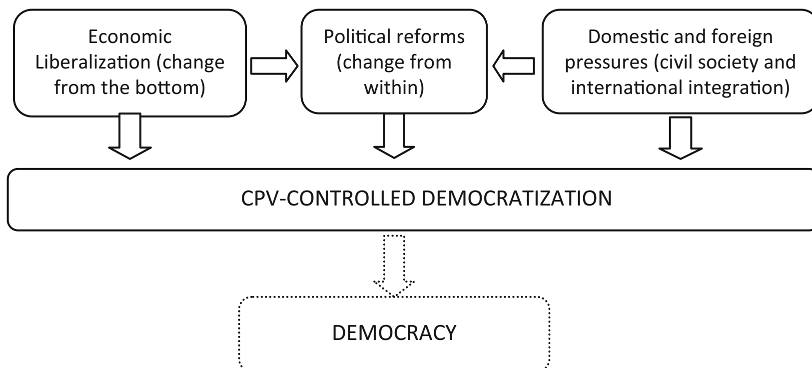

Fig. 7.1 The political configuration in Vietnam

whether continued high-level economic growth, elite competition within the ruling party, the stronger voice of a more assertive and pluralistic parliament, or the flourishing associational life in society, one may say without hesitation that Vietnam's system of one-party rule is democratizing. Various possible scenarios for Vietnam's democratization have been discussed (A 2015; Kerkvliet 2015). The analysis in this chapter enables us to argue that Vietnam's democratization is a combination of change from the bottom to the top and change from within the party. *Đổi Mới* narratives inform us that economic reforms began with 'everyday politics' in rural villages and *xé rào* (fence-breaking) activities in urban cities. As the single ruling party, the CPV is reforming itself to 'increase its governing capacity and intensify its compatibility' (CPV 1991, 2011) to cope with challenges resulting from the impact of *Đổi Mới*. The nation's deeper integration into the world economy and increased economic and trade relations with the West also add to the pressure on the CPV to adapt to a new set of rules. However, the CPV has been rather successful in reducing these pressures. Based on our analysis in this chapter, we propose the following model for democratization in Vietnam's system of one-party rule (Fig. 7.1).

This model not only describes the path of democratization but, more importantly, also informs us how the CPV manages the democratization process. We contend that by controlling the process, the CPV has thus far not only survived the crisis but also regained trust within society and

reinforced its legitimacy. Furthermore, as the ruling party, the CPV will promote democratization and navigate the country's transformation in a peaceful way. Vietnam may possibly transform itself into a democracy with a multiparty system in the future (Trọng 2010, p. 471). Until then, democratization will occur under the rule of the CPV. This makes Vietnam a unique case study in the democratization literature.

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8

Emerging Democracy and Ethnic Identity Crisis in Myanmar

Zaw Aung

Introduction: Myanmar—From 'Outpost of Tyranny' to Democratic Transition

Democracies have been emerging around the world in the last decade of twentieth century after the fall of the Berlin Wall and the disintegration of the Soviet Union, which marked the end of the Cold War. Since then, globalizing democracy and liberalizing centralized economies were thought to be the only viable options to rescue dismantling socialist countries around the world. Just a year before the fall of the Berlin Wall, socialism in Myanmar had been toppled by the student-led democratic uprising in 1988. However, this was not entirely associated with the domino effect of the great changes in Eastern Europe, but mostly with the Burmese-style utopian socialist state led by the dictator General Ne

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Win and his socialist clientele who abused power and impunity, resulting in long-term economic decline and widespread poverty in the country. Despite the demise of socialism in Myanmar, the country could not initiate a political transition toward a democratic form of governance as it was seen in Eastern Europe. Instead, it ended up in a more brutal form of military dictatorship for the next two decades. Not only did the nation miss out on a great opportunity to grasp democracy, development, and prosperity in time with the changing world order, but it also did not escape from the vortex of decades-long internal ethnic armed conflicts.

In the dark era of military rule in the 1990s and 2000s, Myanmar turned from a potential emerging democracy to an 'Outpost of Tyranny'[1] due to its brutal oppression of democratic activists and human rights violations. Aung San Suu Kyi, daughter of the country's founding father General Aung San and the 1991 Nobel Peace Prize Laureate, became a symbol of democracy and human rights in Myanmar for her tireless non-violent struggle against the military dictatorship. The USA and EU began to impose an arms embargo on Myanmar in the early 1990s and later punished the regime with a series of economic sanctions. As a result, the country lagged economically. Behind the neighboring countries of Laos and Cambodia its economic development ranked the lowest among the Association of Southeast Asian Nations (ASEAN) countries, according to the UN Human Development Index in 2011. In terms of Gross National Income (GNI), Myanmar stood at USD 1535, Laos at USD 2242, and Cambodia at USD 1848 (UNDP 2011, pp. 128–9). In the same year, the military regime decided to end the two-decade-long military rule and initiated the multiparty election held for the first time in 20 years on 7 November 2010.

Today, Myanmar's reform seems to be remaking the nation. Ruling the country in the absence of a Constitution, the former military regime was able to escape from the issue of legitimacy in international and domestic politics. It carefully drafted a Constitution and held the first election in two decades in 2010. In line with the Constitution, the military dissolved

[1] In 2005, Former US Secretary of State Condoleezza Rice used this expression for Myanmar, together with the world's notorious tyrants from Iran, North Korea, Cuba, Zimbabwe, and Belarus. Available from: *Rice names 'Outposts of Tyranny'*. URL: http://news.bbc.co.uk/2/hi/americas/4186241.stm.

itself and installed new state institutions—national and regional parliaments, central and regional governments, National Defense and Security Council, Constitutional Court, Election Commission, and Financial Commission. The emergence of these institutions convinced the international community that Myanmar had begun to change its political structure through the separation of powers typical for a democratic nation. The new governance looked like a democratic structure. However, the only institution that has so far been untouchable and has absolute power to decide the destiny of the country is the military. It is because of the Constitution that the military drafted and gave Myanmar Armed Forces' Commander-in-Chief special privileges such as the right to execute military affairs free from the interference of the country's three power pillars of Legislature, Executive, and Judiciary, the right to dissolve these power pillars and rule the country in time of state emergency, and a special duty to protect the Constitution which conferred these special rights on him. Also, it is impossible to amend the Constitution without the agreement of the military's top leader. This is how the former military government integrated its authoritarian nature into a democratic form of governance structure and convinced the whole world that this was the *Myanmar Spring*. After five years, the new government led by old military generals in civilian disguise was viewed as reformist by the international community due to its political and economic reforms, but in domestic politics, it was rather a relaxation of their two-decade-long extreme repression of the people.[2]

With changes in state structure and policies, Myanmar's reformist government launched a series of ceasefire talks with various ethnic armed groups. Myanmar is still plagued by these internal armed conflicts that have lasted in the country for more than 60 years. The country's ethnic groups living in remote underdeveloped regions were severely marginalized in terms of their birthrights to practice their ethnic languages, to conserve their culture and customs, and to enjoy freedom of religion

[2] One obvious example is that the price of a mobile phone SIM card was, ludicrously, more than 1500 USD, which is the most expensive in the world, but the price suddenly dropped up to 1500 Kyat (or just more than 1 USD) two years after the new government took power. The government pointed out this progress as a reform, but the people viewed it as though their money was stolen by the previous military government.

under military dictatorship. They have also been living in fear of armed conflicts for decades. Once the country changed to its recent electoral polity, minority ethnic groups abruptly took this political openness as a rare opportunity to negotiate with the government to end the armed conflicts, hoping that they could have regained political power to restore long-forgotten ethnic rights and identities through democratic elections. For that, the ethnic armed groups have formed an alliance to collectively stand up for their common political goal, which is democratic federalism. They believe that democratic federalism is the only viable political system to build a multiethnic society with equal rights and dignity for all ethnicities. However, they know that without the amendment of the Constitution, it is not possible to establish federalism as a political system in Myanmar. In such a political climate, the most challenging issue faced by President Thein Sein and his government is to prove whether his government is ready to accept the concept of federalism aspired for by the different minority ethnic groups. Without this assurance, the government could not win the trust of ethnic nationalities and consolidate national unity. The next section will discuss whether Myanmar is an emerging democracy or not by analyzing its complex political transition since 2011.

From the Depayin Incident to the Roadmap Toward Political Transition (2003–11)

The political transition in Myanmar did not occur all of a sudden. In fact, it was a carefully calculated move of the military regime beginning in 2003. In his recently published autobiography, former Prime Minister General Khin Nyunt unveils how the military regime sought a way out that could extend their power into a civilian form, a process that is now called 'transition'. According to the book written in the Myanmar language entitled *The Experiences of My Life*, former Prime Minister U Khin Nyunt reflected: 'Nowadays, the world did not accept military rule and wanted a democratic system. It led to a crisis in Myanmar. […]When I met Mr. Lee Kuan Yew during my visit to Singapore, he advised me not to govern the country under military rule for such a

long time, but to change it into a civilian government and learn lessons from China and Vietnam. Now, as suggested by him, it is nice to see that Myanmar has been transformed into a civilian government' (Nyunt 2015, pp. 423–46). According to Khin Nyunt, the military's decision to draw up a seven-step political roadmap in 2004 was closely associated with the Depayin incident, in which Daw Aung San Suu Kyi narrowly escaped from a brutal attack.

The Depayin incident was not an unfortunate accident, but a prepared, 'state-sponsored' violent attack on the opposition leader and her supporters. It was the first time that a high-level military official confessed this publicly. U Khin Nyunt wrote: 'It would be dishonest if I did not know about the Depayin incident.[…]When Daw Aung San Suu Kyi's motorcade was heading to Monywa, the Chairperson [referring to Senior General Than Shwe] called all five or six senior Generals to his office and instructed that we had to stop Aung San Suu Kyi at any costs. At that time, I suggested to him not to use violent means to stop her, but he disagreed with me. It turned out to be a good thing for me at least because he did not assign me to carry out this task. Instead, he assigned General Soe Win[3] and dispatched him to Monywa' (Nyunt 2015, pp. 197–8). This is a rare personal confession of a top military general who was later arrested and sentenced to 44 years in prison for corruption.[4] His military intelligence network was dissolved by Senior General Than Shwe in 2004. However, he got the special privilege of suspending that sentence with the mercy of Senior General Than Shwe and was put under house arrest until he was released on 12 January 2012. Until his confession on the Depayin incident in his autobiography, the military deceived the public that the incident was purely political violence between Aung San Suu Kyi's supporters and opponents.

After the Depayin incident, Myanmar faced tremendous political pressure from the international community, including the ASEAN. Jurgen Haacke, a scholar from the London School of Economics and Political

[3] General Soe Win, Khin Nyunt's successor as Prime Minister when he was ousted in 2004, died of cancer on 15 October 2007.

[4] In Myanmar, few high-ranking military officers could escape from corruption charges. If there is a power struggle among the top military leaders, the easiest way to defeat a rival is to charge him with corruption.

Science, analyzed it thus: 'Myanmar's overall relation with its ASEAN neighbors has become increasingly complicated since the Depayin incident of 30 May, 2003' (Haacke 2006, p. 51). Soon after the Depayin incident, Senior General Than Shwe appointed General Khin Nyunt as Prime Minister and instructed him to draw a 'political roadmap' which eventually turned out to be a guideline for today's political transition in Myanmar.[5] Khin Nyunt claimed in his book that he often urged Than Shwe to plan for a political roadmap, but each time his suggestion was rejected. Only after the Depayin incident did he immediately instruct him to draw the roadmap. It was assumed that the emergence of the political roadmap was mainly because of tremendous political pressure from enemies and friends alike.

Amid the implementation of the seven-step roadmap, the regime faced two serious crises: Buddhist monks-led demonstrations known as the 'Saffron Revolution', followed by Cyclone Nargis, the most devastating natural disaster in the history of Myanmar. The International Crisis Group analyzed Myanmar's post–Saffron Revolution political situation as follows: 'The violent crushing of protests led by Buddhist monks in Burma/Myanmar in late 2007 has caused even allies of the military government to recognize that change is desperately needed' (ICG 2008, p. i). A few months later, on 2 May 2008, Cyclone Nargis hit the country's delta region, with its effects causing nearly 140,000 deaths and severely affecting 2.4 million people (TCG 2008, p. 1). While the entire Burmese society was shocked to see such an untold tragedy, the military leaders ignored the nation's mourning period and rushed to hold a referendum to approve a new Constitution a few days after the deadly cyclone. That is why the Constitution was mockingly

[5] Seven-Step Political Roadmap: (1) Reconvening of the National Convention that has been adjourned since 1996; (2) After the successful holding of the National Convention, step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system; (3) Drafting of a new Constitution in accordance with basic principles and detailed basic principles laid down by the National Convention; (4) Adoption of the Constitution through national referendum; (5) Holding of free and fair elections for Pyithu Hluttaws (Legislative bodies) according to the new Constitution; (6) Convening of Hluttaws attended by Hluttaw members in accordance with the new Constitution; and (7) Building a modern, developed, and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.

referred to by the people as the 'Nargis Constitution'. Two years later, Senior General Than Shwe announced at the 62nd Anniversary of Myanmar's Independence Day on 4 January 2010: 'Now, the new State Constitution has been approved with massive support of the people. Plans are under way to hold elections in a systematic way this year' (*The New Light of Myanmar*, 4 January 2010, p. 1). The election was held on 7 November 2010—just a week before the release of Aung San Suu Kyi from her third house arrest on 13 November.

With the exception of two top military leaders, Senior General Than Shwe and Vice Senior General Maung Aye, all the high-ranking military generals, planning to extend their power in civilian disguise, built a political party, contested the election, and formed a new government. The International Crisis Group (ICG) analyzed: 'The November 2010 elections in Myanmar were not free and fair and the country has not escaped authoritarian rule. Predictably, in such a tightly controlled poll, the regime's own Union Solidarity and Development Party (USDP) won a landslide victory leaving the military elite still in control' (ICG 2011, p. 1). On 30 March 2011, the regime completed its political roadmap through peaceful transfer of power from a military to a civil-military government.

Myanmar Spring: Softening an Authoritarian Grip on Power

The international media labeled Myanmar's political change as the 'Myanmar Spring' due to its peaceful transition compared to the violent changes witnessed in the 'Arab Spring'. First, the world cautiously watched Myanmar's symbolic power transfer in which Prime Minister Thein Sein became President Thein Sein and the new government was formed with the old faces of the military regime. Realizing that his government needed credibility in the international community, President Thein Sein launched political and economic reforms, and successfully sought the support and cooperation of Daw Aung San Suu Kyi in the reform process by recognizing her role in politics after holding a closed-door meeting with her at the Presidential Residence in Nayphidaw on

19 August 2011. The state-run newspaper reported: 'The President and Daw Aung San Suu Kyi tried to find out potential common grounds to cooperate in the interests of the nation and the people, putting aside different views' (*The New Light of Myanmar*, 20 August 2011, p. 9). This meeting turned out to be a political compromise between President Thein Sein and Aung San Suu Kyi and the world started naming the compromise the 'Myanmar Spring'. As a result, Daw Aung San Suu Kyi and her party officially endorsed the reform process by contesting the by-election held on 1 April 2012. Like the election in 1990, her party won a landslide victory in 43 out of 45 constituencies in by-elections and became the main opposition party in parliament. But the result alarmed the generals, uncertain as to whether they would then hold power after the following elections.

Aung San Suu Kyi outlined three major political goals to carry out a democratic transition in Myanmar: (1) the constitutional amendment; (2) the cessation of the decade-long ethnic armed conflicts; and (3) the restoration of the rule of law through judiciary reform. However, when she talked about the constitutional amendment, the military saw this as her trying to kick them out of the political arena, and back to the barracks. This is the major division on the role of the military between Aung San Suu Kyi and the generals. A central principle of hers was that the country could not be a democracy as long as the military were involved in politics. For the generals, it was self-evident that the military was the only institution that had always safeguarded the country and thus should play a role in the country's national politics.

In response to her attempt to amend the Constitution, President U Thein Sein articulated in his presidential speech to parliament on 24 March 2014: 'The Armed Forces will continue to play a role in the democratic transition. They need to continue to be included in the political negotiations to find solutions to the political issues in Myanmar' (Myanma Alin 2014, p. 8). The day after the President's speech in parliament, Commander-in-Chief Senior General Min Aung Hlaing gave an address at the 69th Armed Forces Day, reaffirming that the military is responsible for 'safeguarding the Constitution'. It is evidence that the ruling government and military were not willing to amend the Constitution. In fact, President Thein Sein tacitly cooperated with Aung San Suu Kyi

to promote his image in the international community, particularly in the eyes of the USA and the EU, and later limited his cooperation with Aung San Suu Kyi in the reform process. When he won her support, he reduced the cooperation with her and also the speed of the reform process.

Opening the Political Opportunity Structure Results in Emerging Ethnic Identities

In Defence of Identity by Lian H. Sakhong, a prominent Chin nationalist and a scholar of federalism and ethnic identity, received its timely publication in light of the political transition in Myanmar. In his book, he encapsulates Myanmar's decade-old ethnic conflicts in the following sentence:

> In the name of national sovereignty, the right of self-determination for the ethnic nationalities who joined the Union as equal partners are rejected; in the name of national integration the right to follow different religions, to practice different cultures, and to speak different languages are deprived; and in the name of national assimilation the right to uphold different identities and traditions are denied. (Sakhong 2010, p. 96)

Indeed, the generals had never included the representation of minority groups until very recently. Today, minority representatives have a voice. Sakhong is actively involved in the peace process as an ethnic leader in the Nationwide Ceasefire Coordination Team (NCCT), the entity formed by ethnic armed groups to collectively negotiate with the government.

After one year in office, President Thein Sein officially outlined 'a three-step roadmap for peace' in March 2012 and said: 'I have made a firm commitment to end all suspicions and anxieties during our tenure. We have the duty to heal the bitter wounds and sufferings and fulfill the lost dreams' (*The New Light of Myanmar* 2012, p. 6). The President resumed the peace talks through a new process after the failed efforts of the former military regime's strategy to pressure the ceasefire groups to transform into the Border Guard Force. Due to the wrong strategy, the trust between the military and the Kachin Independent Organization

(KIO) was broken and Kachin State abruptly turned into a battlefield. In the new peace roadmap, the three major steps are (1) to hold ceasefire talks at the state level; (2) to hold political talks at the Union level; and (3) to sign a peace agreement in the Union Parliament. To successfully implement the first step of the roadmap, the ethnic armed groups have to sign a National Ceasefire Agreement (NCA) with the government. After that, the groups can officially discuss their political ambitions such as federalism, self-determination, and equal rights among all ethnic nationalities. But at the same time, the government pressures them to accept the implementation of the Disarmament, Demobilization, and Reintegration (DDR) process. Without following this process, the government does not allow the groups to form their own political parties and contest in the election. If they win the majority of votes in their respective ethnic state, they can at least control the regional parliament. But as the Head of the Regional Government is directly appointed by the President, the ethnic groups are unable to access the potential to form a regional government. Therefore, this is one of the key reasons why all the ethnic armed groups wanted to amend the 2008 Constitution.

At this point, the political parties in mainstream politics and the ethnic armed groups seem to have found common ground to amend the Constitution. But the question is how to amend it. To amend the Constitution, they first need to amend Article 436, the amendment procedure of the Constitution, and this can only be done at the Union Parliament with the support of more than 75 percent of the total votes (or 100 percent of elected members of parliament if excluding 25 percent of the military-appointed MPs). This means that without a single vote from a military representative in parliament, it is impossible to amend the Constitution (Constitution of the Republic of the Union of Myanmar, p. 173). Therefore, to amend Myanmar's Constitution has become extremely difficult. As the military-appointed MPs must follow the order of the Commander-in-Chief, he has become the most powerful man with a veto power to reject any attempt to change the Constitution. Article 436 is the single clause that blocked democracy in Myanmar. In this regard, the problem of democratization in Myanmar is not a structural issue, but the lack of a political will to do so.

Meanwhile, Myanmar's transition failed to build a genuine trust between the military and ethnic armed groups. While the government is holding peace talks with ethnic armed groups, the military is engaging in battles with the KIO, Kokang or Myanmar National Democratic Alliance Army (MNDAA), and Ta'ang National Liberation Army (TNLA), significantly generating thousands of war refugees along the Myanmar–China border area in Shan State. In Rakhine State, which did not have a previous record of armed conflicts throughout the military rule, the military is engaging in battles with the Arakan Army (AA),[6] a newly active armed group formed by the Rakhine nationalists. Moreover, the western border is now facing a new threat sporadically from the Rohingya Solidarity Organization (RSO), a Rohingya armed group that was reactivated after the Rakhine–Rohingya conflict in Rakhine State in 2012, the group being based along the Myanmar–Bangladesh border. The armed conflicts in Rakhine State occurred because the military wanted to revenge the group for its involvement in the Kokang War as an ally of the MNDAA. Given the geographical distance between Kokant and Rakhine, located in the east and west of the country respectively, it is extraordinary to see that AA troops could manage to travel to the east and help MNDAA in fighting the military.[7] It was also the first time that smaller ethnic armed groups formulated a strategy of collective offense against the military. However, the stronger armed groups, such as KIO and the United Wa State Army (UWSA), were able to defend against the military by themselves.

The UWSA is the strongest ethnic armed group in Myanmar and did not participate in the government-led peace talks. They watched the peace process from the sidelines because they believed that they already had a ceasefire agreement with the government since the early 1990s. Recently, the UWSA hosted the Ethnic Leaders' Summit with more than a dozen ethnic armed group leaders in their Headquarters in Pangsang, eastern Shan State. Unlike other ethnic armed groups, the UWSA was not satisfied with the current status of a 'self-administrative division' that other

[6] Rakhine: Hundreds of civilians flee fighting between Burmese and Arakan forces. URL: http://www.asianews.it/news-en/Rakhine:-hundreds-of-civilians-flee-fighting-between-Burmese-and-Arakan-forces-34111.html.

[7] Ethnic Allies join Kokang fight. URL: http://www.mmtimes.com/index.php/national-news/13108-tnla-arakan-army-join-kokang-fight.html.

ethnic groups received under the 2008 Constitution and demanded that Wa should be a 'State'. Their wish is not to remain under Shan State, but to live as equals to the Shans. This showed that the aspirations of ethnic armed groups are also different from one group to the next. While the government cannot express guarantees for federalism and self-determination in ethnic states, the ethnic groups do not in turn agree to follow the DDR process without any political guarantees for their future.

In this situation, President Thein Sein played out a strategy of excluding some ethnic armed groups from signing the NCA, raising the question as to whether or not he was genuinely committed to nationwide peace. While the government insisted on excluding the MNDAA, the TNLA, and the AA in the process, the ethnic groups wanted to include them in signing the NCA, or it would not be meaningful to name the peace accord a 'nationwide ceasefire'. Rather preposterously, after many difficult negotiations over a period of three years, aiming to table a single text of the NCA to be signed between the government and the ethnic groups, finally, eight ethnic groups decided to sign the NCA while another seven groups decided that they could not sign the NCA if the process was not inclusive, thus resulting in the development of two factions among the ethnic groups.

Bengali/Rohingya[8]: An Old Conflict Reemerging in Transition

Myanmar's Bengali/Rohingya conflict was described as a religious and ethnic identity conflict in the international media following the outbreak of violence in Rakhine State in 2012. The dynamic of the conflict should also be seen as two levels that evolved over time: started firstly with a communal conflict resulting in the rape and murder of a Rakhine girl by three Bengali/Rohingya youths. Later the issue turned into a religious and identity conflict. The government rejected the term 'Rohingya' as a

[8] The author uses the term 'Bengali/Rohingya' to avoid the politicization of the issue on whether they are Bengali immigrants as the Myanmar government strongly insists or whether they are Rohingya, an original ethnic group in Rakhine State, as the group strongly claims.

name invented by a portion of immigrant Bengalis with political ambitions in order to claim that they were an original ethnic group in Rakhine State centuries ago. The ruling government's rejection was also political because they foresaw Bengali/Rohingyas' next step to demand the status of a self-administrative zone to three Bengali/Rohingya-populated townships in Rakhine State. However, the issue is not a new problem in Rakhine State. Rather, it was a silent issue for decades which happened to surface with the political transition. Therefore, one should study the long-evolving conflict between the Rakhines and Bengali/Rohingyas in history to have a comprehensive understanding of this issue, rather than touching on it from the principles of a human rights view alone.

In 1938, a riot between the Buddhists and Indian Muslims broke out in Rangoon[9] (Yangon) under British colonial rule. In his *Historical Dictionary of Burma (Myanmar)*, Donald M. Seekins describes the incident as follows: 'Thuriya's [a Burmese newspaper at that time] inflammatory articles in 1938 played a major role in sparking rioting against Indians and Muslims in Rangoon, during which almost 200 people were killed' (Seekins 2006, p. 452) Since that time, the newspaper had incited ill-feeling toward the Muslim population of Rangoon, saying that they took the wealth of the country and also the daughters of the Buddhist Burmese. According to Muslim law, Burmese women who marry Muslims must first convert to Islam. After the death of her husband, the woman receives a part of the property according to the family status while a Burmese Buddhist wife is entitled to own all of her husband's property rights after his death, according to Burmese custom. In the same year, a law 'The Buddhist women special Marriage and Succession Bill'[10] was passed to protect the rights of Buddhist women married to Muslims under British colonial rule (Yegar 1972, p. 33). Thus, interfaith marriage in Myanmar has a long history, going as far back as 1938.

[9] Most of the literature written by foreign scholars earlier used the country's former name, referring to the nation as 'Burma', the city as 'Rangoon', and the people as 'Burmese'. This chapter uses 'Burma', 'Rangoon', and 'Burmese' in the historical perspective and the name 'Myanmar' and 'Yangon' for the present.

[10] After the religious conflict in 2012, Buddhist monks pressured President Thein Sein to enact the interfaith marriage law, which has now been endorsed by Parliament despite the strong criticism from the international community. Actually this is an old issue since British colonial rule, but the new law tightened the conversion of a Buddhist woman to the Islamic faith.

In 1942, during World War II, the British Army armed the Chittagonians[11] in the Mayu Frontier in Arakan State and became known as the Volunteer Force, or 'V force'. Aye Chan writes: 'Its principal role was to undertake guerrilla operations against Japanese, to collect the information of the enemy's movement and to act as interpreters.[…]The volunteers, instead of fighting the Japanese, destroyed Buddhist monasteries and Pagodas, and burnt down the houses in the Arakanese villages' (Chan 2005, p. 406). According to Clive Christie, the 'ethnic cleansing in British controlled areas, particularly around the town of Maungdaw', was occurring until the arrival of Japanese troops (Christie 1996, p. 165). During the early postwar years, both the Arakanese and Chittagonian Muslims in Mayu Frontier looked at each other with distrust. The British Labor Government promised independence for Burma within a year, in 1947, the year that India regained its independence. Soon after that, the partition of India began with the tensions between Ali Jinnah's Muslim League and Hindu leaders, resulting in the separation of Muslim Pakistan from the Indian subcontinent. Many Indian Muslims living in Arakan State at that time shared their interest in having a separate political identity and a delegation was sent by the Jam'iyyatal-Ulama Islam[12] to Karachi in 1946 to discuss with the leaders of the Muslim League the possibility of incorporation of the Buthidaung, Maungdaw, and Rathedaung townships into Pakistan (Chan 2005, pp. 408–9).

After their proposal was unsuccessful, the *Mujahid* armed rebellion emerged in northern Arakan State with the goal of a Muslim state composed of border towns such as Buthidaung, Maungdaw, and Rathedaung, which border on East Bengal. Mujahid smuggled arms, material, and manpower across to East Pakistan (now Bangladesh) to fight for their cause in Arakan State. From 1951 to 1954, Burmese army offensives against Mujahid Muslim rebels seriously weakened their rebellion. Finally, Mujahid rebels surrendered their arms to the Burmese army in November 1961 and the army allowed the rebels and their fami-

[11] The Government and Rakhine scholars claim that the Bengali/Rohingyas are from Chittagong who the British brought to Burma during World War II.

[12] Jam'iyyatal-Ulama, the first religious Muslim organization founded in Burma in 1922, was the branch of the Indian Jami'iyyatal-Ulama (council of Ulama), participated in only by Indian Muslims. No Burmese Muslims participated.

lies to live in Maungdaw. At the surrender ceremony, the rebel leaders requested Brigadier General Aung Gyi, Deputy Commander-in-Chief of the Burmese Army, not to call them Arakan Muslims or Bengali or Chittagonians, but to call them Rohingyas. Ex-General Aung Gyi became a politician after the 1988 democratic uprising and formed a political party called Union Nationals Democracy Party (UNDP). In his party's news bulletin issued in February 1992, he wrote an article 'Buthidaung and Maungdaw That I Know', which was about his experience with the Mujahids and later how the army and government allowed them to be called Rohingyas (UNDP 1992, p. 8). The then Burmese government allowed them to use the term 'Rohingya' for a political reason, which was to end the Muslim separatists' rebellion and the hostility between the Arakanese and Muslims in Arakan State.

This move was, however, unsuccessful. In 1960, Prime Minister U Nu won the election and promised to give Arakan and Mon[13] the status of 'State', but the Muslim members of the parliament from Buthidaung and Maungdaw townships denounced the plan and called for establishing a Rohingya State (Chan 2005, p. 413). In 1962, General Ne Win made a coup, which ended parliamentary democracy in Myanmar. A year after the coup, the Mujahid movement was again reformed under a new name, the Rohingya Independent (later Patriotic) Front, in 1963 (Smith 1999, p. 89).

Later on, General Ne Win's military government changed its mind and rejected the term 'Rohingya' when they saw Bengali/Rohingyas to forge the term to refer to an ethnic group that had been living in Rakhine State for centuries. In 1978, General Ne Win launched the first military campaign against Bengali/Rohingyas, code-named *Naga Min* (Dragon King), and drove out more than 200,000 Bengali/Rohingyas into Bangladesh (Zawacki 2013, p. 18). In 1991, the second campaign expelled more than 250,000 Bengali/Rohingyas, eliciting a strong response from the international community. Later on, the military regime received the returnees of Bengali/Rohingyas with the assistance of the UNHCR. In 1995, the intensive campaign mounted by the UNHCR to pressure

[13] Arakan and Mon regions were not given the status a 'State' when Burma gained independence from the British.

the Burmese government to document the Bengali/Rohingyas resulted in issuing a Temporary Registration Card (TRC) to Bengali/Rohingyas. Apart from receiving and driving out Bengali/Rohingyas throughout the course of history in Myanmar, the military authorities also exploited this population for their political gains. For example, the former military regime allowed all Bengali/Rohingyas holding a TRC to cast their votes in the election in 2010. After the conflicts in Rakhine State in 2012, President Thein Sein's government withdrew their voting right in the election in 2015. Nonetheless, the issues of Bengali/Rohingyas' citizenship and ethnicity have remained unresolved to date.

Conclusion: A Nation Struggling to Be a Democracy

Although labeled as a reformist, President Thein Sein inherited the legacy of the previous military regime led by Senior General Than Shwe and protected the interest of the military by rejecting the amendment of the Constitution. Likewise, the military has not changed its position. It is trying to maintain its grip on power as long as this Constitution is not amended. In fact, Myanmar's reform could be seen as a change of process, not a change of principles, particularly regarding the issue of military domination and ethnic identity conflict, which still remains an unresolved issue. The present government and military are not ready to share more power with ethnic states and still want to centralize power. If Myanmar were categorized as an emerging democracy due to the recent reforms, it would probably be based on the fact that it restored a democratic electoral system and is now ruled by an elected government, instead of military rule. But an election itself is not enough to bring the 'outpost of tyranny' back to democracy overnight. In fact, Myanmar is still at a stage where it is struggling to establish itself as an emerging democracy.

However, after practicing the 2008 Constitution for a couple of years, even the ruling USDP realized that the amendment of the Constitution is a must if the country really wants to cease all armed conflicts and restore national unity through federalism, which guarantees the equal rights of ethnic minorities. In 2013, the Union Parliament formed a Constitutional

Review Committee, which was assigned to review the Constitution and submit the amendment proposal to parliament. After two years of review, the Union Parliament discussed the most important part of the Constitution to be amended in June 2015, four months before the general election was scheduled to be held in November. Parliament gained the attention of the whole nation and people were very excited to see what the historic decision of their lawmakers would mean for the country. However, after three-day-long heated discussions on amending the constitutional amendment procedure outlined in Section 436 of the Constitution, the military-appointed representatives unanimously blocked the amendment, leading to parliament's inability to amend the Constitution.

The people of Myanmar witnessed how undemocratically appointed military representatives exercise the power to veto decisions in parliament in opposition to the will of the majority of all elected representatives (from all political parties). The military leaders still insist that democracy is a product of the West that cannot be applied in Myanmar. What they believe in is 'disciplined' democracy—which means they must impose a certain social order on the people. This action demonstrates that Myanmar is still struggling to be a genuine democratic country that could contribute to the democratization process in the region. The military's rejection to amend the Constitution makes it difficult to bring about the country's much-needed national reconciliation, the end of ethnic armed conflicts, the application of federalism as a political system, and finally the emergence of a democracy.

The only hope left to limit military power was to let Aung San Suu Kyi's party win a landslide victory in the 2015 election and form a democratic government, which finally happened. Aung San Suu Kyi has now secured the legitimacy to form a new government after her party won a landslide victory in the election held on 8 November 2015. Not only would she be able to control the legislative body, but also to form a democratic government in early 2016. Having the mandate of the people as a whole through the historic election, she will effectively lead a national reconciliation process and have a chance to work for the unity of the country. Or as suggested by domestic and foreign skeptics, the country could potentially fall back into the vortex of another military coup, if the generals fear her power.

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9

Prosperity and Inequality in Metro Manila: Reflections on Housing the Poor, Climate Risk, and Governance of Cities

Emma Porio

Introduction

Wallerstein (1979, p. 119) posed these intellectual–moral questions more than three decades ago: ‘I would phrase the intellectual questions of our time—which are the moral questions of our time—as follows: (1) Why is there hunger amidst plenty, and poverty amidst prosperity? (2) Why the many who are afflicted do not rise up against the few who are privileged, and smite them?’

But their relevance now is greater than ever before. In 2014, the World Economic Forum chief announced that ‘the chronic gap between rich and poor is yawning wider, posing the biggest single risk to the world’. Further, ‘income disparity and attendant social unrest’ will have the big-

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gest impact on the economy during the next decade (Reuters, January 15, 2014). In the same vein, Piketty (2014) asserted that the levels of income inequality today are at their highest. Reinforcing these alarming social prognosis, Burawoy (2015, p. 1), in his presidential address before the 2014 World Congress of Sociology in Yokohama, observed that global inequality has its roots in the 'neoliberal economy that has engulfed the modern world…and has led to 'increasing forms of social exclusion and an expanding inequality of inclusion'. Therborn (2013) also describes social inequality as constituting the 'killing fields' of modern society. The persistence of poverty and inequality and its contradictions comprise some of the major challenges facing Asian cities today. And Metro Manila best illustrates these challenges and contradictions of the urban political economy.

This chapter argues that the negative consequences of neoliberal reforms, particularly in social housing and local development in Metro Manila, are further exacerbated by the weakness of the governance systems and the flooding disasters that regularly hit the metropolis. Persistent poverty and rising inequality are due in part to an economy heavily anchored in services, real estate, and commercial development and very poor industrial and agricultural growth. The democratic and decentralization reforms in the 1990s attempted to enable the social housing sector and local governments so these could be more responsive to the housing and basic services needs of the urban population, especially the poor. This chapter argues that the success of the 1990s governance reforms in social housing has been eroded by the need of the government to promote economic development through incentives and privileges to the private sector. It highlights the impacts of these processes on local development and the erosion of the housing security of urban poor communities, especially those living along the flood-prone areas of the metropolis. The chapter consists of four parts: Part I outlines the expansion of economic growth and rising income inequality in the Philippines while part II describes the urban governance reforms in the early 1990s, especially in local development and social housing. Part III illustrates the contradictions of growth, inequality, and governance reforms by highlighting two case studies of social housing programs in Metro Manila's two cities, namely (1) Marikina

City's highly successful in-city relocation program, whose gains are being threatened by the recurring flood disasters and commercial development along the river and (2) the Pansol Social Housing Site, which is undergoing rapid gentrification in Quezon City because of intense capitalist development of the neighborhood through public–private partnership schemes. Finally, the last part reflects on the contradictions of urban development, inequality, flood disasters, and governance reforms under the 'new normal' climate conditions.

Economic Growth, Urban Development, and Disaster Risk

During the past two decades or so, many Asian cities have experienced rapid growth and expansion, amid transitions in their socioeconomic systems and political ecologies. While continued economic growth and rising prosperity have led to poverty reduction, social inequality has widened within and across income groups/classes as well as compromised the integrity of ecological–environmental systems. Moreover, the local–national governments have collaborated with the private sector in mobilizing urban governance systems to implement intensive capitalist development projects which have led to the erosion of earlier social housing reform gains made by urban poor communities. Complicating the above social–economic–political challenges are the increasing climate risks and disasters, heightening in the process the failure of governance systems to address these issues. Environmental degradation and flooding disasters add another layer of complexity and difficulty to managing the uneven consequences of urban development and climate-related disasters for vulnerable and marginalized urban poor communities.

The World Trade Director General Pascal Lamy described the Asian region thus: 'Despite its rapid economic growth, Asia still remains the home to nearly a half of the world's poor. The region is facing numerous challenges, ranging from rising inequalities and disparities, limited natural resources, and vulnerability to climate change and risk of falling

into the "middle income trap", all of which have implications for the rest of the world' (Baldwin et al. 2015). Meanwhile, The Oxfam Report (Bernabe et al. 2015, p. 1) emphasized how income inequality increases the vulnerability of communities to natural disasters and climate change:

> Asia's high level of inequality leaves the majority of its people at great risk of death or injury, or loss of livelihood and home, in the event of a natural disaster. People in poverty often live in substandard housing or in dangerous locations, such as flood plains, riverbanks or steep slopes, and are less able to escape disaster zones. They are also less likely to have savings, insurance or other safeguards to help them recover from shocks. Rising inequality poses a dire threat to continued prosperity in Asia, where an estimated 500 million people remain trapped in extreme poverty, most of them women and girls. The huge gap between rich and poor hinders economic growth, undermines democratic institutions and can trigger conflict. A determined effort to combat discrimination, combined with improved policies on taxation and social spending, is needed now if the region is to secure a stable and prosperous future.

The above story of Asian cities is no different from that of Metro Manila, which has demonstrated an impressive economic growth during the past five years and a remarkable fight against poverty. This urban growth, however, has also led to a significant widening in the gap between the rich and the poor. This is largely seen in the growth of many high-end residential and commercial development projects alongside the proliferation of informal settlements, where most residents have no access to basic services and are highly exposed to disaster risks like floods, subsidence, and sea level rise (SLR). According to the Asian Development study (ADB 2015), 'this deepening divide can trigger social and political tensions and conflicts'. Moreover, the Oxfam Report cites that between 1980 and 2009, Asia accounted for nearly half of all natural disasters worldwide but in 2013 alone, disasters accounted for 85 percent of people killed in the region. Other climate change impacts such as increasing temperature and rising sea levels have increased the vulnerability of marginalized groups already suffering from hunger and poverty. Climate-related disasters like floods often push people further into poverty, deepening the inequalities in access to resources and basic services.

The Global Risks Report 2015 ranked the Philippines as the third highest country at risk of critical environmental, geopolitical, economic, societal, and technological changes. Like other Asian coastal megacities, Metro Manila's environmental risks include floods, subsidence, landslides, and coastal inundation brought about by sea level rise, and the increasing intensity and irregularity of typhoons and storms urges monsoon rains. The impacts of these hazards have heightened the environmental risks faced by the residents. As mentioned earlier, compounding the effects of these natural and human-induced risks are governance-related factors like deficits in urban planning regulations and fiscal reforms, infrastructure, and delivery of social services. Ironically, the government's efforts toward enhancing the economic and social security of its cities also pose contradictory challenges to the environmental security of informal settlements and the human security needs of its most vulnerable population, the urban poor (Porio 2014).

For the past six years, several flooding disasters (e.g., 2009 Ketsana floods in Metro Manila, 2011 Bangkok floods, 2013 Haiyan Superstorm in Central Philippines, to mention a few) have resulted in severe losses and damages to infrastructure, property, agriculture, and human lives. No doubt, the challenges of rehabilitation and recovery have been a major issue for all, but those below the poverty line and highly at risk to climate disasters suffer a great deal more. This chapter then highlights the contradictory consequences of increasing prosperity and inequality, climate-related disasters, and the impacts of these on the human security of urban poor communities in the metropolis. In particular, it focuses on the erosion of the social housing gains made by these communities in the previous two decades because of the increasing intensity of capitalist development and recurring flood disasters, exacerbating the contradictory impacts of prosperity and inequality on the poor.

Socioeconomic Performance, Poverty, and Inequality

The socioeconomic and political characteristics of the Philippines, in general, and the national capital region, Metro Manila, in particular, allow us to appreciate the dynamics of the erosion of social housing gains made by

the urban poor and the challenges they are facing under the current conditions of economic expansion and rising inequality. In the last 5–6 years, the Philippine economy has been experiencing high growth rates relative to its poor economic performance in the previous decade. In 2012, the country's gross domestic product (GDP) reached 6.6 percent and a year later further rose to 7.2 percent. In the fourth quarter of 2014, despite the losses incurred from super-typhoon Haiyan (local name *Yolanda*) and other killer typhoons and floods, the economy rebounded stronger than expected, recording a 6.9 percent GDP growth rate. Thus, the Philippine economy continues to soar, beating market expectations and the Aquino administration's own target, making it among Asia's best-performing economies. But despite the country's outstanding economic performance, the government's record of reducing the poverty incidence has been quite dismal.[1] Meanwhile, the International Food Policy Research Institute's 2014 Global Nutrition Report stated that 'the Philippines is not on track to meet any of the six World Health Assembly (WHA) nutrition targets by 2025' (Ordinario 2014, p. 1).

On the November 2015 Asia Pacific Economic Forum (APEC) web site, the World Bank's country director was quoted as telling President Aquino's economic planning ministers that '[t]he Philippines is no longer the sick man of East Asia, but a rising tiger'. But the same web site also quoted the country's former planning director, Cielito Habito, as saying that his 2011 data showed that the 40 richest families on the Forbes wealth list accounted for 76 percent of the country's GDP growth. He declared that this was the highest in Asia because when the Philippines was compared to Thailand, the latter's top 40 families only accounted for 33.7 percent of wealth growth, Malaysia's was 5.6 percent and Japan's was 2.8 percent (Philippine Daily Inquirer, March 3, 2013). According to Professor Habito, about 25 million people or a quarter of the population lived on US$1 a day or less in 2009. This has changed very little from the figures of a decade earlier according to the government's most recent

[1] In September 2011, President Aquino reported before the UN-MDG Summit that his government had reduced the poverty incidence of the Philippines from 31 percent to 28 percent. But six months before that meeting, the National Census and Statistical Board redefined what constituted the poverty food basket, by eliminating meat and oil from it, in effect reducing the amount of money needed to fulfill the poverty threshold.

data. Meanwhile, Loyzaga and Porio (2015) highlighted social inequality in the Philippines: the net worth of the top 20 Filipino families is about US$15.6 billion while 70 percent of the people subsist on less than US$2 per day. Thus, most of these economic gains in the past five years have mainly accrued at the top income group.

Within the context of poverty and inequality, I will examine the dynamics of democratization and decentralization of urban governance in the 1990s that allowed the housing and community development gains among urban poor communities. But, as argued earlier, these gains are now being eroded both by the intensification of capitalist development through public–private partnership schemes and the flooding disasters in Metro Manila over the years.

Metro Manila: Growth, Governance, and Disaster Risk

Metro Manila or the national capital region (NCR) has a population of 13.9 million (UN Habitat 2015) but supports a daytime population of 16–18 million people. In 2015, the extended metropolitan region (EMR) comprised over 25 million people and had a population density of 18,000 per square kilometer (Loyzaga and Porio 2015). Located in three flood basins, Metro Manila enjoys urban and economic primacy over other Philippine cities. Its population is 12 times that of the next largest cities of Cebu and Davao. While the metropolis accounts for 37 percent of the GDP of the country, it is also home to about half a million informal settler families (ISFs) (Porio 2012). The former secretary-general of the National Economic Development Authority, Cielito Habito, estimates that about 50–60 percent of the urban economy is informal. Meanwhile, the World Bank (2013) found that informal workers comprise about 75 percent of total employment of the Philippine economy. Thus, informal settlements proliferate in the urban landscape.

Metro Manila is comprised of 17 local governments; thus, its governance system is highly decentralized and fragmented into 16 cities and one municipality. Rapid urbanization and weak regulatory systems have exacerbated the problems of traffic congestion, inadequate basic social

services, and flooding. The Pasig-Marikina River System partly drains into the Manila Bay and the Laguna Lake, with no outlet, while an earthquake fault runs across the whole metropolitan area. Alongside the lack of appropriate planning and development frameworks for a rapidly expanding metropolis, these factors have intensified the disastrous impacts of flooding, especially for the urban poor communities.

Sociopolitical Reforms in Urban Governance, Civil Society, and Social Housing

The 1986 EDSA People Power in the Philippines spawned major political-economic reforms in urban governance, which allowed the lower social strata of society like the urban poor to gain access to social housing. The post–martial law period saw the decentralization of local governance and democratization of civil society engagements, leading to some urban poor communities obtaining access to housing, security of tenure, and delivery of basic services (Porio 1995; Karaos and Porio 2015). The creation of the Presidential Commission for the Urban Poor (PCUP) and the unveiling of a social housing program through the Community Mortgage Program (CMP) by President Cory Aquino in 1989 marked a clear departure from the previous decade where squatting in both public and private lands was a criminal act, punishable under Marcos' Presidential Decree No. 772.[2] In 1992, the Philippine Congress passed two landmark legislations, namely the Local Government Code and the Urban Development and Housing Act. This was capped with the 'Social Reform Agenda', which marked President Ramos' administration from 1992 to 1998. While these legislations, alongside the Social Reform Agenda, empowered local governments to plan and develop their cities, it also devolved huge responsibilities which the latter found hard to implement because of lack of financial resources and technical resources. These responsibilities include, among others, land use planning, delivery of basic services such as water, sanitation, and health, and the provision of housing and relocation for ISF. Meanwhile, civil society organizations

[2] Mobilization by the NGOs and CBOs led to the decriminalization of unauthorized occupation of lands through the enactment of Republic Act 8368 of 1997, repealing PD 772.

(CSOs), particularly urban poor housing associations (UPHAs), assumed greater roles in the acquisition of housing and land tenure for the poor, with support from nongovernmental organizations (NGOs) in mobilizing both public and private resources.

As mentioned earlier the decentralization of governance in the 1990s granted local governments a range of powers from fiscal functions to local development, but there were not many resources devolved from the central government to fulfill these functions. So local officials had to create incentives for the business sector to invest in the commercial and industrial development of their cities. Public–private partnership schemes, in partnership with multilateral institutions like the World Bank, then, became the solution for cash-strapped local government units (LGUs) to jumpstart the financing of large development projects in infrastructure, public utilities, and commercialization of neighborhoods. These partnerships with the private sector become high-priority programs of the government and were therefore exempt from the usual regulations while enjoying tax privileges and the like. Such large projects often run through lands or alongside communities comprising informal settlers and, thus, collide with the aspirations of the poor for security of tenure in their housing through the government's social housing programs. In the following section, I will highlight the coalition of interests among local officials and private sectoral actors that leads to the displacement of the poor people's aspirations for housing and security of tenure. Compounding these displacements are the negative impacts of climate-related hazards like typhoons and floods.

The 1990s neoliberal reforms in urban governance, particularly the promotion of social housing, made great strides in providing access to housing and basic services for the CMP urban poor beneficiaries. But the gains made by local governments and CSOs in regularizing informal settlements are currently threatened by the increasing capitalist development projects and the recurring flooding disasters in Metro Manila. I illustrate this by examining the social housing and community development gains made by urban poor organizations (UPOs) with support from partner NGOs through the CMP in the 1990s–2000s. The first case study highlights Marikina City's highly successful in-city relocation program while the second one describes an urban renewal program in Pansol, Quezon City. These two cities comprise two of Metro Manila's 17 cities and one

municipality. Let me diverge a bit by describing the context of Metro Manila, its urban environment, and governance context.

Democratization–Decentralization of Urban Governance and the Financing of Local Development

The 1990s wave of democratization and decentralization of urban governance ushered in fiscal reforms that empowered local governments to have more control of their economic and social development (Porio 2012). Through the Urban Development and Housing Act of 1992, the urban poor sector also had more space to claim housing and other basic social services. But these gains are being eroded today by the development strategies promoted by local governments in partnership with the private sector. Public–private partnerships have leased forces that have intensified the competition of land and housing resources both by the commercial sector and the marginalized groups.

Since the 1990s, the neoliberal economy has seen the emergence of a few large companies increasingly becoming dominant in real estate and urban development, in the process defining the landscapes of Metro Manila and other Philippine cities. This has occurred alongside the privatization of public services and the widening gap between the rich and the poor in terms of access to basic services, housing, employment, and other economic opportunities. In financing urban development in Asian cities, public–private partnerships have been promoted by multilateral institutions and by many national and local governments, with the private sector increasingly becoming dominant in financing infrastructure and public services hit by financial crises. The Philippine national government and local governments are no exception. Presumably to fast-track urban development, the public–private partnership mechanisms have been propagated by both the Arroyo and Aquino administrations through overseas development assistance loans to finance large infrastructures and commercial-industrial projects. Most of these projects are regulated by the Philippine Export Zone Authority (PEZA), often by-passing local planning development authorities, or at most consulting the latter who are expected to act as rubber stamps to the decisions made by the national agency. Or the

local government negotiates as many concessions to increase its own revenue base and to finance its own elections, which perpetuate their control over the local political economy. These schemes often provide long-term state guarantees for profits to the private sector partners.

The massive infusion of capital in large commercial and infrastructural projects often 'gentrifies' the area and the neighborhoods surrounding it. High-end commercial and residential areas often sprout along the 'development corridors'[3] of these projects, in the process exponentially increasing land prices and services, both for long-term residents and newcomers to the area. Thus, it intensifies competition for affordable land that would otherwise have been accessible for social housing for the poor. These so-called mega projects of the government are planned and implemented with overseas development assistance (i.e., loans) and multinational companies, without proper consultations with the residents who would be affected by these projects. For example, the light rail transit from Santolan, Marikina, to Recto, Manila, was constructed with loans from development agencies and their allied construction and engineering companies.[4] Many ISFs were displaced by the construction of the light railway system. This is just one example of the many large mega projects in Philippine cities that has displaced many urban poor residents. These large projects are central to the increasing evictions and displacement of communities living along these so-called development corridors.

Case Box 9.1 describes the urban renewal and gentrification of the Pansol Social Housing Site, located along the Katipunan Corridor in Quezon City. A beneficiary of the CMP in the 1990s, the community is located next door to the large commercial and retail center, developed under a public–private partnership between the local government, the state university landowner, and the Alran Corporation.[5] This large project led to the second wave of gentrification of this nearby social housing site.

[3] Development corridors according to the National Economic Development Authority (NEDA) is a response to the call for an innovative strategy for spatial development to support the goal of inclusive growth of the Philippine government (NEDA 2015).

[4] For example, the Japan Bank for International Cooperation (JBIC) provided loans to the Philippine government but built in partnership with Japanese construction and engineering companies.

[5] For privacy, I chose to disguise the name of the company.

Case Box 9.1. Urban Renewal and Gentrification of the Pansol Social Housing Site in Quezon City, Metro Manila

The community of Pansol used to be a government property, belonging to the Metro Manila Waterworks and Sewerage Agency (NAWASA), and occupied informally by the families of former employees and contractual service workers of the company. In the 1970s–1980s, they organized themselves into the Pansol Residents and Housing Association (PRHA). Through decades of community organizing the urban poor members of PRHA were able to acquire their home lot in 1992 through government's social housing program, the Community Mortgage Program. At that time, the cost of the land was at a subsidized rate of P250 per square meter (see Table 9.1). But not all beneficiaries could afford the monthly payments. About one-third of the association members sold out their housing rights to better-off outsiders: lower-middle-class salaried employees or overseas Filipino workers (OFWs) working abroad as engineers, technicians, or domestic helpers.

This selling of rights kicked off the first wave of gentrification of the social housing community, when the original urban poor beneficiaries were replaced by buyers who had higher incomes, who started renovating and improving their properties for lease or rental spaces. This process represented a leakage of the benefits of the social housing program to undeserving beneficiaries.

Since the social housing site was located near public and private universities, colleges, and high-end gated communities, the demand for rental spaces for students, employees, and informal sector workers was quite high. This gentrification process got intensified when the nearby area was developed through a public–private partnership scheme. In 2012, the Alran Corporation, a major corporation listed in the Philippine Stock Exchange, entered into a development partnership with the state university, which owned the land and the local government of Quezon City. PEZA facilitated the public–private partnership arrangement with the corporation, the state university, and the local government of Quezon City in developing the huge commercial and service centers for business process outsourcing (BPO) companies in what was previously a government school site. Several student demonstrations opposing the project resulted only in the arrest of its leaders and did not stop the development project. The competition for economic development among local governments is in part responsible for the latter giving attractive tax breaks and other incentives to the private sector.

Often these large projects do not undergo the usual community consultation process and hearing. The public–private partnership is a major strategy utilized by national-local government agencies in mobilizing capital for local investment and development in infrastructure (e.g., roads and bridges), utilities (e.g., privatization of water and energy), and mining explorations, to mention the most common ones.

Table 9.1 Land prices and associated processes in Pansol Social Housing Site (1992–2015)

Year	Key events/processes	Price of land in P/sq.m.
1980s–1990s	Mobilization of urban poor groups despite Martial law	100–200
1986	EDSA I (People Power Revolution); Dismantling of martial law	150–220
1992	Local Government Code granted local autonomy; Decentralization of functions/powers to local government	220–250
1992–2000	Pansol Housing Association granted right to buy land under the Community Mortgage Program (CMP). The regularization led to the displacement of the poorest of the poor who could not afford the monthly amortization fees, generating the first wave of gentrification in the community	250
2004	Assessment of Pansol CMP Program showed that about one-third of original beneficiaries sold out their housing rights to middle-class salaried employees, overseas Filipino workers, small retail store owners, or rental property owners who renovated their houses to 3–5 stories for students and low-income workers	5000–8000
2010–2015	Through a public–private scheme, a portion of the nearby property of the state university was leased to a major real estate developer, who turned it into a commercial mall with restaurants and building spaces for business process outsourcing (BPO) companies Meanwhile, some of the original beneficiaries sold out their houses (prices ranging from P4–5 million) and moved to the outskirts of the metropolis like Antipolo, Bulacan, Cavite, and so on. Rental prices also increased from P2000/room to P4000–6000/room making it unaffordable for low-income renters and students, forcing them to find rental spaces in faraway places and increasing their transport costs[a]	15,000–25,000

[a]I am grateful to Malou Abejar, a colleague and resident of the place for collecting the land price and rental data (2010–2015). For earlier periods, refer to Porio and Crisol (2004)

The immediate impact of these huge development projects on the area is the escalation of land prices, fueled by the competition among different real estate developers and business companies. Land prices, then, become unaffordable for low-income groups, thus heightening the housing shortage for this sector. As shown in Table 9.1, land prices have increased a thousandfold since the social housing reform occurred in Pansol in 1992. A rapid gentrification is occurring with the original residents moving out to distant areas and the displacement of low-income renters by those working in the nearby BPOs and commercial centers.

The decentralization of land use planning and development has also resulted in compromises for local governments and the poor. The local government often failed to control and balance land use planning and the development of the cities and neighborhoods, especially those with high percentage of informal settlers like Quezon City. But local autonomy allowed local governments to build public–private partnership schemes that demanded re-zoning or conversion of residential, educational, and public areas for commercial use. When deemed a priority project of the government, it would often not be subjected to the usual regulations. This is what happened in the Pansol Social Housing Site, which is located adjacent to the public–private partnership development of a major commercial center along the Katipunan corridor in Quezon City, Metro Manila. The timeline below shows that while the CMP allowed security of tenure for the poor, it also displaced those in the bottom segment of the urban population.

Meanwhile, the informal settlers who had relocated along the banks of the Marikina-Pasig River Flood Basin started gaining security of housing tenure in the late 1990s. Because these lands were not highly desirable as residential places, these were the remaining areas available for relocation in the early 2000s when the Marikina local government was trying its best to make in-city relocation really work. In fact, the city got an excellence award in local governance for such an achievement. Ironically the 2009 Ketsana (local name *Ondoy*) floods devastated these relocation sites but the residents had no choice but to rebuild only to be subjected to flooding from typhoons (about ten) that regularly visit the metropolis during the monsoon season.

Case Box 9.2. A Local Government's Highly Successful In-City Relocation Eroded by Flood Disasters and Increased Commercial Development

In the mid-2000s, the local government unit (LGU) of Marikina City, Metro Manila, was recognized as having the most successful in-city relocation program—in partnership with landowners, urban poor organizations (UPOs), and the national governments' Community Mortgage Program (CMP).

Under the leadership of Mayor Bayani Fernando from 1992 to 2001, the local government unit (LGU) of Marikina City embarked on a bold urban development plan that included the in-city relocation program of its ISFs.

Through partnerships with the private sector, civil society and the national government, it was able to relocate all of its informal settlers within their city, unlike other LGUs who would 'throw' them to distant relocation sites outside the metropolis. This was possible because the 1992 Local Government Code empowered local governments to plan and develop the city according to the development needs of its population, especially those in informal settlements. Through its land use and development programs, it tackled the proliferation of informal settlements by implementing the provisions of the 1992 Urban Development and Housing Act.

In 1996, when Marikina became a chartered city, it massively relocated informal settlers along the riverine communities of Tumana, Nangka, and Malanday, among others. It also developed and restored the degraded riverbanks through the 'Save the Marikina River' program. By 2006, it had successfully relocated 30,000 ISFs, leading the Marikina City Settlement Office to get a national award for excellence in local governance from the Department of Interior and Local Government and the Galing Pook Foundation (2006) for this successful in-city relocation program. This was a feat that could hardly be duplicated by other local governments who always relocated their so-called squatter population outside the city, far from their livelihood, employment, and basic services. The CMP allowed urban poor households to acquire land at affordable price (P250–300 per square meter or about US$6–10 at that time).

But the 2009 Ketsana floods, which inundated three-fourths of the city's land area, devastated the city's gains in social housing and the development of urban poor communities along the Marikina-Pasig River System. The resettled families along the river suffered badly, incurring great losses and damages as floodwaters rose to their ceiling and filled their houses with mud.

Since then, several flooding disasters have hit the city and the whole metropolis (e.g., 2012–2014 *Habagat* or monsoon floods, 2015 Super Typhoon Koppu/Lando floods), repeatedly flooding the relocated urban poor families along the riverlines. The severe devastation among the riverline's urban poor communities highlights how social housing reform gains in the early 1990s–2000s have been highly eroded by climate disasters and

the intense economic development of the city and the surrounding upland areas. The in-city relocation program of Marikina City also illustrates the benefits of decentralized and democratized governance through social housing provision for the poor. But by late 2009 onward, these gains got whittled down both by flooding and the escalation of commercial development along the riverbanks of the Marikina River. The rapid expansion of economic development activities has intensified the costs of land and rental along the riverbanks.

This case also illustrates that degraded and flood-prone lands along the river which should not be developed for habitation were the only ones available for resettlement of urban poor households. Yet, despite these flooding disasters, the price of land is rapidly going up. Currently, the land in this flood-prone area is pegged at P4000–5000 per square meter (about US$80–100) or about 10 times more than the price of land when residents first acquired it through the national social housing program. Those who have defaulted on their monthly amortization payments have sold out their housing rights to better-off in-migrants. In part, the escalation of land prices along this flood zone is the result of intensified commercial development promoted by the Marikina local government down the lower part of the Marikina River. The latter includes the Riverbank Mall, SM Department Store, and other commercial-industrial development in this area, which is at high risk of flooding. The decentralization strongly pushed LGUs to raise their revenues by crafting their own development plans and attracting businesses and other urban development projects through tax incentives and privileges for the private sector.

The above experience shows the intended and unintended consequences of democratization and decentralization of urban governance. While the neoliberal reforms increased the urban poor's access to housing and basic services, the increased development of the river banks also increased the disaster risk faced by resettled urban poor families and middle-/upper-income-class residents.

The above case study highlights how urban governance reforms provided spaces for the urban poor to claim social housing benefits, with the support of civil society organizations and several local and national government agencies. But the decentralization of governance also increased the pressure on local governments to mobilize resources for financing local development. To attract business and other large development projects, it must offer incentives and privileges to the private sector, including access to choice properties, to the detriment of the claims of the poor for suit-

able residential land. Meanwhile, intensive commercial and real estate development displaced the urban poor from their communities. Coupled with the recurring flooding disasters, the intensive urban development as exemplified by large commercial and infrastructural projects has widened the gap between rich and poor families as well as ensured persistence of poverty.

Reflections and Concluding Comments

During the past decade or so, Asian cities have undergone rapid economic expansion and growth. Alongside seemingly prosperous spaces, however, are also 'brown spaces' or settlements of the poor which have inadequate access to employment, livelihood, services, and other basic necessities. In response, local and national governments have attempted to implement resettlement and social housing schemes for the poor. But these resettlement or upgraded sites, especially those in the earlier decades, have now become sites of investments by the better-off segments of the larger population, displacing those in the bottom segment of the original beneficiaries of the program. So the latter, joined by new migrants from the rural areas, have again to look for affordable space (i.e., not suitable for habitation) in the urban peripheries. And the cycle continues. In this light, it is understandable why despite the growth and expansion of our cities, the Asia-Pacific region houses 60 percent of the world's slum population.

Metro Manila clearly illustrates the above processes experienced by other cities in the region. While the earlier governance reforms allowed local governments to provide increased access to housing and basic services for the urban poor, these gains are threatened by the rapid growth and expansion of commercial and infrastructural development in their midst. It illustrates that community development gains generated by the pro-democratic movements of civil society and UPOs in partnership with local governments are being eroded by large capitalist development initiatives with the private sector. In retrospect, the gains of participatory and decentralized governance in social housing for the poor have been overtaken by the rapid increases in the cost of urban land and housing due to the large real estate, and commercial and infrastructural

development projects promoted by both local and national governments. In the process, unequal access to housing and basic services has widened and ensured that the unequal structures of power remain strongly entrenched. The gains of the urban poor from the governance reforms in the 1990s–2000s as a result of the democratization of socio-political life and the decentralization of local governance continues to be eroded by the impacts of intense capitalist development projects and climate-related disasters. The complexity of these challenges calls for innovative solutions toward inclusive growth and prosperity for the majority, especially those in the coastal cities in the Philippines and the Asia-Pacific region. Over the years, these economies have been hit by the impacts of climate change and natural disasters amid challenges of government legitimacy, accountability, and allegations of corruption. Thus, the challenges for the political and economic institutions to deliver the social goods more equitably is higher than ever.

To conclude, our cities today are faced with huge challenges ranging from the contradictions of urban growth and rising inequality, climate disasters, and loss of trust in our governance institutions to the global crisis emanating from war, drought, famine, displacement, and massive migration. With its origins and impacts seemingly having seamless boundaries, these fundamental issues appear insurmountable for our nation-state's politically and territorially bounded governance systems. Citizen mobilizations have pressured governments and the ruling elites for meaningful reforms but these have not been forthcoming. For our institutions and governance systems to reclaim the trust of the citizen or constituencies, the former must respond and demonstrate effectively with solutions that work for the majority of the population, especially those from the most vulnerable sectors (i.e., the poor, the elderly, street children, and the marginalized) of society.

List of Acronyms

CBO	Community-Based Organization
CMP	Community Mortgage Program

CSO	Civil society organization
FBO	Faith-Based Organization
GPF	Galing Pook Foundation, Inc.
ISF	Informal settler family
JBIC	Japan Bank for International Cooperation
LGA-DILG	Local Government Academy, Department of Interior and Local Government
LGC	Local Government Code of 1992
LGU	Local Government Unit
MMDA	Metro Manila Development Authority
NGO	Nongovernment organization
PCUP	Presidential Commission for the Urban Poor
PD	772 Presidential Decree Criminalizing Squatting or Unauthorized Occupation by the Landowner, issued in 1975 by President Marcos
RA	8368 Republic Act 8368 decriminalized squatting in 1997
UDHA	Urban Development and Housing Act of 1992
UN SDGs	United Nations' Sustainable Development Goals for 2030
UPHA	Urban Poor Housing Association
UPO	Urban Poor Organization

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10

The Triangular Relations of Society–State–Market: Social Problems in Indonesian Society in the Context of Globalization

Francisia SSE Seda

Introduction: The Society–State–Market Triangle

Relations between society and the State have often been discussed in scholarly and popular writings. In general, however, the relations being analyzed tend to focus on the political, not sociological, aspect. This chapter will discuss relations between society and the State in the context of a reflection on the challenges of Indonesian society and Pancasila,[1] using a sociological approach.

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[1] Pancasila (or 'Five Principles') is the official ideology of the Indonesian state as laid down in the Constitution. The principles are nationalism, humanism, council, social well-being, and acknowledgment of a divine principle.

Parts of this chapter have been presented in The XVIII International Sociological Association (ISA) World Congress, 12–20 July 2014 in Yokohama, Japan, and in The Studium Generale to open the 2013–14 Academic Year, Faculty of Theology, Sanata Dharma University, Yogyakarta, 19 August 2013.

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Sociologically, the State is defined as an institution with the authority and legal legitimacy to wield various policies that collectively bind all elements of society, for the greater good of all (Gotham 2000). The market is defined as a social phenomenon influenced by social relations and status competition. Thus, along with other business organizations and economic phenomena, the market is always embedded within society, and not outside the social structure (Granovetter 1985). The concept of social embeddedness is a key concept in the sociological understanding of the market, business organizations and other economic phenomena.

In this chapter, some of the challenges faced by Indonesian society will be discussed, paying attention to the relevance of these issues to the ideology of Pancasila. Indonesian society today faces many social challenges. This chapter will focus on two of those in particular: cultural nationalism and environmental destruction.

Before discussing the challenges of Indonesian society in the context of the triangular relations between the State, society and the market (Martinussen 1997) as a conceptual tool of analysis, there is one important point to note. This refers to the relations between the nation and the State; more precisely, nationalism in the push–pull context of globalization versus decentralization. Discussion regarding nationalism and the nation-state in the context of globalization is a discourse faced by various countries. Similarly, a discourse on decentralization, or in the Indonesian context, on regional autonomy, is also a specific challenge for nation-states, especially those with a high level of diversity and heterogeneity.

Conceptual Issues: Nationalism and the Nation-State in the Context of the Society–State–Market Triangle

Conceptually, nationalism and the nation-state are recent theoretical constructs, developed a few centuries ago, in line with the growth and development of the nation-state in the modern era (Balibar and Wallerstein 1991). In developing countries such as Indonesia, the concepts of nationalism and the nation-state have been in evidence since the early twentieth century, marked by the establishment of various movements whose

purpose was to gain independence from Dutch colonialism (Kartodiharjo and Jhamtani 2006).

The scientific constructs of nationalism and nation-state are oriented toward the role of the State. The State as structure, and the State as sociological actor, dominates much of the scholarly discourse about public life, and not just in Indonesia (Scott 1998). Conceptual and theoretical debates still assume that the State is the main anchor of community life. One of the conceptual contributions of Benedict R. O'G. Anderson (1991) is that nationalism and the nation-state are viewed as imagined communities, and not as imagined states. Anderson and Scott are just some of the scholars reviewing nationalism and the nation-state not from the State perspective, but instead from the community perspective.

The process of globalization and parallel decentralization (regional autonomy) causes conceptual problems for nationalism and the nation-state, as globalization is more oriented toward the market, while decentralization is directed toward the community. At a practical level, the role of the State is no longer politically, economically and socially dominant as it was in the last two centuries. The market, at the global and community levels, begins to challenge the role and authority of the nation-state.

When the idea of Indonesian nationalism begins to cause anxiety as in the present, this results in its continued association with the nation-state, in which the role of the State is dominant. Nationalism is not associated with the market, nor with the community, as it is assumed that nationalism is only possible in the context of the nation-state, not the other two. The strengthening of the role of the market and community in political, economical and social aspects, which balances, or even exceeds, the authority of the state is regarded as a threat to nationalism.

With increasing globalization and decentralization, societies as such do not necessarily become weaker; what happens is that in the triangle of the nation-state, market and community, the market and the community begin to offset the power of the state, marked by the process of globalization and regional autonomy, respectively.

The conceptual problem is that while nationalism is always associated with the nation-state, the balance of power in the triangular relationship between the nation-state, the market and the community is perceived as a *threat* to the existence of nationalism. A conceptual question to be asked

is whether nationalism should always be associated with the nation-state. If the answer is yes, then this would be a justified anxiety, as globalization and regional autonomy have started to balance the strength of the nation-state. If the answer is no, another question is whether there is such a thing as market nationalism or community nationalism. It also has to be asked whether beyond *market independence* that is not bordered by national boundaries, there are also *local autonomous communities* that are similarly unbridled by national borders. In other words, there is a push–pull struggle between the market on the global level and communities on the local level, which is not being moderated at the level of the nation-state. The relevance of the concept of nation-state becomes progressively diminished. And as long as nationalism is associated *exclusively* with the nation-state, it can be considered increasingly obsolete.

Nation-State Nationalism and the Struggle between Global Market and Local Community

The process of globalization has steadily strengthened the market at a global level, which, according to Anthony Giddens (1999), is perceived to have surpassed time and space boundaries. The development of science and technology has made this type of globalization possible. This has broad political, economic and social implications. In the context of nationalism and the nation-state, market-powered globalization is met with the increased strengthening of the independence of local communities (regional autonomy; Aspinall and Fealy 2003). Both globalization and regional autonomy are opposed to each other, and the nation-state and nationalism are increasingly perceived as being irrelevant at present. This anxiety is felt by many in Indonesia. It is as if the nation-state and its nationalism are being threatened by the market, through globalization, and the local community, by regional autonomy.

Observing it from the perspective of Benedict Anderson (1991), what is occurring is that communities are imagined *not* in the context of the nation-state, but instead in the context of a relationship between local communities and the global market. An individual farmer in West Flores no longer imagines himself as a member of the Indonesian nation-state,

but as a member of the local Manggarai community struggling for its existence amid the fierce storm of globalization. At the same time, an entrepreneur producing woven textile in the same location no longer imagines himself or herself as a member of the Indonesian nation-state, but as a part of the global scene in which his or her Manggarai weave can be traded on the global market. Both persons are located on Indonesian territory, but they imagine themselves as members of either the local community or the global market, and not as citizens of the nation of Indonesia. The question is what the nation-state and nationalism mean for the farmer and entrepreneur in Manggarai, West Flores, now.

The most accessible faces of the nation-state in the experience of the farmer and entrepreneur in Manggarai, West Flores, are local government officials of the Manggarai regency. The farmer has to plant and cultivate crops in accordance with local government regulations. These regulations arose in relation to land conflicts over coffee plantations several years ago. An entrepreneur has to obtain business permits and follow trade regulations set by the regency. Often for these people, the face of the nation-state at the local level, namely the government apparatus, becomes a problem. This makes them question even more the meaning and benefit of the nation-state and Indonesian nationalism in their daily lives.

The nation-state and nationalism are historical constructs created and developed during a certain historical period in the modern era. For developing countries such as Indonesia, the nation-state and nationalism are closely related to the experience of colonialism. The struggles during the National Revival and Independence Revolution have given birth to a nationalism associated with the nation-state of Indonesia.

At present, the market, aided by the process of globalization on the global level, and the community, assisted by regional autonomy at the local level, are locked in opposition, with no visible mediation by the nation-state, despite its residual importance. As long as nationalism is *exclusive* to the nation-state, globalization and regional autonomy will always be felt as *threats*.

A well-known current saying is to ‘think global [and] act local’. A growing number of individuals, including Indonesian nationals, interpret and imagine the ‘local’ as the local community, instead of the Indonesian

nation-state as community. Changes in the interpretation and imagination, in this respect, are both a challenge and an opportunity for the future.

Cultural Ties, Indonesian Nationalism and 'Cultural Resilience'

On the subject of cultural ties, Indonesian nationalism and 'cultural resilience' reflect the assumption about the relationship between nationalism and the nation-state. This assumption is the necessity of 'cultural resilience' to sustain Indonesian nationalism (i.e., nationalism of the Indonesian nation-state). In the context of the opposition to globalization and decentralization/regional autonomy, several aspects need to be questioned.

The first question is what is meant by cultural ties? Apparently it is associated with the nation-state in the context of Indonesian nationalism. Secondly, what is meant by 'cultural resilience'? There is a strong indication that there is an implicit understanding of *cultural containment*, meaning that the 'authenticity' of Indonesian culture needs to be preserved to preserve Indonesian nationalism. Socially and sociologically, it is difficult to study 'authenticity' and 'cultural resilience' of a nation-state, as historically and empirically culture is not something that remains static and rigid, in any context. Cultures have always been hybrids, and fluid by nature, especially when observed as elements of communities, not as nation-states. Thirdly, sociologically, discussions of culture tend to be associated with societies, not with nation-states.

These questions make it sociologically difficult and irrelevant to discuss Indonesian nationalism in association with cultural ties and cultural resilience. Also, in the context of the opposition between globalization and decentralization, it is more relevant and significant to study and discuss the cultural aspects of society at the global level, and the local level at the same time, and how the dynamics of the process result in a new fluidity and hybridity. A dynamic culture is a positive element for social change. A question to be asked is whether cultural traditions should be abandoned. The answer lies in the choice of the society itself, both individually and collectively. There is an option to preserve cultural traditions, or otherwise, and also the option to choose which cultural traditions should be preserved.

Critically, further questions could be asked regarding the extent to which the state and the market each play roles in influencing the need for the preservation of cultural traditions and the selection of which traditions are to be preserved. Cultural traditions can be intervened in either by the state or the market. The question is which actor and whose interests are represented, in order to stimulate state or market intervention. In fact, a similar question can be asked about society. Power relations are always present in the context of triangular relations between the state, the market and society. This continues to be a conceptual and empirical issue in the analysis of cultural ties, Indonesian nationalism and cultural resilience from a sociological perspective.

One of the many challenges faced by Indonesian society, to which I will turn to next, is environmental destruction.

Environmental Damage

Environmental degradation is another challenge faced by Indonesian society today that can be interpreted within the triangle of State, market and society. While a significant part of this challenge is faced on a global level, its effects are also felt on a local level. The nation-state is not capable of dealing with the problem on either of these two levels.

One of the effects of environmental damage in Indonesia today is the challenge posed in the form of climate change. Climate change refers to the general warming of the earth's surface due to increased concentrations of greenhouse gases in the atmosphere. At present, the concentration of CO_2 (the most common greenhouse gas in the atmosphere) has increased to about 380 ppm (Sari 2010). This increase is mostly caused by human activity (anthropogenic), involving the use of fossil fuels (Murdiyarso 2010).

There are two ways to respond to climate change (Hadad 2010):

1. Mitigation: preventing, stopping, decreasing, or limiting the emission of exhaust gases and atmosphere-polluting gases. The goal of mitigation is to stabilize the concentration of greenhouse gases in the Earth's atmosphere. Mitigation could be in the form of:

Reducing the use of energy resources resulting in CO_2 emissions caused by the burning of petroleum, coal and natural gases for various development activities or by increasing natural systems to absorb carbon (carbon sinks) such as forests or oceans.

2. Adaptation: adapting to the impacts of the change, by identifying and mapping locations and community groups vulnerable to the impacts of climate change. Adaptation is the main priority agenda for developing countries such as Indonesia. In the context of adapting to climate change impacts, sustainable development needs to be integrated. There are four elements of adaptation:

    - Estimating and mapping social and environmental vulnerabilities
    - Increasing societal awareness and resources
    - Reforming public policy and developing the capacity of public institutions
    - Implementing development with a low-carbon economic system and development strategy

Sustainable development is defined as development that meets the various needs of the present generation without compromising the ability of future generations to meet theirs.[2] Its implication is that there is a need for integrated decision-making so as to balance the various economic and social needs of the society with the regenerative capacity of the environment.

There are three dimensions of sustainable development: economic, environmental and social (Rogers et al. 2008). The three dimensions are often termed the *triple bottom line*, which needs to be applied in a balanced manner for a sustainable development program. The social dimension of sustainable development has a specific main focus to maintain the stability of the social system and the cultural system. There are ten social dimensions of sustainable development: poverty reduction, participatory development, deliberative process, NGOs, gender and development, involuntary resettlement, indigenous societies, social exclusion, social analysis and various indicators of social development (ibid.).

[2] World Commission on Environment and Development, 1987.

However, there are a series of criticisms of the concept of sustainable development:

- Continues to use a developmentalist paradigm of development
- Has not paid attention to the root causes of the relations between economic growth, social injustice and environmental problems (including climate change), namely the problem of structural inequality
- Continues to use an approach oriented toward the state and government bureaucracy
- Continues to use a positivist method of measurement and places more emphasis on the output rather than the process
- Continues to use a developmental approach that is ahistorical, linear, out of context and insensitive to the diversity of local communities

An alternative approach is more local and contextual, identifying and mapping the most vulnerable groups to the impact of climate change (Sajise et al. 2010). It gives emphasis on various local geographic and socio-demographic conditions, and on agricultural and natural biodiversity. The alternative approach identifies and documents various local genii (formal and informal) and uses the system analysis approach.

Based on empirical data from various studies of the SEARCA (Southeast Asian Regional Center for Graduate Study and Research in Agriculture) in the Philippines (2007), several challenges have been identified as follows:

- Gaps in the level of knowledge between local and international communities on the impact of climate change
- Difference in perspective on the survival of local communities in facing the impact of climate change
- The need to integrate various basic and survival needs from various local communities and societies in facing the impact of climate change in the context of environmental protection
- The need to identify and sustainably implement various coping mechanisms of local communities in facing climate change

The need of a clearer perspective and more accurate analysis of climate change, decreased biodiversity and poverty, specifically in relation to local communities

The following case study from Indonesia illustrates the relation between biofuels derived from palm oil, climate change and forests (Murdiyarso and Kanninen 2008):

- The potential role of biofuels as alternative source of energy to fossil fuels
- Increased global demand for palm oil and the impact on increased deforestation in Indonesia
- Palm oil as source of biofuel
- The market demand in Europe for palm oil has increased by 1.5 million tons
- In the supply context, more than 80 % of palm oil is produced by Malaysia and Indonesia
- In Indonesia, at the end of the 1990s, the business sector demanded to develop almost 16 million hectares of oil palm plantations
- Malaysia and Indonesia have reserved 40 % of their palm oil exports for biofuel
- Indonesia is constructing and expanding 11 palm oil refineries
- Indonesia expects to gain USD 1.3 billion from biofuel exports
- Since 2006, 10 % of domestic diesel fuel in Indonesia has been biogeneous

Is the substitution of fossil fuels with biofuels, at the expense of tropical forests, the most appropriate and effective way to respond to the impact of climate change?

- There is a need for a strong political will and appropriate development policies from the Indonesian government: both national and local
- More stringent application of standards and certification
- More serious attempts to eradicate corruption
- Need for empowerment of local communities as a balancing and controlling mechanism

The problem of environmental degradation needs to be faced with an alternative approach. The question that needs to be answered is the extent to which Indonesian society can actively participate in responding and solving problems that are related directly or indirectly to the various challenges being faced by the Southeast Asian, including Indonesian, societies.

Conclusion: What About Pancasila?

A significant and relevant question to pose is what about Pancasila, the Indonesian state ideology? A sociological problem is that Pancasila, due to its status as the state ideology, has yet to be socially embedded in the Indonesian society. One of the causal factors of this is the method of socialization, employed by the government, which used to be indoctrinatory, even repressive, especially during the New Order era (1967–98). However, one doubts whether such a socialization method is the sole cause for the lack of embeddedness of Pancasila in the minds of the Indonesian people.

Another factor is that Pancasila, being included in the preamble of the 1945 Constitution, is closely related to the concept of the Unitary State of Indonesia. A number of communities in Indonesia do not fully accept the unitary state concept as the final format of statehood. For these communities, it follows that Pancasila, the state ideology, is also questioned. As long as the mainstream idea of the Unitary State of Indonesia continues to be doubted, the legitimacy of Pancasila is also similarly questioned.

Pancasila is more of a 'mantra' for decision makers, especially political elites in the country, rather than cultural and social values and norms, which are embedded in the Indonesian society. The question is how Pancasila could be turned from a state ideology into something that is truly embedded in Indonesian society.

This challenge is something Indonesian society itself needs to consider. Especially due to the fact that Pancasila is yet to be embedded, Indonesian society needs to question how to respond to the issue in the context of the opposition between market globalization and decentralization of local

communities, in which the role of the nation-state is decreasing. As the role of the nation-state diminishes, so does the importance of Pancasila. This can change when Pancasila is no longer limited to being merely the state ideology, but has become the social and cultural values and norms that are embedded in the Indonesian society. In other words, a sociological question to be posed is how Indonesian society can play a role in changing Pancasila from a state ideology into social and cultural capitals of Indonesian society, in which trust is an instrumental element. This poses both a challenge and an opportunity that must be addressed by Indonesian society.

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Part III

Focus on Thailand

11

Thailand's Political Crisis: The Perplexities of Democracy and Society

Chantana Banpasirichote Wungaeo

The Background[1]

The protracted political crisis in Thailand from 2006 onward has become an astonishing phenomenon among Southeast Asian countries. To many political analysts, the experience of Thailand goes against the regional trend of peaceful conflict resolution (e.g., Aceh in Indonesia, Mindanao

[1] Much has been written about the chronology of the Thai political crisis. For an interesting interactive infographic for 2006–10, see Eamoraphan and Pimkanchanapong. The political situation after 2010 is presented in Table 11.2.

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in the Philippines, and Myanmar's recent political reform). Thailand was once at the forefront of democratic transformations, and a positive example of ethno-political conflict containment in regard to the southern border provinces during the 1990s, and the settlement of a partial civil war over communism in the early 1980s. However, the country's image has been turned upside down, and now its growth rate ranks at the bottom of the region. In less than ten years, there have been two military coups, seven governments (including two military juntas), extreme political activism and violence, thousands of injuries, and hundreds of lives lost.[2] During 2008–09, political protests by rival camps blocked public spaces for lengthy periods at Government House, in front of the parliament building, at the international airport, at the ASEAN Summit Venue in Pattaya, and on the main shopping streets around Rajaprasong Intersection. In the year 2010 alone, political turmoil saw a major shopping arcade in the center of Bangkok go up in flames, several provincial offices burned down, and unprecedented car bombs and grenades detonated in the middle of crowds. In 2014, protesters' actions (including building encampments) in the 'Bangkok Shutdown' caused sporadic blockages in several areas around the city.

This last decade stands out for its high level of political intensity among both the masses and the state. Unlike the October 1976 incident, when society was divided into left and right wings (the people vs. the state), the current political crisis is basically characterized by extreme polarization, first between groups supporting and opposing former populist Prime Minister Thaksin Shinawatra (2001–06) and, subsequently, between groups supporting and opposing the coup d'état. The two most prominent factions are known as the United Front for Democracy Against Dictatorship (UDD), in existence since 2006, and the People's Alliance for Democracy (PAD), established in 2005 and seemingly reincarnated as the People's Democratic Reform Committee (PDRC) in 2013. These two

[2] Information on human casualties of political violence in 2010 can be found at People's Information Center http://www.pic2010.org/death-footnote/and the official report of the Truth for Reconciliation Commission of Thailand http://www.slideshare.net/FishFly/2553-2554-14315242. Other recent information on political and security-related court cases and cases of Article 112 of the Criminal Code concerning lèse majesté can be found at the Freedom of Expression Documentation Center ILaw http://freedom.ilaw.or.th/#.

mass movements are aligned with rival political parties: UDD with *Pheua Thai* (established in 2007)[3] and PAD with the Democrats (established in 1946). Discourse and color-coded identities were introduced and have subsequently deepened the divide. PAD used the color yellow to identify itself with royalist ideology when it called for the King's intervention, and UDD used red to signify its spirit of rebellion and democracy. It is no exaggeration to state that in this political crisis, the masses were driven by the logic of political party contestation. From the previous military coup in 2006 until the latest one in 2014, Thai society has been divided on the basis of personalized politics and cleavages. Reasons beyond that, from a conflict-resolution point of view, are arguable.

On May 22, 2014, the Thai military took complete control of the country in a coup, claiming to respond to people's demands for crisis intervention and reform. The military has vowed to push forward with total reform. At present, the government, under the leadership of coup leader General Prayuth Chan-ocha, is taking a path seen as leading Thailand back to semi-democracy by suppressing freedom of speech and public assembly, as well as exercising extreme measures against those accused of committing acts of lèse majesté. The ruling junta intends to stop political rivalry and restore order through martial law and imposition of the 2014 Interim Constitution, which contains Section 44, granting the junta chief absolute power. The interruption of normal democratic processes by the coup is viewed as being part of the struggle between rival political factions as well, particularly by the red camp. The military government has propagated a three-step road map, ostensibly leading back to civilian rule[4]: maintenance of order by the National Council for Peace and Order (NCPO) while moving toward reconciliation, preparation for reform along with a new constitution, and general election. While political activities have been banned, the NCPO has set

[3] *Pheua Thai* is a new party, but its members more or less moved from *Palang Prachachon* (2007–08) and *Thai Rak Thai* (1995–2006) after these two parties were banned by rulings of the Constitutional Court in 2006 and 2007, respectively.

[4] For more information, see สาส์นจาก พลเอก ประยุทธ จันโอชา หัวหน้า คณะรักษาความสงบแห่งชาติ [Message from General Prayuth Chan-ocha, the Leader of the National Peace and Order Maintenance Committee] http://ict.prd.go.th/ewt/region8/download/article/article_20140916104831.pdf accessed October 20, 2015.

up the National Legislative Assembly, National Reform Council, and Constitution Drafting Committee.[5] The National Legislative Assembly named the coup leader as the prime minister. The general election has been postponed due to the National Legislative Assembly's rejection of the draft constitution, which forced the constitutional drafting process to start once again from the very beginning. Observers generally remain skeptical and speculate that the military government may remain in power for quite a while longer.

In summary, the current crisis has certain features that distinguish it from past political conflicts and deserve greater attention: (1) polarization has made political partisanship a dominant trend, and nonpartisans have so far had no space; (2) previously vertical conflict between the repressive state and the masses has now become horizontal, with society split across social sectors and families divided; (3) mass movements have converged with and become driven by the logic of political contestation between political parties; (4) political violence has taken on a new pattern within the masses in the form of both physical and virtual attacks through the media; (5) politics of discourse have deepened divisions between factions by reinforcing group identity; and (6) the return of the military coup in the new age has received fragile legitimacy from a situation where the people are not unified in polarized politics. All of these features are part of the context surrounding the reform process being supervised by the ruling junta. Whether the crisis will become a moment of decisive intervention in the process of institutional change, to use the term coined by Collin Hay (1999, p. 320), or remain just another conflict, will depend on how the narratives of the crisis are created.

In order to avoid being trapped in the dichotomy of pro- and anti-democracy arguments, this chapter asks a different question: Why is democracy in Thailand unable to solve conflict peacefully? Conflict is a normal part of society, and Thailand has passed through a long journey toward liberal democracy, with the 1997 Constitution drafted on the basis of broad societal consensus. Therefore, society should be able to manage conflict within the system without resorting to violence. Why

[5] More information is available from the website of the Parliament http://www.parliament.go.th/english/and the Senate http://www.senate.go.th/w3c/senate/main.php accessed October 20, 2015.

this has not been the case in Thailand might be simply explained by two factors: the first is something about the democratic system, and how it works or does not work, and the second is something about Thai society, and how it has changed or persisted. This chapter will explore certain explanations of the crisis by intentionally taking for granted the descriptive situation that has already been recorded in a number of studies (e.g., International Crisis Group 2014; Saxer 2011; Askew 2010; Montesano et al. 2012). Although it is hard to argue against democracy in the age of globalization and modern society, it is now clear that the process is not linear. Because democracy seemed to fail in the crisis, it deserves a closer examination to determine how it is situated in a society like Thailand. Discussion in this chapter will follow through a number of assumptions, which are based on previous understandings of Thai politics and readings of the current political turmoil. The chapter contends that the ongoing political debates over democracy amid the crisis are too narrow to assist social transformation. It suggests at this particular moment to pay attention to distrust in the democratic system, which brings into the debate other elements of democracy, such as tolerance, trust, and social cohesion. The chapter partly relies on my previous study with a colleague, covering the May 2010 Rajaprasong incident prepared for the National Truth and Reconciliation Commission, *Political Violence: Social and Cultural Dynamics and Resolutions* (Wun'gaeo et al. 2013).

Reading Political Violence

To get at the question of why the Thai democratic system has not been able to contain internal conflict without resorting to violence, a number of assumptions are proposed for discussion.

Assumption 1 This political conflict has been blown out of proportion from the beginning, considering that the severity of grievances of the masses is far less today than it was in the past.

It is not easy to understand what causes people's suffering and why people in the rival groups engaged in fighting, upped the ante, and expressed enduring emotional intensity, not to mention tolerated broken

communities and families, hatred, and witch-hunting in the new social media. Among the grievances expressed by different political groups and civil society organizations (CSOs), genuine longstanding issues of social suffering, such as lack of access to land and resources, as articulated in the draft bills for the poor (four laws for the poor),[6] were not well received as pressing demands by the rival groups in the red and yellow camps. The political grievances conveyed through the political discourse propagated by each side were not completely alien to one another, and could be rationalized as being part of democratic development. They included, for example, vote-buying and inequality, which used to be tolerated by society in general. So, true, the military coups were considered an overreaction. The situation changed, however, after the coup d'état in 2006, when conflict started escalating and more studies revealed changing trends.

Assumption 2 Conflict escalated through polarization, which was attributable to a series of cumulative factors, namely, the military coup d'état, mobilization of political parties, divisive discourse and the work of social media, the rising logic of winner takes it all, and the mobilization of sentiment around the monarchy.

The turning point in the course of conflict occurred when the military coup was launched in 2006, setting off the polarization. The UDD was formed as a reaction to the coup and to defend Thaksin. Mass mobilizations materialized around the country, aided by a political discourse that served to differentiate one side from the other. The UDD network expanded from the *Thai Rak Thai* Party's constituencies to include other sympathizers from the progressive wing, such as the *Nitirat* (Enlightened Jurist) Group (McCargo and Tanruangporn 2015), as well as other anti-coup groups like the *Santi Prachatham* Group (literally, Peace and People's Justice Group). PAD began to fade after the coup, but other sympathizers appeared to counter the intellectuals on the red side, including the

[6] The four bills are (1) community landholding, (2) land bank, (3) progressive land taxation, and (4) justice fund for the poor. More information is available from the ILaw website http://4laws.info/tag/%E0%B8%81%E0%B8%8E%E0%B8%AB%E0%B8%A1%E0%B8%B2%E0%B8%A2%E0%B9%80%E0%B8%9E%E0%B8%B7%E0%B9%88%E0%B8%AD%E0%B8%84%E0%B8%99%E0%B8%88%E0%B8%99-4-%E0%B8%89%E0%B8%9A%E0%B8%B1%E0%B8%9A/.

Siam Prachapiwat Group (literally, Revolution of the People of Siam) (Rattanadilok Na Puket 2013), which became the intellectual engine of the anti-Thaksin camp.

Conflicts with deep divisions are normally driven by discourse that reinforces group identity. 'Discursive battles—radical disagreement—lie at the heart of the struggle in the most serious political conflicts' (Ramsbotham 2010, p. 18). In the case of the current crisis in Thailand, it has been used as a means to delegitimize the opposing side and, at the same time, boost the moral superiority of one's own group. Indeed, the Thai political crisis has spawned an unprecedented battle of discourses, including the following:

Yellow discourse: anti-corruption reform, money politics, vicious circle of vote-buying, uneducated rural poor, tyranny of the majority, and tyranny of the capitalists *(tun samarn)*.

Red discourse: aristocrats versus commoners *(ummart* vs. *prai)*, double standards, eye opening or awakening *(ta sawang).*

The yellow camp's labeling the red masses as uneducated rural poor gave rise to a strong reaction. Likewise, highlighting the division between *ummart* (aristocrats) (yellow) and *prai* (commoners) (red) cut into the hearts and minds of the red masses. *Ta sawang* was a way to tell that people in the red camp had awakened and lost trust in the monarchy, which stirred up the anxiety of the royalist faction.

It is interesting that the discourse of nonviolence has not been well received, including, for example, symbolic actions with candlelight and white shirts, and *sati*, the Buddhist term for mindfulness. Symbolic and discursive practices of nonviolent protest after the violent suppression of the UDD did take place in the form of 'Red Sundays' *(wan athit si daeng)*, when people gathered on bicycles around certain places wearing red to express their disagreement. While they have thus far failed to have a great impact, nonviolent actions, especially after the 2014 coup, have been indispensable for maintaining a spirit of resistance under the repressive regime (Sombatpoonsiri 2015).

The 2006 military coup fostered greater political and social polarization, but the 2014 coup has additionally suppressed freedom of expression and introduced stronger punitive measures against lèse majesté. Punishment under Article 112 of the Criminal Code can be severe. Beyond the

discourse of *ummart*/aristocrats is the hard fact that the ultra-royalists have created a myth of the 'plot to overthrow the monarchy' *(pang lom chao)*, which has been used as an accusation against suspects. Employing this tactic has moved all of society to a new stage of escalated conflict in an atmosphere of mistrust, fear, and hatred.

Assumption 3 Violence was anticipated from both sides, the state and the masses. It was driven by dynamics within and between groups. Nonviolent action was ineffective at curbing the use of violent means, due to its inability to bridge the gap caused by polarization.

There is an understanding that political crises emerge from civil contention with state repression and the simultaneous use of violent means (Jenkins and Bond 2001). In the Thai case, violence peaked in 2010, when the Abhisit government resorted to using lethal military force against the UDD. Previous clashes between the PAD and the governments of the Thaksin camp were similar, but the degree of force used by these governments was not nearly as high as in 2010. Focusing on the battle between the Abhisit government and the UDD, which resulted in major loss of human lives, it seems as if one incident led to another, and violence could have been avoided, but neither side chose to do so. The government based its decision on the traditional security concept, in which disruption must be curbed. For its part, the UDD made a decision to seek confrontation and intensify pressure on its opponent (see Strategic Nonviolent Working Group 2011, pp. 20–21; Wun'gaeo et al. 2013, pp. 74–79). A series of efforts leading to negotiation were initiated by a few groups, including the Senate and informal third parties, but compromise could not be reached due to a high level of mutual distrust and the extreme positions taken on both sides.

Both the report of the Strategic Nonviolent Working Group (2011) and the report on violence submitted to the Truth and Reconciliation Commission (Wun'gaeo et al. 2013) find that the people's protest was considered a nonviolent action. However, risks were generated by the protesters' lengthy period of demonstration, strategic locations chosen, and confrontational strategy with extreme positions. In

addition, the idea of nonviolent action was not well articulated by the protesting groups, both red and yellow alike. Paradoxically, PAD, UDD, and other groups claimed to adhere to a nonviolent strategy, but the 'doves' were replaced by the 'hawks' within these groups when it came to escalating the conflict.[7] A former red sympathizer who witnessed the shootings in April–May 2010 sensed the emotional condition of the protesters and identified three key factors for the emotional buildup among them: (1) fear and paranoia that the government would use force against them, (2) anger and hatred toward those who used force against them, and (3) readiness to retaliate and seek revenge for the sake of justice (through legal means) (Chiangsaen 2011, p. 3).

It must be noted that the political crisis has given rise to the blooming of nonviolent groups in both rival factions and in nonpartisan groups. There has been increasing awareness of the importance of nonviolence and a call for nonviolent actions. Nevertheless, in spite of their symbolic importance, nonviolence initiatives undertaken by third parties or nonpartisan groups failed to persuade top-level leaders in the disputing groups due to their suspicion that those behind these initiatives came from the opposing side. The work of *Santi Asa Sakkee Payan* (Nonviolent Witness Volunteers) was able to prevent retaliation among groups of citizens on the ground, but it could not expand its actions due to personal safety concerns. Key nonviolent actors, who managed to introduce themselves as liaisons between officials and protesters during the intense confrontation, found that instant communication channels and the free flow of information between the two sides were crucial, but unfortunately not well established. Under the situation of political polarization, third parties did not have much chance to introduce nonviolent strategies, and were harshly criticized by both sides for not advocating their positions.[8]

[7] Information was reflected by nonviolent activists and scholars in the focus group discussion on 'the role of nonviolence in political crisis,' held on April 24, 2012 at Sasa International House, Chulalongkorn University.

[8] Ibid.

Understanding Thai Democratic Politics

One of the key areas explaining the Thai political crisis is the nature of Thai society itself. In responding to the question of why democracy has been unable to contain the conflict without resorting to violence, there are two factors to consider: (1) whether Thai society has an embedded structural problem that leads to crisis, and (2) whether violence is intrinsic to the society. Scanning the literature of the past 10–20 years as well as more recent studies reveals a gap in understanding how Thai society has been changing without being noticed and, at the same time, how it has some characteristics that never seem to change.

Descriptions of Thailand in the past depict an unequal and hierarchical society. The country is already well known for patron–client relations, a highly centralized administration, semi-feudal capitalism, nepotism, modernization without development, rural–urban disparities, and for being a dragon in distress during the economic crisis of 1997. All of this has affected political culture and the so-called vicious circle of vote-buying and corruption. The traditional Thai political system was known in an earlier period as a 'bureaucratic polity,' in which the military and high-ranking civilian officials assumed center stage. The student movement in the 1970s brought about a transformation, and the 'extra-bureaucratic polity' began. In the 1980s, as the student movement subsided, development of the 'extra-bureaucratic polity' was driven by business associations working in concert with the government in a form of corporatism.

The term 'semi-democracy' was also applied to the Thai polity in the 1980s, when General Prem Tinasulanond served as a nonelected prime minister for eight years. By the end of the 1980s, as the economy became more liberalized and the country's economic growth rate reached double digits, new middle classes became visible, such as white-collar employees in new economic sectors like finance. After the 1992 Black May incident, differences in the political behavior of rural people and the urban middle classes were pointed out. *A Tale of Two Democracies* addressed this different political behavior, arguing that rural people vote to elect the government, but the urban middle classes act to overthrow it (Laothamatat 2013).

Re-democratization from the 1992 Black May incident onward has opened up public space for social activism. New social movements have emerged, representing the growing vigilance of the grassroots and civil society. Pressure groups have expanded and become more vocal since the mid-1990s. Grassroots movements have pursued the politics of livelihood based on human rights and community rights, employing protest strategies that embrace 'politics on the street.' The middle classes' agenda has been more focused on environmental protection, good governance, and anti-corruption.

The 1997 Constitution that eventually emerged in the wake of the 1992 Black May incident was drafted with broad-based public participation. It was expected to introduce participatory democracy, decentralization, anti-corruption, multiple checks and balances mechanisms, and a strong administration. New political terminology was invented by scholars and public intellectuals to capture the new political phenomenon embodied by the populist Thaksin regime. Some of the new terms developed included 'policy corruption,' 'CEO government,' 'populism,' 'the country as a company,' 'parliamentary monopoly,' and 'democratic authoritarianism.' The term 'Thaksinomics' also became well known, along with 'Thaksinocracy.'[9] To some, 'Thaksinomics' is a combination of market-driven and government spending approaches, while to others it is simply deepening capitalism by promoting access to capital for the poor majority in the country. 'Thaksinocracy' implies that everything revolves around Thaksin and his party, meaning that technocrats have been bypassed through the use of populist policies that directly link Thaksin and his party to their constituents.

Past studies indicate that even though Thailand has problems of concentration of power, economic disparities, and mixed political culture (rural/urban), there have still been incremental changes in how people relate to politics. Specifically, people are becoming more political. If we consider inequality as structural violence that is embedded in society, Thailand has it, but people have tolerated this structural constraint, particularly when the grassroots and the urban middle classes are not allied. If structural disparities are tolerated, it must be due to an important

[9] See, for example, Pongsudhirak 2003; Satha-Anand 2006; Akira 2014; Teerayut Bunmee 2004.

reason, insofar as the political space that opened up as a result of the 1997 Constitution allowed people to express their concerns through different channels. However, there were still signs of frustration in Thaksin's second term, when social critics, mostly media and nongovernmental organizations (NGOs), were charged with defamation, resulting in a retreat of civil society activism. Self-censorship prevailed, not because of direct suppression, but due to the influence that big business had on mainstream mass media, which relied on advertising revenue to survive. Frustration accumulated because of perceptions that the Thaksin government, which had received an overwhelming electoral majority in the polls, had become a tyranny of the majority. Political space for critics of the government seemed to be very narrow.

An evaluation of the 1997 Constitution after it had been in force for five years found that it was used and referred to by social movements and grassroots activists to defend themselves against government policies that created problems for them, to advance their rights, and to enhance good governance (Banpasirichote Wungaeo et al. 2004). A number of draft bills were proposed, but none of them made it into law. These bills were either killed off by reviews of the Council of State, or revised by standing committees in the House of Representatives. Examples include the Community Rights Bill and the Social Security Bill (ILaw 2015).

I now turn to the topic of violence, and whether it is embedded in Thai society. To many people, the 'Land of Smiles' and 'the Thais love peacefulness' *(Tai ni rak sa-ngob)* are either things of the past or state propaganda. The book *Violence: Hide and Seek in Thai Society* (Satha-Anand 2010) uncovers different forms of violence, of which people are often unaware. The state security forces, both military and police, have persistently used violence. There has not been a clear transformation in how the state deals with dissidents. It is true that the police have better training in dealing with riots, but routine crime suppression, especially in cases of 'national security' offenses, still needs to be questioned. A number of disappearances, extrajudicial killings, and torture are not acknowledged as important problems, judging from the unsuccessful prosecution of government officials implicated in these crimes. The culture of impunity is ingrained in the security sector.

Although political violence in local elections is common, it is generally confined to the interpersonal level. The alarming proliferation of people using violence for political purposes, apart from the conflict in the far south of Thailand and the October 6th incident, really began with the confrontation between the yellow and the red camps, especially during the PDRC mass rallies in Bangkok in 2014. Many innocent people, including children, were killed by anonymous bombings that targeted crowds in the middle of Bangkok and some provincial towns. These incidents marked the beginning of a new phase of political violence in Thai society. Of great concern is that the divided society that Thais have today will tolerate violent action against the opposition, and using violent means will become normalized. This could become a distressing trend.

This political crisis (2006–present) raises questions about our knowledge of Thai social change. Past studies have recognized social and economic inequalities, as well as incremental changes in the people's sector, as it became more political. 'Thaksinomics' has had an effect on rural communities, raising their expectations of responsive politics. Yet 'Thaksinocracy' has reinforced the securitizing state and autocratic majority government. The significant shortcoming of 'Thaksinocracy' was to belittle public concern over the political leader's conflict of interest, a key political principle for a trustworthy, democratic society. Some things have also never changed in the security sector. In particular, the use of violent means against citizens is justified, and the culture of impunity is protected. In short, in spite of having gone through a series of violent conflicts, Thai society has not been transformed.

An assumption discussed above is that Thai society tolerates inequality. As a consequence, political mobilization should not be greatly effective in creating an intense feeling of frustration among the masses and thereby escalating the conflict.

However, recent studies conducted after the coup help shed light on a new reality, enabling a better understanding of change in perceptions of the grievance of inequality. Inequality is no longer associated with income, but rather the perception of inferiority. Rural people today are no longer traditional farmers who rely on government assistance. There are new terms used to describe rural people in the new age of globalization. They are no longer 'grassroots,' but 'grass-tip' people

(Pintobtang 2011; Sathitniramai et al. 2013), and not 'farmers,' but 'entrepreneurs' (Sattayanuraksa 2015). Although the change first became noticeable during the economic boom in the late 1990s, the real turning point was reached around the early 2000s, when 'Thaksinomics' succeeded in connecting rural people to the larger economy. Rural people were made into a political entity as the constituency of political parties like *Thai Rak Thai.* Expectations of economic development opportunities and inclusive and responsive government have grown along with the landslide electoral victories of *Thai Rak Thai.* The proper terms to explain rural political agency are perhaps the 'politics of desire and aspiration,' echoed by Sangkhamanee (2013). Can the politics of desire be applied to urban middle classes? Charoensin-o-larn (2012, p. 89) argues that for the ruling elite, it may be a desire for suppression. If so, then perhaps the politics of desire coexists between the two rival groups. Yet the politics of desire for suppression does not sound like a reason. The middle classes and the elite of the yellow camp were driven by the fear of losing the status quo and by the thought of protecting the monarchy.

Interpreting the Crisis

I have explored above what might possibly be the built-in conditions of Thai society that have led to the current political crisis. It is also instructive to examine the existing explanations from different perspectives. Since the crisis deepened, many scholars themselves became partial, falling into the trap of political polarization. The explanations that some of them offer reflect this polarization. Without going into the finer details of each camp, only the main arguments are identified.[10]

[10] This is based on my own perception and it is not exhaustive. To learn more about each camp, find information from different sources: Enlightened Jurists (McCargo and Tanruangporn 2015); *Siam Prachapiwat* (Rattanadilok Na Puket 2013); *Santi Prachatam* and nonviolent groups (Wun'gaeo et al. 2013); legitimacy crisis (Askew 2010); social transformation (Saxer 2012); class war (Bello and Foreign Policy in Focus 2014). The international community of scholars was also active in campaigning against the military coup d'état and lèse majesté prosecutions under Article 112 of the Criminal Code; see, for example, New Mandala http://asiapacific.anu.edu.au/newmandala/category/thailand/.

Intellectual groups	*Key explanation (Crisis of)*
Enlightened Jurists	Injustice, breaking rule of law
Siam Prachapiwat	Morality, corruption
Santi Prachatham	Anti-democracy of old elite
Nonviolent groups	Intolerance, rules of engagement
Most foreign scholars	Anti-democracy of old elite
Some foreign scholars	Transformation crisis, class war
Some scholars	Legitimacy crisis

The interpretation of the crisis matters because it determines what solution should be sought and influences the vision of reform and transformation that should be pursued if the opportunity can be seized. The identification of key explanations of the crisis above is purely illustrative and, in reality, they can be crisscrossing. The purpose is to see the explanations rather than the groups. Each explanation has its own weight and is very much alive in the dynamics of the conflict. It is almost impossible to dismiss any of the explanations. On the ground, there are a few issues of debate that have the power to divide society, such as the coup d'état (necessary vs. no more coups), lèse majesté prosecution (keep vs. amend/abolish Article 112 of the Criminal Code), amnesty law and reconciliation (blanket amnesty or not), and moral politics (election vs. election plus nomination). These debates only took place after initial confrontation between the opposing sides, meaning that the way each side engaged in conflict ultimately worsened the situation and led to an escalation of the crisis. There are a couple of questions to ponder.

First, which explanation holds out the hope of light at the end of the tunnel? Marc Saxer (2012, cover page) offers a succinct explanation: 'Thailand's traditional political, social and cultural order is no longer able to satisfy the needs of a globalized economy and pluralistic society.... Thailand needs to re-negotiate its social contract....A democratic change narrative that merges progressive and traditional themes could be helpful to reach out [to] potential allies.' Transformation crisis is a strong explanation of what Thailand is facing, and to reach the end of the tunnel will require a grand compromise, which can be achieved only through an inclusive approach.

Second, if these explanations are all related, or are two sides of the same coin, why is it not possible for this crisis to be mutually resolved? This question opens up another key explanation of the crisis that has not been covered much by the intellectual groups, that is, the crisis of distrust. The study on violence prepared for the National Truth and Reconciliation Commission of Thailand identified social and political distrust in one of the assumptions about why the Thai democratic system cannot contain internal conflict.

Democracy and Distrust

The other key area that might provide an explanation of the political crisis is democracy. This brings us to another assumption about the crisis.

Assumption 4 The political crisis is a crisis of legitimacy and trust, which have collapsed in the Thai democratic system. Elected governments cannot enjoy legitimacy when trust is in question. Political and social institutions cannot function due to a lack of trust. There seems to be no way out of the Thai political crisis, and governance now rests in the hands of the junta, which does not need trust, so the distrust is not resolved.

While investigating the nature of democracy and what could have possibly gone wrong, I came across the term 'counter-democracy,' introduced by Pierre Rosanvallon (2008), who uses it to describe politics in the age of distrust. This does not reflect on the situation of young democracies alone, but also applies as much to the history of well-established democracies. How democracy works does not stop at electoral contests. Despite having elected representatives, there can still be counterforces within a democratic system. Rosanvallon refers to counterpower as 'counter-democracy.' 'By 'counter-democracy' I mean not the opposite of democracy but rather a form of democracy that reinforces the usual electoral democracy as a kind of buttress, a democracy of indirect powers disseminated through our society—in other words, a durable democracy of distrust which complements the episodic democracy of the usual electoral democracy representative system.…Thus, counter-democracy is part of a larger system that also includes legal democratic institutions' (Rosanvallon 2008, p. 8). He considers

'counter-democracy' as a political form to deal with the politics of distrust. For a democratic system to work, legitimacy and trust should be in balance. When trust is broken, it affects legitimacy, and thus results in conflict and, even worse, disenchantment with politics. In the age of distrust, apart from the problem of unresponsive electoral politics, social, economic, and scientific developments can also create suspicions and, hence, social distrust in the system. This explains the appearance of political turbulence in spite of having legitimate electoral representatives. The trouble is that counterpower does not always work coherently. It is not easy to understand due to its complexity, featuring a combination of the positive element of growth in social power, populist-reactive temptations, and the problematic tendency toward fragmentation and dissemination (Rosanvallon 2008, p. 23). There is also a myth about citizens' relations with the political when trust is lost in political institutions. Rosanvallon differentiates 'depoliticization, diminished interest in public affairs and declining citizen activity from unpolitical expression, a failure to develop a comprehensive understanding of problems associated with the organization of a shared world' (pp. 22–23). Three types of counterpower are identified: power of oversight, forms of prevention, and testing of judgment (pp. 8, 13–17). The strategy in general is to institutionalize distrust in positive ways, so as to serve as a kind of protective barrier or guarantee benefitting the interests of society (p. 9). I reckon that the political crisis in Thailand more or less exhibits the characteristics of counter-democracy, so I will rely on Rosanvallon's argument to explain what has gone wrong with Thai democracy.

One of the assumptions pertaining to why the democratic system is unable to contain internal conflict without resorting to violence is that the available mechanisms and channels of communication do not work. In practice, much more simply depends on 'who' rather than 'how.' Similar questions can be raised about whether the Thai democratic system has a built-in conflict-resolution mechanism. To find out, one must look back to the political architecture adopted in the 1997 Constitution. One can disregard the 2007 Constitution and the 2014 Interim Constitution when it comes to an assessment of trust, because these two charters were drafted in an atmosphere of distrust and mistrust. 'Every [good] constitution is an act of distrust,' writes Rosanvallon (Rosanvallon 2008, p. 7). He reminds us that trust cannot go without guarantees.

The so-called People's Constitution of 1997 launched Thai politics into a new phase of democratic consolidation. The lessons of Black May 1992 were taken seriously, so re-democratization in its wake involved the formation of unified alliances. As a result, the 1997 Constitution can be considered to embody both conflict transformation and a transitional moment toward democratization and consolidation at the same time. It asserted important principles that led to the establishment of a trustworthy political environment, namely channels for direct participation, prevention of conflict of interest, sharing of political resources like radio and television waves, decentralization, openness toward community rights claims, and so on. Furthermore, the 1997 Constitution also provided for built-in conflict-resolution mechanisms in the political system, which can be classified according to category of counterpower, as follows:

Oversight measures: independent public organizations, comprising the Consumer Protection Commission, Environmental Protection Commission, Human Rights Commission, Ombudsman, Counter-corruption Commission, Election Commission

Tests of judgment: Constitutional Court, Administrative Court, Supreme Court

Preventive measures: parliamentary censure debate, impeachment, public television

The 1997 Constitution contained mechanisms to guarantee that if the government and politicians did not perform as expected and people's trust in them waned, certain protective or mitigating measures could be applied to reduce potential harm. Looking back on the situation prior to the crisis, almost all of these mechanisms were in place. Problems that reflected distrust included corruption in different forms, abuse of authority, and non-responsiveness or lack of transparency in policy options. Measures were applied, but failed to yield satisfactory results. This failure opened the way for the exercise of counterforces within and outside normal political institutions. The indicators presented in Table 11.1 serve as an initial assessment to gain a clearer picture of why these mechanisms did not seem to work properly.

Table 11.1 Assessment checklist of trustworthiness

Mechanisms	Role expectation	Legitimacy	Impartiality	Performance
Constitutional court	?	?	?	√
Administrative court	√	√	√	√
Ombudsman	√	√	?	?
Human Rights Commission	√	?	?	?
Election Commission	√	?	?	?
Censure debate	√	√	?	?
Independent media	√	√	?	?
Counter-corruption commission	√	?	?	√

This evaluation should be treated as a highly subjective exercise to assess the mechanisms that respond to distrust. A more systematic and rigorous evaluation will have to be carried out to establish definitively how these mechanisms function. In Table 11.1, the indicator primarily in question is impartiality. The Constitutional Court's rulings have so far been the most controversial. The mechanism can be questioned based on the expectation of its role, how the judges are recruited, whether they have been influenced by certain factions, and whether they have the requisite level of excellence. The same concerns can be raised in regard to the other mechanisms. It is important to note that mass media is critical for counterpowers in a democratic system to work without falling into disarray.

The one factor not recognized by Rosanvallon when he refers to mechanisms as protective measures to address distrust so that counterpowers can be institutionalized is political polarization, as appeared in the case of the Thai political crisis. Those trust guarantee mechanisms were under suspicion of the opposite factions. So, in most situations, double standards can arise on both sides of the divide.

In addition, the Thai crisis of distrust is not one way. The discourse raised by PDRC against the Yingluck government was that rural voters are not equally qualified to vote, which promoted mistrust of citizens in exercising their rights. This mirrors the situation of unpolitical citizens mentioned above, in which people are active but fail to understand problems associated with the organization of a shared world. Dealing with the

politics of distrust in a divided society might call for an expansion of the true meaning of democracy beyond electoral politics.

By Way of Conclusion

The key question guiding the discussion in this chapter is why the democratic system has been unable to contain internal conflict without resorting to violence. A few assumptions were laid out to help understand the crisis. They raise questions about both how democracy is situated in society and how society has evolved around democracy. There have been problems in both Thai democratic system, in that it cannot accommodate counterpower, and Thailand's changing society, and its social relations and aspirations in particular. The conflict escalating into crisis was interpreted in different ways, but less so in terms of how society engages in conflict while being trapped in its own creation of deep distrust. Democratic distrust, inflamed by political polarization, forms the basis for counterpower within the system, which cannot be well accommodated in the parliamentary polity. It is ironic to find that the mechanisms available to solve the conflict within the system did not work because of the high degree of distrust. Hence, another assumption in responding to what is needed to shape Thai democracy so that it can better handle conflict.

Assumption 5 For society to be able to live with conflict without resorting to violence, a number of fundamental conditions need to be ingrained in it. The most pertinent but overlooked qualities of democracy are trust, tolerance, social cohesion/protection, and nonviolent culture.

Institutionalizing counterpower amounts to the installation of a minimum political infrastructure, and Thai democracy has already experimented with it. However, past lessons learned from the exercise of mechanisms for oversight, prevention, and the test of judgment indicate a certain vulnerability in the context of a divided society. More studies must be conducted to understand how these mechanisms can balance legitimacy and trust.

Legitimacy has been made equal to electoral representation. People can be represented by other means for other purposes. Since society is changing,

sources and types of legitimacy can be multiple. Rosanvallon refers to three types: social procedural, impartiality, and substantial (Rosanvallon 2008, p. 114). Acknowledging alternative sources and types of legitimacy will help ease the tension on electoral politics, which now rely solely on the majority principle. Society is in deep debate over what constitutes political legitimacy between meritocracy and representation.

Tolerance is generally understood as a personal quality, although it has to do with upbringing and socialization. It can be transient and varied by certain circumstances. This quality normally demands the recognition of those who are in power. A nonthreatening political atmosphere is able to increase people's levels of tolerance. Enjoying life satisfaction and a sense of belonging to the community contribute to a higher degree of tolerance. Thus, tolerance can be seen as a social system, not only as an individual trait. The incumbent government is normally in a better position to allow or prohibit freedom of expression; therefore, government leadership is a determining factor of tolerance. Unfortunately, in the past ten years, Thailand has suffered from leadership deficiency and derailment, and so cannot ensure, if not suppress, freedom of expression, especially of the opposition.

In the political crisis with a deeply divided society, people have become very vocal. It is quite ironic to learn that in spite of the proliferation of new social media, people of both camps have become narrow-minded, listening only to others within their own network. Likewise, the military state has become paranoid fearing lèse majesté, and has therefore criminalized political opinions. Intolerance has resulted in undesirable behavior, such as destroying opposition political campaigns by the red camp, blocking voters from the ballot box by the yellow camp, throwing bombs into protest sites, or witch-hunting in the new social media. These expressions of intolerance can be transient unless they are institutionalized by state laws (e.g., Article 112 in the Criminal Code) and by social sanction groups.

Like tolerance, trust can also be enriched by the social and political environment. It is a part of social capital that facilitates cooperation. Generally, a high level of public participation is a vehicle for trust-building, as well as social networks. Public trust can be built on clear and mutually agreed roles and expectations, consistency in the enforcement of regulations, and standard practices that enable people to predict the behavior of institutions.

Focus group discussions among social scientists and political activists of the two colored ideological camps at Chiang Mai University and Chulalongkorn University on February 1 and 23, 2010, respectively, responded to the question of whether Thai society has inherent conditions that help resolve conflict. The most notable observation was the idea of moral authority and shared values, which unfortunately have been eroding. The highest moral authority, the monarchy, especially King Bhumibol, was unable to bridge social capital. In addition, the social network of the former October generation and other social groupings of the elite, such as the alumni of King Prajadhipok's Institute or the National Defense College, have not shown leadership in finding common ground either. Under conditions of a divided society, moral courage required a higher social cost for the elite. Interestingly enough, local communities in Chiang Mai Province did manage to transcend ideological differences after experiencing political violence. The case of *Ban Chum Muang Yen* (literally 'Peaceful Homeland Network')[11] managed to work together for a common reform agenda, the Provincial Self-government Bill. The collaboration was possible because previously existing social networks on local development had been well established for some time and functioned to foster social capital of trust. A further observation raised on the erosion of moral authority, apart from being dragged into the politics of partiality, was the inability of the state to recognize a significant change in people's aspirations and expectations. Social capital can potentially be both positive and negative in the context of polarized politics, and it requires a better understanding.[12]

This chapter has demonstrated that the liberal form of democracy found in Thailand was vulnerable when tested by deeply divisive conflict. Electoral legitimacy was undermined by public distrust causing political instability, and there has been no way out since the formal democratic institutions did not work as expected. Formal politics experienced an

[11] Personal communication with Chamnan Chanrueng, one of the key persons of the network, November 5, 2015.

[12] Social capital was promoted under the Social Investment Fund of the World Bank after the 1997 financial crisis in order to help restore the social security network. A recent study on social capital, for example, by Surichai Wun'Gaeo, Surangrut Jumnianpol, Sayamol Charoenratana, and Nithi Nuangjamnong, 'Social Capital in Thailand: Unraveling the Myths of Rural–Urban Divide,' *The Senshu Social Capital Review*, No 5 (2014), pp. 93–108.

impasse, and informal politics outside normal political institutions exacerbated the situation. The difficulties also lie within the nature of Thai society in its inability to reconcile different interests through the course of social and political transition. Divergent interests have not been as much about social classes as they have about political cleavages among the elite, in particular. Political transformation fostered by the 1997 Constitution was confined within the form of democratic institutions (e.g., new public institutions for checks and balances), and its virtues (accountability, tolerance, equality, justice, nonviolence) have not been equally shared, particularly when new and old ideas intersect. Political turmoil led to democratic regression when a military coup was seen as the main conflict-resolution mechanism.

What does the Thai political crisis mean for the future of democracy? There are a few points to consider, namely who is driving politics, what is the dominant crisis narrative, and what is the dominant reform agenda. Thai politics in the past few decades has been driven by 'Thaksinocracy' (a faction of political parties, but subsiding now), civil society (some of which is now becoming 'uncivil' and disenfranchised), and the military (colluding with the 'monarchy network,' now the ruling government). Several important reform issues are being raised in the policy community, such as all forms of inequality, but the decisive matter and revealing hidden agenda is how to situate the military and the conservative faction in the democratic system. Crisis narratives offered by different intellectual factions are too narrow and exclusive to lead to political transformation. As the military government is in control of the reform process and the resistance suffers from a lack of unity, the constitution will possibly be designed to create a 'controlled democracy,' in which the traditional ruling elite will not place their trust in society at large for the time being. Society should be negotiating a new terrain of political legitimacy, understanding more the politics of distrust, reinventing new sources of moral authority, transcending the illusion of state security, and establishing rules of engagement to withstand intolerance. Eighty-four years after the political transition from absolute monarchy to constitutional monarchy, Thailand in the twenty-first century is under pressure of political dislocations and in the struggle toward reconfiguring its own version of democracy.

Appendix

Table 11.2 Thailand political synopsis (from 2001)

Year	State contention	Civil contention
2001–04 Thaksin I	Beginning of 'Thaksinomics,' *Thai Rak Thai* coalition landslide majority Introduction of populist policies, village fund, health care, etc. Full economic recovery High political legitimacy and stability	Changing expectation of the grassroots Grassroots alignment with political parties/*Thai Rak Thai*
2005–06 Thaksin II	The effects of 'Thaksinocracy' (police state, extrajudicial killings, forced disappearances) Tyranny of the majority, ineffective checks and balances Violence in the Deep South Legitimacy eroding Dissolution of parliament in 2006 Democrat Party boycotted election	Defamation lawsuits against NGOs CSOs in retreat Mass protests against Thaksin ('yellow shirts') Genesis of the People's Alliance for Democracy (PAD)
2006 Surayud interim government	19 Sep military coup, Gen. Sonthi Boonyaratglin and National Peace Keeping Council (NPKC) Dissolution of *Thai Rak Thai*, new *Palang Prachachon* Party, and later on, *Pheua Thai* Thaksin's corruption scandals and court cases, confiscation of assets Constitution drafting and referendum	CSOs in the age of polarization Red shirt mass mobilization

Table 11.2 (continued)

Year	State contention	Civil contention
2007–08 Samak, Somchai governments	December 1, 2007, first election under 2007 Constitution Battle against *Palang Prachachon* Party and *Pheua Thai* Two PMs disqualified by the Constitutional Court Guided democracy, judicial influence	PAD mass mobilization Protesters camped out at Government House for 190 days Occupation of international airport October 7 violence, 2 protesters dead, 300+ injured
2008–10 Abhisit government	Shift of coalitions, Democrats rule, military backup Truth and Reconciliation Commission by Abhisit Dissolution of parliament as part of the negotiations between Abhisit and UDD	UDD broke into ASEAN Summit Venue, Pattaya Rajadamnoen incident, April 10, 2010 Rajaprasong incident, May 17–19, 2010 96 dead, several hundred injured
2011–13 Yingluck government	*Pheua Thai* won the majority Constitutional amendment effort by *Pheua Thai* Expedited blanket Amnesty Bill Rice pledging corruption scandal	Bangkok Shutdown by PDRC led by Suthep Thaugsuban, former Democrat MP Coalition of right-wing CSOs Election blocked Incidents of bombing
2014–Present Prayuth Government	Military coup by Prayuth Chan-ocha Martial law and 2014 Interim Constitution (Section 44, absolute power) National Legislative Assembly National Reform Council Constitution Drafting Committee	Suppression of political activities and freedom of expression Arrest of leaders Lèse majesté in Article 112 of Criminal Code Absolute power by Section 44, 2014 Interim Constitution

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12

Can Deliberative Democracy Be an Alternative for the Twenty-First Century? A Case Study of Thailand

Surangrut Jumnianpol and Nithi Nuangjamnong

Introduction

If the 1990s marked the 'deliberative turn' in democratic theory (Dryzek 2000), it would appear, then, that the first decade of the twenty-first century has witnessed a turn toward deliberative practices in the real world. Introducing elements of deliberative democracy is widely considered to be one of the best ways to reinvigorate representative democratic institutions that have long suffered from a crisis of legitimacy, even in the advanced democracies. Consequently, various innovations of deliberative

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democracy have been introduced and applied worldwide, including in some developing democracies and authoritarian regimes. One developing country that has long practiced deliberative innovations extensively is Thailand. Its experiences with deliberative democracy, however, have not been as smooth or rosy as in other developing countries that have showcased deliberative democracy via mechanisms such as participatory budgeting in Porto Alegre and numerous other cities in Brazil, or *panchayat* reforms in West Bengal and Kerala, India. Since its first experiment with deliberative techniques in 2000, Thailand has experienced two military coups and protracted political and social conflicts. What went wrong with deliberative democracy in Thailand? Why has deliberative democracy in Thailand neither contributed to revitalizing representative democracy nor prevented the reversal of democracy? This chapter addresses these questions with an underlying objective of drawing out some critical reflections from the case of Thailand for the study of deliberative democracy.

In order to examine the paradox of deliberative democracy in Thailand, this chapter first provides a brief review of the study of deliberative democracy with a special focus on the deliberative system through the lens of the systemic approach to deliberative democracy, which we employ in this case study. We then present a brief but broad sketch of the dynamics of democracy in Thailand. The third section addresses the case study of deliberative practices in Thailand. It focuses on three clusters of cases: (1) the health system reform movement in 2000, the implementation of National Health Assemblies since 2008, and the work of the National Reform Assembly in 2010; (2) various deliberative initiatives for peace and political reconciliation for the period 2010–15; and (3) deliberation at the local level calling for greater decentralization.

Deliberative Democracy and the Systemic Approach

Although there is no consensus among deliberative democrats and scholars on a standard definition of deliberative democracy, two core elements of deliberative democracy can nonetheless be identified. The first and probably most fundamental principle distinguishing it

from other models of democracy is its requirement that reasons must be given. In order to make public decisions, rather than bargaining among different interest groups, aggregating preferences through voting, or applying coercive force, deliberative democracy emphasizes the communicative process of reciprocal exchange of reasons, with a strong belief in the guiding force of better argument (Habermas 1976, p. 108). This first component additionally requires some specific conditions, constituting the second component, whereby deliberation should be inclusive, public, and free from any kind of coercion. These two elements together can be regarded as a minimal version of deliberative democracy. Some scholars, however, may specify some additional attributes, especially the efficacy of decisions made through deliberation, which should be legally binding or have a real impact on government policy (Gutmann and Thompson 2004, p. 5; Thompson 2008, pp. 502–4).

Based on these primary tenets, deliberative democracy can be further classified according to the level of deliberation. Proposed by Habermas (1996, pp. 307–8), two-track deliberation has become one of the most classic approaches. According to this approach, deliberation can take place in two different spheres—formal and informal. While the former can be characterized as a sphere that is more institutionalized, regulated, and decision-oriented, the latter involves more open but less arranged and less structured settings. In the same manner, Robert Goodin (2008) classifies deliberative democracy into micro and macro deliberation. Drawing from past experiences of deliberative practices, Goodin identifies micro deliberation as consisting of various deliberative techniques, such as deliberative polls, citizens' assemblies, consensus conferences, citizens' juries, and so on. These deliberative innovations aim to miniaturize deliberation in a vast and complex society into practicable and well-designed forums. In contrast, macro deliberation for Goodin refers to the wider politico-institutional context where policy decision-making processes take place. Notwithstanding the different characterizations, Habermas and Goodin, as well as many other deliberative democrats (see, for example, Hendriks 2006), share the same conviction that in order to make deliberative democracy work well, the two spheres of deliberation must in some way be connected.

Scholars employing the systemic approach, the latest generation in deliberative democracy studies (Kuyper 2015; Owen and Smith 2015), comprehend these different arenas of deliberation as constituting the 'deliberative system'. According to Mansbridge et al. (2012, p. 9), the deliberative system encompasses four main stages, namely binding decisions of the state, activities related to preparing binding decisions, informal talk related to binding decisions, and formal and informal talk that may not be directly related to binding decisions. However, because the deliberative system does not exist in a vacuum, the systemic approach indicates that it is equally important to pay attention to the dynamic interaction between the deliberative system and other elements of the democratic system, particularly those that are usually considered as having intrinsically anti-deliberative functions, such as experts, pressure and protest, and partisan media (Mansbridge et al. 2012, pp. 13–22). Partly owing to the unhealthy relations between deliberative systems and these other components, and partly because of malfunctions in different parts of the deliberative system itself, the systemic approach to deliberative democracy realizes that there are possible defects within the system. Specifically, Mansbridge et al. (2012, pp. 22–4) point out five pathologies, namely tightly coupling, decoupling, institutional domination, social domination, and entrenched partisanship.

To answer the key question of what went wrong with deliberative experiments in Thailand, this chapter adopts the systemic approach, which is particularly advantageous for this study in two ways. First, it helps broaden the analysis of deliberation beyond particular incidents or types of deliberation. In the case of Thailand, the three clusters of cases encompass various forms of deliberation, from formal deliberation in the National Health Assembly (NHA) to informal deliberations within the public sphere. Second, it looks beyond the boundaries of deliberation to consider relationships between the deliberative system and other elements in the political system. Based upon the systemic approach, the following section will illustrate how the deliberative system works in Thailand, how each of its parts interacts with elements external to the system, and what the pathologies are that result from these interactions.

A Sketch of the Dynamics of Democracy in Thailand

When deliberative innovation was first practiced in Thailand in 2000, the political atmosphere was filled with rather positive expectations about various promising changes stemming from the 1997 'People's Constitution', such as the first-ever elected Senate. The political mood of expectation at that time was understandable, especially in light of the political situation over the previous seven decades, following the country's transition from absolute to constitutional monarchy in 1932. During that long period, Thai politics swayed constantly back and forth between minimal democracy and authoritarianism. This is clearly demonstrated by the fact that during that period, Thailand went through 16 constitutions and 16 military coups. Some political institutional legacies from that period still remain in contemporary Thai politics. First, experts and technocrats still hold the predominant position in the Thai public policy process. Following Fred Riggs' (1966) analysis, the bureaucracy has long been considered the center of Thai political gravity, controlling both the ruling structure and decision-making process. Although the balance of power among the Thai power elite has gradually shifted in favor of elected politicians and business associations, bureaucrats still remain powerful actors in the policy process (Ockey 2004, pp. 147–9; Bowornwathana 2010).

Second, another policy actor that has been able to preserve its privileged place in the Thai policy-making process is business associations. During the height of the bureaucratic polity, the relationship between the bureaucracy and business associations resembled one of patron and client. It was only in the early 1980s that business associations could officially secure their place in the public policy arena with the establishment of Joint Public and Private Sector Consultative committees, which in turn contributed to transforming the relationship into more of a partnership (Laothamatas 1992). When electoral politics entered the picture in the late 1980s, the business sector easily adapted to the new environment. Some businesspeople jumped into the political scene as politicians or financial contributors to political parties or some political factions within parties.

Third, as for marginalized people, the only way to make their voices heard in the absence of open policy space was to stage mass demonstrations and street protests. Since the early 1990s, Thai politics has witnessed a series of protests and mass demonstrations, especially in front of Government House in Bangkok. Notable among them was the 99-day protest of the Assembly of the Poor (see Pintobtang 1997). For Prasertkul (2010), the proliferation of public protest in the era of democracy essentially signified major flaws in representative institutions that could not respond to people's demands and remained exclusively dominated by powerful elites.

Even though expectations ran high that the 1997 reformist constitution could rebalance power relations within the Thai polity and enhance the quality and stability of governance, the atmosphere of hope did not last long. In 2006, just nine years after the promulgation of the 1997 constitution, Prime Minister Thaksin Shinawatra, the businessman-turned-politician and populist leader, who had been able to attract the overwhelming electoral support of the new lower middle class, was ousted from office in a military coup. Thai politics seemed to have reverted to the same old pattern once again. This time, however, a new element was added into the political equation: the awakening of a new class. The emergence of the new lower middle class, according to Charoensin-o-larn (2013, pp. 201–2), reflected that a major transformation in the society and economy of Thailand had taken place. In becoming the solid social base of the red shirt movement, this class made visible the emergence of a new mega cleavage in Thai society. Although the new schism is complex and the boundaries are inexact, the basic contours of the division primarily separate the new lower middle class, on the one side, and the old establishment and Bangkok-based middle class, on the other. Basically, these two groups have different notions of democracy (Chachavalpongpun 2010) and legitimacy (Dressel 2010; Askew 2010), different sets of ideology (Norton 2012), and certainly different political stances regarding Thaksin and the coup (Fig. 12.1).

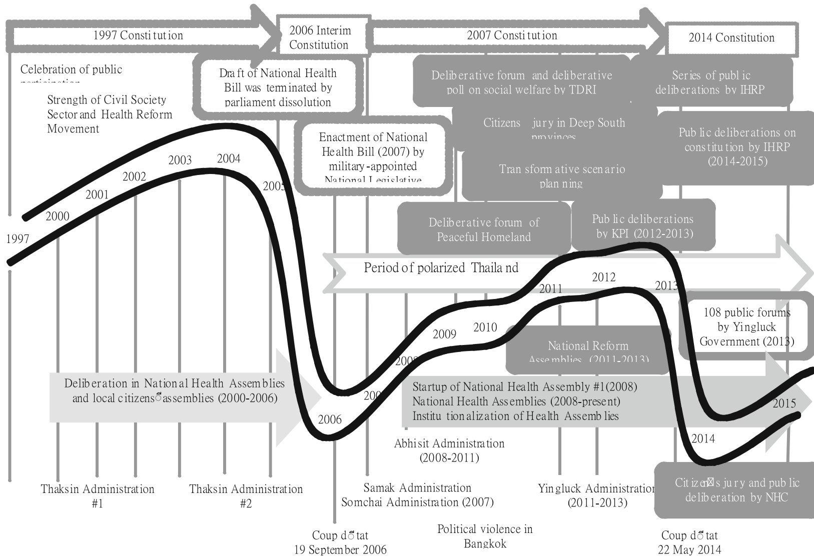

Fig. 12.1 Pathway of deliberative practices in Thailand (2000–15)

Deliberative Practices in Thailand: Case Studies

Health and Reform Assemblies

The first experiment in deliberative democracy in Thailand was undertaken in the area of health policy in 2000, when the Cabinet established the Health System Reform Office (HSRO) with the mandate to draft the National Health Bill within three years. The key mover behind the experiment was a group of reformist doctors in the Rural Doctors Society, who worked at the Health System Research Institute (HSRI) and made the proposal to the Cabinet to establish the HSRO. In order to achieve the mission of drafting the National Health Bill, health assemblies using deliberative techniques were employed.

It started with a nationally televised forum featuring representatives from virtually all sectors in society brainstorming on the topic of a

'desirable health system for Thai society'. In the first year, there were six regional meetings, hundreds of public hearings, and over a hundred thousand opinion notes from the public nationwide. After that, the HSRO also organized a Health Exposition, together with a year-end NHA in order to open up spaces for representatives from different provinces and sectors to exchange ideas and information about health system reform. In its third and final year, the HSRO also utilized the same strategy of organizing local citizens' assemblies and a national assembly to discuss the first draft of the bill and to prepare the final draft (for the whole process, see Phoolcharoen 2004, pp. 22–6; Chuengsatiansup 2003).

The National Health Act contains mechanisms that also adhere to deliberative processes, similar to those employed by its creator, the HSRO. The central mechanism is comprised of three categories of assemblies (area-based, issue-based, and NHAs) and the National Health Commission (NHC), whose main functions include drafting the Health Statute, preparing health-related policy resolutions for the Cabinet, and convening the NHA. The NHC is composed of representatives from a wide array of sectors, including political and bureaucratic (prime minister as chairperson, relevant ministers, representatives from local administrations, and independent organizations), academic, professional, and civil society. It is designed to integrate all actors and thus serves as a direct channel linking problems, policy, and political streams together. The crucial implication of this structure is that it dislodges health issues from the Ministry of Public Health's domination and institutionalizes a participatory and deliberative structure independent from political and bureaucratic intervention. Moreover, space in the policy arena for social actors and health reformists is ensured and codified under this law. In the past half decade, they have been able to use this channel to create policy tools and push for policy changes. One example of a major policy mechanism thus created is the health impact assessment (HIA),[1] devised to act both as an approval mechanism (as an additional part of environmental impact assessments) and a participatory learning process.

[1] HIA initiatives began in 2001 with technical and research support from the HSRI. For more on the evolution of HIAs in Thailand, see Phoolcharoen et al. (2003).

In the aftermath of the large-scale political violence that unfolded in Bangkok in May 2010, the Abhisit government declared its intention to reform the country in order to tackle the root causes of the sociopolitical crisis. Two bodies were then created: the National Reform Committee and the Committee of the National Reform Assembly. While the former was chaired by former Prime Minister Anand Panyarachun, who handpicked all of its members, the latter featured Prawase Wasi as chairperson. In regard to the Committee which was responsible for setting up the National Reform Assembly, where deliberative practices were employed, over one-third of the people who had earlier participated in the health reform movement and the national health assemblies were appointed to key positions (Wibulpolprasert 2014, p. 39). For example, Amphon Jindawatana, the secretary-general of the HSRO and the NHC, was asked to assume the post of secretary to the committee. Then, some parts of the NHC office were designated to serve as the office of the new committee (Jindawatana 2014, p. 19).

With almost the same organizational structure and the same key people leading the way, the National Reform Assembly was organized in virtually the same manner as its forerunners. It adopted the assembly rules, procedures, and codes of conduct from the NHA. More intriguingly, it also seemed to share the same shortcomings. First and foremost, the assemblies fell far short of the basic deliberative requirement of inclusiveness. The crowd of participants in the assemblies did not represent all stakeholders, and delegates from some sectors, especially grassroots organizations and local nongovernmental organizations (NGOs), constituted the outright majority. In fact, the key people who long stood behind the organizing of the assemblies admitted that elected officials, bureaucrats, and interest groups paid only scant attention to participating in the assembly because they already enjoyed privileged access to the public policy process and found no need to waste their time deliberating in the citizens' forums (Jindawatana 2013; Wibulpolprasert 2014, p. 40). A case in point was the NHA's resolution concerning asbestos. From the very beginning, the composition of the working group was skewed, as among the 17 committee members, there was only 1 representative from the business sector, which was actually the principal stakeholder in the issue. When the proposal was deliberated by the NHA, it astonishingly took only half an hour to pass as

a resolution, in spite of the fact that the issue was so controversial. This was only possible because there were so few representatives from the industrial sector involved. This case, however, reveals not only the major problem of insufficient inclusivity of stakeholders, but also the second key limitation to deliberation in Thailand, namely ineffectiveness. Resolutions from any citizens' assembly, even if acknowledged or approved by the Cabinet, do not necessarily have binding force on the relevant actors.

The reasons for this ineffectiveness are manifold. It might be so simple and straightforward as in the case of local administrative organizations that did not implement NHA resolutions just because they had not been informed about them (Srisasalux 2009). However, sometimes it may be more complicated, as in the case of the 'resolution concerning Thai society without asbestos'. In that case, the Ministry of Industry was displeased and felt that its authority had been usurped by the NHA, so it did not implement the resolution, even though it had been approved by the Cabinet (Chuengsatiansup et al. 2015, pp. 101–2). This case also witnessed assiduous opposition from the business sector. Many tile companies that still used asbestos in the production process ran a public relations campaign to justify the use of asbestos. One interesting advertisement in the campaign contained the slogan saying that 'toothpicks are more dangerous than asbestos' (Chuengsatiansup et al. 2015, pp. 148–9).

The final inadequacy concerns the quality of deliberation. Various evaluation reports of the NHA pinpointed this problem. It can be summed up in three interrelated points. The first involved the unfriendly formality of assembly procedures, which was in turn detrimental to the quality of deliberation. After monitoring a provincial health assembly, Good (2003, p. 43) noted that grassroots participants often refrained from expressing opinions due to their unfamiliarity with the formal and official language used in the forum. Moreover, by strictly abiding to the formality, assembly participants often felt they were under incessant pressure. Therefore, they sometimes opted for exit (Wibulpolprasert 2014, pp. 40–1). Second, the deliberative process in the assemblies seemed to move obsessively toward creating a blind consensus. Consequently, the assemblies became prone to losing their intrinsic appeal of being communicative spaces for the transformation of conflicting preferences in a constructive way. Finally, the quality of deliberation could be tarnished if

people lacked the genuine intention to participate. Good (2003, 2004) observed that the nature of participation tended to be instrumental: some participants were asked to attend assemblies in order to fill a quorum or contribute to the representation of diversity of participants, while others were assigned by their organization to attend the assembly without knowing its purpose, topic, or procedure.

More recently, two new deliberative techniques, citizens' juries and citizen dialogue, have been introduced by the NHC for use in addressing the issues of long-term care and the National Health Statute review, respectively. As for the citizens' juries, the NHC set up an organizing committee and an advisory committee to help facilitate and frame the procedure as well as the issues for deliberation. Twelve juries were randomly selected from four provinces and from various occupational groups. After being informed about the role and process of the citizens' juries, participants received necessary relevant information about the context of Thailand's aging society in the form of various scenarios and first-hand experiences from witnesses (specialists and stakeholders). After four days of deliberation, the citizens' juries proposed policy recommendations regarding long-term care issues (National Health Commission Office of Thailand 2015a). Regarding the citizen dialogue technique, in early 2015, the NHC collaborated with the King Prajadhipok's Institute in organizing five dialogue forums in four regions. The principal objective was to listen to public opinion on 'the future desirable health system', which in turn would help the NHC review and amend the National Health Statute. To attend each forum, around one hundred participants were randomly chosen, with reserved quotas for particular groups such as religious leaders and marginalized groups, including people with disabilities. In regard to the procedure for reaching consensus, participants were first supplied with information and then encouraged to think about future scenarios and desirable solutions (National Health Commission Office of Thailand 2015b).

The introduction of these two new deliberative techniques seems to reflect attempts by the NHC to address the major deficiencies of the assembly process, particularly the lack of a system for the random selection of participants and the poor quality of deliberation. At this stage, however, it is still too early to judge the end results and final outcomes achieved through application of these new techniques.

Public Deliberation Initiatives for Peace and Political Reconciliation

In the midst of the twin crises of protracted conflict in the southernmost region of Thailand and nationwide political polarization, public deliberation was considered one of the best ways to help transform these conflicts. Intriguingly, almost all the initiatives came from the academic and civil society sectors, with the only exception being the aforementioned National Reform Assembly, established by the Abhisit government. The long list of deliberative initiatives included a citizens' jury in the Deep South, initiated by the Center for Conflict Studies and Cultural Diversity (CSCD), Prince of Songkla University, Pattani Campus; transformative scenario planning, introduced by the Scenario Thailand Foundation (STF); a series of public deliberations organized by the King Prajadhipok's Institute (KPI); and a series of public deliberations facilitated by the Institute of Human Rights and Peace Studies (IHRP), Mahidol University.

Citizens' Jury in the Deep South

In 2010–11, CSCD in collaboration with IHRP adopted a citizens' jury model from the Jefferson Center[2] to help develop recommendations for a special governance system in the Deep South. The procedure was as follows: first, an advisory committee was appointed to help frame the agenda, select witnesses, and provide advice on the method for selecting the citizens' jury; then 40 jurors were recruited from a list of representatives nominated by 200 local civil society organizations; finally, after five days of the jury process, policy recommendations were compiled into a report (Center for Conflict Studies and Cultural Diversity 2011). As most of the policy recommendations were politically sensitive, such as abolishing the regional administrative body and directly electing regional and provincial governors (Dueramae 2011),

[2] The Jefferson Center defines itself as a non-profit, non-partisan organization to strengthen the democratic process by generating citizen input on matters of public importance. The central focus of the Jefferson Center is its trademarked Citizens Jury process (The Jefferson Center 2004).

it was no surprise that the report was able to attract public attention, at least for a while. Unfortunately, due to the regularly occurring lethal violence in the area and the ongoing political turbulence in Bangkok, public attention to this report was short-lived and limited only to the Deep South policy community.

This first experiment with a citizens' jury in Thailand reflects both the promises and pitfalls of deliberative mechanisms in Thailand. On the positive side, it shows the possibility of applying a deliberative method to a new area of protracted conflict, and the constructive role civil society actors can play in promoting deliberative democracy. On the negative side, however, in implementing the citizens' jury, some essential principles were modified, which in turn caused problems of legitimacy. Specifically, the random selection of jurors was considered impractical in the local context, as it was felt that ordinary people might not be able to comprehend complicated issues such as the system of governance. This was the reason why CSCD devised a new selection method in which jurors were randomly selected from an exclusive list of representatives from 200 local NGOs. Another weakness was the inefficacy of the deliberation output, which neither was legally binding nor had a real impact on the government's Deep South policy. The policy recommendations received only scant attention from the security sector, the key and dominant player in this policy arena.

Transformative Scenario Planning

In 2010, when Bangkok was reeling in chaos as a result of a series of battles between red shirt protesters and the Abhisit government, a group of NGOs, media associations, academic institutions, and businesses emerged as the first group interested in trying to transform the situation from conflict back to normalcy. They invited Adam Kahane, an internationally renowned process facilitator, to help organize transformative scenario planning. This method is akin to deliberation in that it essentially requires participants to give and exchange reasons in the hope that outputs from the process will influence future courses of action (Kahane 2012).

In the first step, transformative scenario planning emphasized recruiting appropriate participants. The Scenario Thailand Foundation (STF), which had been founded after Kahane's first visit to the country, spent almost a year seeking the right participants. Finally, it succeeded in securing the participation of 45 elites from all shades of political factions, civil society organizations, and the business sector (Scenario Thailand Foundation 2014). After four transformative scenario-planning workshops, including a field trip to a red shirt village, the result was three scenarios for Thailand's future, namely *rao su* [fighting among us], *rao choei* [we all ignore], and *rao ruam* [we all participate]. The first and second scenarios would lead Thai society to collapse under political turmoil and economic crisis, while the third would offer a solution for transforming the crisis. Apart from bridging the partisan gap in the forum, STF also undertook collaborative action with an existing reform network in order to communicate these three scenarios to the broader public. Unfortunately, after STF and its network began publicizing the output, the political situation in Thailand worsened when the People's Democratic Reform Committee (PDRC), the reincarnation of the yellow shirts, and other anti-Thaksin movements began staging a series of relentless protests. More ominously, some of the participants in the transformative scenario planning became political actors who led the country into further political disarray.

A Series of Public Deliberations

Another actor that opted for deliberative methods as a solution to the political crisis was academic institutions, among which the two most notable were IHRP and KPI. IHRP's role in promoting deliberative democracy was visible in its aforementioned collaboration with CSCD in launching the citizens' jury initiative on the Deep South issue. Almost at the same time as it was supporting the deliberative project in the southern region, IHRP also commenced a series of public deliberation platforms to address the daunting issue of political turbulence in Thailand's capital. Its most prominent initiatives have been four platforms for deliberative democracy in four regions in 2013 (Arya 2014).

Even more recently, after the 2014 coup d'état, IHRP organized a series of public deliberations on the draft constitution, with a specific focus on four contested topics, namely the electoral system, local administration and decentralization, the reconciliation process, and the political party system. After four rounds of deliberation, IHRP and its network organized another round to deliberate all parts of the draft constitution and released a statement to the public. While some of the items proposed, such as the mixed-member proportional electoral system, were accepted by the Constitution Drafting Committee, most of them were flatly ignored. Eventually, the draft constitution was rejected by the National Reform Council, the military-appointed body in charge of reviewing the draft constitution and guiding the reform agenda, and the whole process of constitutional drafting had to start over again from scratch.

Compared to other deliberative initiatives, IHRP seemed to have a looser methodology. Although it sought to have participants from all parties involved, it was noticeable that most of them were representatives of civil society organizations and the academic sector. This is probably the reason why IHRP's activities are unable to draw significant attention outside of NGO or academic circles. From one perspective, this case reflects the crucial role academic institutions can play in promoting deliberative democracy. From another standpoint, however, it reveals the key challenge that any civil society or academic deliberative initiative must overcome in order to persuade state institutions to consider the policy proposals that come out of their deliberative platforms.

In addition to IHRP, there was another public deliberation initiative launched by KPI, an academic institution affiliated with the Thai Parliament. In 2012, KPI submitted a report to the House of Representatives' Special Committee to Consider the Approach to National Reconciliation suggesting that the government use public deliberation as a conflict transformation tool (King Prajadhipok's Institute 2012). Thereafter, KPI decided to implement its own recommendation by organizing eight public deliberation forums in eight provinces. Each deliberation had around 100 participants, who came from two groups: the first group was comprised of 80 people selected from the general public using a random sampling method; the second group, comprising the

remaining 20 participants, was chosen from key stakeholders or parties to the conflict, such as red shirt and yellow shirt leaders, their supporters, academics, and representatives of NGOs (Center for Peace and Conflict Studies and UNDP 2014).

With its close ties to state institutions, KPI's public deliberations seemed to be well equipped with financial, human, and network resources. These resources enabled KPI to hold public deliberations on the widest scale and to follow a strict method of random sampling. Furthermore, it could publish a book for participants containing information on the issues and a handbook for process facilitators. More importantly, KPI's institutional linkages with various government agencies and its expansive media network enabled it to channel the output from the deliberations directly to the government and general public. However, despite all these advantages, the policy recommendations that emerged from the KPI forums seemed to be more abstract than those that came out of other forums. For instance, it characterized the future desirable society as one with morality, good governance, mercifulness, justice and fairness, and just peace; and it suggested that the government should promote good governance values, use public dialogue/deliberation as the way to resolve the political conflict in Thailand, and promote Thai culture and customs, among others (Bureekul et al. 2013; Bureekul 2012). Not surprisingly, these vague and depoliticized suggestions failed to bring about any change.

It is worth noting that after obtaining KPI's recommendation to use public dialogue/deliberation as the way to resolve the political conflict in Thailand from parliament and the Truth for Reconciliation Commission of Thailand, Prime Minister Yingluck Shinawatra's Cabinet agreed to organize 108 public forums nationwide between June and July 2013. The 108 Public Dialogues for Conflict Resolution in Thailand actually included two elements, the public dialogue itself and a survey questionnaire. Although the forums aimed to be for public deliberation, they fell far short of meeting even the minimal standards for deliberation. As the setting of the forums was neither inclusive nor public, they tended to be dialogues only in form but not in substance. This initiative essentially demonstrated that the deliberative ideal could only reach the government in a very limited way, and that the government tended to use it merely for political purposes.

In conclusion, two observations can be made regarding the deliberative experiments that aimed to transform the sociopolitical conflicts during the period 2010–15. First, all of the initiatives came from academic institutions or civil society organizations. The advantages therefore included their relatively easy access to the general public and their richness in knowledge and information necessary to organize the public deliberations. However, disadvantages were that they could not organize forums on a nationwide scale and they may have been ineffective at influencing government policy and action. Second, in order to successfully defuse and transform conflicts, the most important requirement is that the parties to the conflict themselves participate and cooperate. Unfortunately, this point seems to have been the major shortcoming in almost all the initiatives. Even though some forum organizers such as STF succeeded in inviting some elite members of conflicting parties to participate, it seems that they did not wholeheartedly cooperate.

Deliberation at the Local Level

Public deliberation in Thailand can also be seen at the local level as a policy tool to push for greater decentralization. In the context of deep political polarization, the then Prime Minister Abhisit Vejjajiva had to cancel an official trip to Chiang Mai due to security concerns arising from vehement red shirt[3] protests. The cancellation alarmed some local NGOs in Chiang Mai. Against this backdrop, Chamnan Chanruang, a local decentralization activist, decided to form the Peaceful Homeland Network (PHN) as a platform to foster dialogue between the red and yellow factions in Chiang Mai. Instead of emphasizing controversial and sensitive issues, he intentionally chose the issue of decentralization and the future of Chiang Mai as the agenda around which to gather the two political camps (Farrell 2012).

PHN organized over 40 public dialogues/public deliberations in all 25 districts within Chiang Mai Province. These forums attempted to

[3] Chiang Mai is one of the political strongholds of the red shirts, while the political base of the then Prime Minister Abhisit and his Democrat Party lies in the southern region and among the yellow shirts.

come up with a model for a self-governing province. The participants were composed of local leaders and representatives from local civil society organizations. By addressing concerns and interests common to all the people of Chiang Mai, PHN was able to attract the participation of leaders from both red and yellow factions. Interestingly, PHN and its network inserted the citizens' jury model into the final draft of the Chiang Mai Metropolitan Bill. Therefore, the proposed governance system of Chiang Mai would have a citizens' assembly as a parallel governing body to the local council.

On 26 October 2013, PHN and its Self-governing Chiang Mai Network proposed the draft bill to parliament with 12,000 supporting signatures. Unfortunately, because of the 22 May 2014 coup d'état, consideration of the bill was postponed. After that, the Self-governing Provinces Network, which includes the Self-governing Chiang Mai Network, presented six self-governing province bills to the military-appointed National Reform Council on 6 January 2015 (*Thai PBS News* 2015). However, in the final reform agenda that the National Reform Council presented to the Cabinet (The Secretariat of the House of Representatives 2015), it seems that most of the recommendations do not fully reflect the spirit of decentralization or deliberative democracy at the local level.

Analysis and Conclusion

In stark contrast to other countries, deliberative democracy in Thailand was not introduced within the context of a crisis of legitimacy in representative democracy. Instead, the political mood at the time was full of optimism. Nevertheless, obscured behind this optimistic mood remained the perennial problems of Thai democracy and governance. The structural context under which the health reformists proposed the idea of citizens' assemblies in 2000 included the institutional domination of health policy by technicians and technocrats in the Ministry of Public Health and their dissatisfaction with politicians. In this regard, the underlying objective in initiating citizens' assemblies

was apparently to open up space in the health policy arena for health reformists and their civil society network. Likewise, the backdrop against which the decentralization movement PNH embraced deliberative techniques seems to have been the institutional domination of the centralized bureaucracy that was unwilling to transfer power to the local level. As for the case of the initiatives for conflict transformation, the overarching agenda was to bridge the gap in Thai political society between two groups associated with different colors that held entrenched and polarized worldviews. All of this seems to suggest that the consumers of deliberative democracy in Thailand have tended to view it as a ready-made panacea to cure all political ills, whether political reconciliation, conflict transformation, decentralization, or health policy.

When deliberative techniques are strategically utilized as political tools, the fundamental challenge becomes how to connect the new forms of governance with the existing ones. Various case studies in Thailand demonstrate the failure to surmount this challenge. In most cases, architects of deliberative initiatives in Thailand have tended to be dissatisfied with the existing governance structure. As a result, their deliberative initiatives appear to have been disadvantaged by stressful interaction and uneasy relations with the representative and bureaucratic institutions from the very beginning. Instead of considering deliberative democracy as a way to help improve the performance of government, power holders have been inclined to regard it with suspicion. When the key actors behind the deliberative initiatives organize forums in a way that might not completely adhere to the strict requirements of deliberation, such as ensuring reason-giving and inclusiveness, then the chasm between deliberative and other political institutions may end up widening. This problem has been evident in almost all cases of deliberative practices in Thailand. They have tended to get stuck in the trap of exclusive or intra-group deliberation.

Some actors in the deliberative circle have become too tightly coupled with each other and decoupled from other political institutions. Consequently, a phenomenon identified by Mansbridge et al. (2012)

materialized in Thailand: public deliberation suffered from the loss of a self-corrective quality within the deliberative forums, on the one hand, and the lack of substantive exchange of reasons between the deliberative forums and outside spaces, on the other. The situation worsened as political polarization became increasingly entrenched and some key people behind the deliberative forums themselves became embroiled in the political conflict.

In this sense, deliberative democracy in and of itself may not have been the problem. Instead, the way deliberative democracy was used posed the real challenge. The case study of Thailand reveals at least two built-in risks of applying deliberative techniques in the real world. First and foremost, as deliberative democracy has a long list of strict requirements, any failure to adhere to them runs the great risk of creating a legitimacy crisis. In Thailand, almost all the initiatives failed to meet even the minimum standards of deliberation, especially lacking inclusiveness and effectiveness. While the lack of inclusiveness can cause a decoupling effect, the lack of effectiveness can precipitate a loss of confidence in the spirit of deliberation among supporters. Finally, as deliberative democracy does not exist in a vacuum, but rather amid a dense network of existing sociopolitical institutions, it is equally important to ensure the maintenance of peaceful coexistence among them. This complex challenge entails finding ways to build institutional linkages between deliberative and non-deliberative institutions.

In the final analysis, one critical reflection drawn from the case of Thailand is that deliberative democracy can indeed be an effective alternative for improving representative democratic institutions, just so long as certain prerequisites are met. In addition to the basic requirements that there must be a reason-giving component and an inclusive setting, one more precondition emerging from the systemic approach of deliberative democracy that should be added is that there must be a healthy relationship between the deliberative institutions and the previously existing ones. If these conditions are not fulfilled, as in the case of Thailand, then outcomes antithetical to those originally intended might result (Table 12.1).

Table 12.1 Deliberative actions in Thailand

Actor	Types of actor	Deliberative form	Purpose	Shortcomings	Remarks
Health System Reform Office (HSRO)	Ad hoc organization established by Cabinet resolution	Citizens' assembly	Drafting National Health Bill	Lack of inclusiveness Lack of effectiveness Low quality of deliberation	Run by health reform movement led by a group of reformist doctors from Rural Doctors Society
National Health Commission (NHC)	Semi-autonomous public organization	Citizens' assembly	Platform for participatory public health policy making	Lack of inclusiveness Lack of effectiveness Low quality of deliberation	Run by same key people behind HSRO
		Citizens' jury	Preparing policy recommendations on long-term care issue	Too soon to judge	Collaboration with KPI
		Public deliberation	Reviewing National Health Statute	Too soon to judge	
Committee of the National Reform Assembly	Independent committee appointed by government	Citizens' assembly	Preparing reform agenda and recommendations to government	Lack of inclusiveness Lack of effectiveness Low quality of deliberation	Adopted rules, procedures, and key people from NHC

(*continued*)

Table 12.1 (continued)

Actor	Types of actor	Deliberative form	Purpose	Shortcomings	Remarks
CSCD, Prince of Songkla University	Academic institution	Citizens' jury	Preparing policy recommendations regarding governance in Deep South	Lack of inclusiveness Lack of effectiveness	First experiment with citizens' jury in Thailand
Scenario Thailand Foundation	Collaboration among media, business sector, academics, and NGOs	Transformative scenario-planning forum	Conflict transformation	Lack of effectiveness	45 elites from all political factions, NGOs, and businesspeople joined forum
IHRP, Mahidol University	Academic institution	Public deliberation	Conflict transformation Preparing recommendations on draft constitution	Lack of inclusiveness Lack of effectiveness Low quality of deliberation	Some activities after 2014 coup were banned by military junta
King Prajadhipok's Institute	Academic institution affiliated with Parliament	Public deliberation	Conflict transformation	Lack of effectiveness	
Peaceful Homeland Network	Network of local decentralization activists	Public deliberation	Decentralization	Lack of effectiveness	Network first formed in Chiang Mai then expanded to other provinces

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13

Online Social Surveillance and Cyber-Witch Hunting in Post-2014 Coup Thailand

Pirongrong Ramasoota

As Thailand undergoes an important socio-political transition, a process known to social theorists as 'surveillance' has emerged and become a phenomenon in the online sphere. Theoretically, surveillance is largely characterized by the gathering of personal information and the use of knowledge based on that information for social control. In the Thai context, this process is complemented by another equally distressing practice known as 'cyber-witch hunting'—an occurrence in which social rebels or those expressing non-conforming views online are reproached and publicly lynched via broadcasting of their unorthodox attitudes to the conforming community in the online world. Oftentimes, this could lead to sanction, legal and social, in the offline world. Both phenomena have increasingly become threat to online freedom of expression and

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contributed negatively to the development of privacy rights, which is still in its infancy stage in Thai society.

Background

The 22 May 2014 military takeover[1] may have quelled months-long street protests, which propelled the junta to seize political control. But after 18 months and more than 200 people (many of whom are journalists) having been summoned to 'attitude adjustment' in military camps, the junta leader and now prime minister still has unsettling issues with the media, both professional and citizen based, offline and online.

In his weekly televised address to Thai citizens, the army chief-turned-premier General Prayuth Chan-ocha frequently makes criticisms against 'overly oppositional' media reports (Blake 2015) and 'trashy' social media postings, and how they tarnish the country's reputation and national security (*Thai PBS*, 16 August 2014).

Under martial law (in effect until April 2015) and scores of edicts known as the National Council for Peace and Order (NCPO) Announcement, the junta has kept public communication under tight control. Censorship of political information and communication was imposed through formal and informal means—laws as well as requests for 'cooperation'. Meanwhile, the junta has set up several media monitoring units to keep all forms of public media—print, broadcasting, and online—under constant vigilance.

The coupmaker also introduced soft power through patriotic songs, nationalist propagandas, and even widespread advocacy of 12 core values scheme for Thai society. The core values plan has been introduced also in stickers of Line, a popular mobile chat app.

In parallel to the NCPO's efforts, there are private individuals and organized social groups, who support the ruling ideology propagated by the junta that help to monitor communication (primarily online)

[1] This coup was staged following months of protests against the civilian government of the populist Pheu Thai Party due to allegations of corruption and attempts to pass an amnesty law that would provide blanket protection for wrongdoers in past political conflicts. The protests, which were concentrated mainly in Bangkok, were led by a political group known as the People's Democratic Reform Committee (PDRC), which is a gathering of conservative politicians and elites.

by dissidents and take the matter into their own hands to punish such non-conformity.

Usual cases that were reprimanded legally and socially are speeches that are deemed as lèse majesté (or defaming the royal family). Although absolute monarchy was abolished in 1932, the monarchy has continued to be a highly revered institution in Thai society and is protected under a special law against any form of criticism. Offenders to the law—Section 112 of the penal code—could face 3–15 years in prison for one count of offense.

In a historic ruling in August 2015, for instance, two military courts handed down Thailand's harshest sentences in recent decades for insulting the monarchy. A man in Bangkok was sentenced to prison for 30 years for six Facebook postings, and a mother of two young girls in the northern province of Chiang Mai was sentenced to 28 years for seven postings that were deemed as lèse majesté (*The Guardian*, 7 August 2015).

These sentences and phenomena, which shall be uncovered in this study, are reflections and signs of struggles that have been embroiled in Thai society in the past decade. These almost decade-long conflicts are often dubbed by many as 'color-coded politics' to describe the ideological clash between the yellow shirts[2] and the red shirts,[3] who represent two opposing poles in contemporary political divide.

[2] The 'yellow shirts' is another name for the People's Alliance for Democracy (PAD), a mass movement preceding the September 2006 coup that ousted Thaksin from the premiership. The PAD spent much of 2008 protesting against two successive Thaksin-nominated governments that arose from the December 2007 election. The PAD's 190-day protest in 2008 was marked by the seizure of the Government House and the Suvarnabhumi International Airport in Bangkok. In 2009, leaders of the PAD entered electoral politics by establishing the New Politics Party. One of the PAD's leaders, Sondhi Limthongkul, is a media mogul, who has been instrumental in using his media corporation particularly a satellite television station called Asian Satellite Television (ASTV) as a main tool to galvanize mass movements in support of the PAD. After the 2017 coup in May, ASTV was banned from airing signals.

[3] The 'red shirts' is the informal name for the United Front of Democracy against Dictatorship (UDD), a major political organization in the post-coup period. Members of the UDD are known for wearing red clothes during anti-government protests. Established in 2006 as the Democratic Alliance against Dictatorship, the main objective of the red shirts then was to fight against its arch rival—the PAD—and to support the ousted former Prime Minister Thaksin Shinawatra. Supporters of the UDD are not only rural grassroots people who benefited from Thaksin's populist welfare policy, but also include the urban middle class who admire Thaksin's business-oriented administrative policy and action, and those who disapproved of the status quo that formed the core of the yellow shirts.

While the bloodless coup in May 2014 might have brought an end to the stalemate between conflicting factions after months of political confrontation, it would be untrue to say that these conflicts have perished. The ensuing case studies which arise in the post-coup period will show that the political divide and contesting of ideologies are very much alive, while some of the social measures taken to curb them are worthy causes for social alarm.

Online Surveillance and Cyber-Witch Hunting

The definition of 'surveillance', as used in this study, is compiled from leading literature in the fields (Dandeker 1994; Lyon 1994, 2007) as follows:

- The accumulation and storage of 'coded information' about individuals;
- The supervision of activities of individuals by others in positions of authority or those with intent to control; and
- The application of information-gathering activities to the task of administering of activities and control of individuals about whom the information is gathered.

Put in the context of Internet communications, surveillance can largely be gauged from the ability to control, by way of accumulating information and identifying, of users and their online activities.

Another way of looking at surveillance is to tap from its archrival—privacy. Theoretically, privacy consists of three broad dimensions—physical, information, and communication.

Furthermore, surveillance can be approached from two broad characteristics of the surveillance itself: that is, aggregate (mass) surveillance or target (zeroing-in) surveillance, and also by the sphere in which it is administered—state, workplace, market, and society.

This study focuses on social surveillance, which refers to surveillance (as earlier defined) with the following characteristics:

- Not directly administered by the state, or online intermediaries,[4] but by a person, a group of persons, or a social group and
- Carried out to support or enable the actualization of certain social ends, to fulfill or help perpetuate a set of social beliefs or ideologies or to consolidate certain social order.

The American Heritage Dictionary defines a 'witch hunt' as 'an investigation carried out ostensibly to uncover subversive activities but actually used to harass and undermine those with differing views' (Pickett 2011). Cyber-witch hunt as used in this study follows that definition but also notes it as a practice that takes place in cyberspace and also as a form of cyber violence that carries the objective(s) to target, single out, expose, shame, or socially reprimand certain type of behavior, or patterns of communication, which are not acceptable or intolerable by the mainstream culture in that society.

Cyber-witch hunt is often associated with 'doxxing' (*The Economist* 2014). 'Doxxing' derives from the term 'dox' (also spelled 'doxx', and short for '[dropping] documents') and first came to be used as a verb around a decade ago. The concept refers to malicious hackers' habits of collecting personal and private information, including home addresses and national identity numbers. The data are often released publicly against a person's wishes.

Case Studies in Post-2014 Coup Thailand

Using the aforementioned conceptualizations as guideline, this study has assembled three case studies of social surveillance in the Thai online sphere. The first is the so-called Cyber Scout—a group of youngsters organized under the support of the Ministry of Information and Communication Technology (MICT) to patrol the Internet for objectionable materials particularly lèse majesté content. Although the formation of this group is

[4] Here online intermediaries refer to those that stand between online content and online users. So they could range from Internet service providers to online content providers, hosting services, and operators of computer servers.

encouraged by the MICT, this study considers it as a social phenomenon because their participation in the group is not mandatory but voluntary. And there is also no law involved that would legalize or enforce their surveillance activities of online communication toward their evident aim for social control.

The second is the case of the 'Garbage Collector of the Kingdom'—a self-proclaimed organization that vows to monitor the Internet and other forms of communication and social practices for lèse majesté so that such 'criminal practice' may be ridden from Thai society.

The third is a collection of cyber-witch hunt accounts carried out by an individual or groups of individuals with a common aim to expose, lynch, or even rid a person because of their different and socially unacceptable belief and behavior.

Cyber Scouts

According to its website, Cyber Scout Thailand (www.CyberScout.in.th) is an organization set up to help create a 'friendly environment' for Thai Internet users by monitoring the Internet for false information and information that could fit under lèse majesté. The website states:

> Cyber Scout is a project that raises awareness and supports the use of computers and the Internet with moral ethics among children, young adults and ordinary citizens. This is done through the workshops and dissemination of the organization's guidelines and curriculum among community leaders, scouts, teachers and ordinary citizens in order to raise positive awareness in using the information and communication tools. It aims to build an online society that has conscience and morals by looking out for dangerous information and threats that are harmful towards the monarchy, Kingdom, and religion [understandably as Buddhism]. It also aims to create a network that eliminates these messages, media and dangerous speech, while developing the role of cyber scouts as effective agents in expanding such volunteer network.

The Cyber Scout organization has two objectives: (a) to create a Cyber Scout volunteer who morally and ethically uses the information and

communication technology (ICTs) tools with particular focus on promoting the morality and safety of the individuals within the society and (b) to create a Cyber Scout volunteer network that monitors behavior deemed to be posing a threat to the national security, which includes the monarchy.

Cyber Scout's name was taken from the word SCOUT, which is an acronym. S for sincerity, C for courtesy, O for obedience, U for unity, and T for thrifty. In the Thai Cyber scout handbook, the people who would become cyber scouts are required to develop a level of comprehension and learn about the origins of scouts, both in England and Thailand. Alongside, they are expected to help protect national security with the regular scout principles and to uphold the three pillars of the nation: the nation-state, Buddhism, and the monarchy.

Aside from the normal scout curriculum, the handbook contains a section about 'netiquette' or 'network etiquette', which means the manners in which individuals in society display on the Internet or cyberspace, which is a platform for communication, activities, and exchanges in ideas. Moreover, the handbook includes detailed content about computer technologies, networking, software security, and how to use the Internet safely. The later chapters include the harmful objects on the Internet and an overview of the Computer Crime Act.

In essence, 'Cyber Scout' is a collaborative project between the Ministry of Information and Communication Technology and the Ministry of Education. One of its activities includes the 'training of trainers' in which at least 1000 leading teachers from targeted schools are trained each year to impart their knowledge that includes patrolling the Internet for 'objectionable materials' to at least 100,000 voluntary scouts.

The organization has a pattern of arranging seminars and activities once a month at schools or youth communities. This also includes the ASEAN youth forums. The organization also hopes to train the management team of the Cyber Scout and the commanders and leaders of the program by creating a new curriculum and implementing it as part of the normal curriculum in schools under the Ministry of Education in the future.

The Kingdom's Garbage Collector Organization

The 'Garbage Collector Organization' is a self-proclaimed ultra-royalist organization whose aim is to keep tabs on the behavior of disloyal individuals on the Internet. Summarized from their Facebook page, the Garbage Collector Organization vows to protect the monarchy's reputation by exposing, exterminating, and shaming individuals who violate Article 112[5] or lèse majesté on the Internet.

The name of the organization dismisses people holding contrary views as trash (Stapleton 2015) and could be construed as hate speech against those who are not loyal to the royal family since the use of the word 'garbage' implies the worthlessness of those deemed to be anti-royalists, who deserve to be exterminated. This organization's major mission is to cleanse the kingdom of anti-royalists or what they deem as trash and teach the community of their obligation to scrutinize the Internet for people who insult the monarchy and reporting them.

The Garbage Collector Organization is founded and led by Major General Rienthong Nanna, a retired medical doctor and also a director of Mongkutwattana Hospital. Under his leadership, the organization constantly seeks volunteers to assist with the detection of lèse majesté cases, both domestically and internationally.

Major General Rienthong mentioned that the organization does not operate only with a few individuals but is open for collaboration with like-minded people who truly love and worship the monarchy (Weeranun 2014). Since each individual has a different perspective and their own way of handling the situation, the organization would not attempt to control or impose certain guidelines for its members to follow, as long as the members constantly expand the organization's networks, infiltrating facet of the society.

The structure of this organization is split into four parts: the fund management and support team, garbage scrutiny team, garbage-collecting

[5] Article 112 of the Criminal Code of Thailand addresses speech offenses—insult, threats, and ridicule—against members of the royal family, focusing on the king, the queen, the heir apparent, and the regent.

team, and the preventative campaign team. The role of each team is as follows.

Fund management and support team consists of accountants and financers. Initially, 11 people were recruited to the team to set up a financial system. The organization requires funding but would not request so from any party. The fund comes from small donations from like-minded people who support such social cause. This fund is generally used to award people who provide clues about instances of violations of Article 112 they have seen or heard through the media, both online and offline.[6]

Garbage scrutiny team acts as an intelligence unit and consists of information and communication technician and investigators. The main responsibility of these technical staff is to investigate and acquire full names and home addresses of the suspected offenders. They also help to verify evidence given in court because sometimes they have been tampered with. These investigators voluntarily gather information from the radio, television, and print or online media to acquire the full names, photos, and behaviors of those who may have committed the crime of insulting the monarchy.

Garbage-collecting team negotiates, files lawsuits, and prosecutes people who violate Article 112. The team consists of attorneys, lawyers, and police. Negotiation and bargaining takes place in the most parts. During this process, there are no threatening actions but photos are taken as evidence. In other parts, members of this team would file court cases and try to push the cases toward litigation and prosecution.

Preventative campaign team thinks of policies and measures to prevent the act of insulting the monarchy in society. They are also tasked with developing the community networks. The team consists of organizations and individuals who maintain good relationships with community leaders.

In April 2014, the Garbage Collector Organization processed its first case by filing a report against Chatwadee 'Rose' Amornpat for violating Article 112 or lèse majesté by using three video clips as evidence (*Dailynews*, 19 June 2014). Even though Chatwadee is currently residing

[6] Major General Rienthong established the 'Fund to Eradicate the Nation's Trash' (in Thai; 16 April 2014). Retrieved 26 October 2015, from http://shows.voicetv.co.th/voice-insight/103060.html.

in the UK, Major General Rienthong still believed it was imperative to file a report against her.

According to a report in a local newspaper, four other people were reported by Major General Rienthong in June 2014, including Manoon Chaichana aka Anek Sanfran, Sanae Tinsaen aka Piengdin Rak Thai, Choopong Teetuan aka Choopong Plien Rabob, and Amnuay Gaewchompoo (*Dailynews*, 19 June 2014).

All five who were reported, including Chatwadee, all live outside Thailand. Manoon Chaichana, who is also known as Anek Sanfran, one of the Thai nationals police has asked the USA to extradite in recent years.[7] Sanae (Burapawithi 2014) and Amnuay (*Matichon*, 3 January 2012) were all residing in the USA, with the exception of Choopong, who was residing in the Philippines (*Prachatai*, 14 October 2014).

Major General Rienthong believes that insulting the monarchy is not only illegal, but also affects national security. Therefore, citizens should learn to keep their eyes and ears wide open in order to 'protect and return justice to the current and previous kings who have done so much for the country' (*Dailynews*, 19 June 2014).

The Garbage Collector Organization also organized a protest in front of the New Zealand embassy in January 2015 (*Prachatai*, 23 January 2015). The protest called for New Zealand to take action on Akapop or Tung Acheewa, who fled to New Zealand after being accused of committing an act of lèse majesté. During the time he sought political asylum in New Zealand, Akapop reportedly continued his political activism that includes promoting forms of lèse majesté from there.

In May 2015, Major General Rienthong, secretary-general of the Garbage Collector Organization along with its members, filed a report against the owner of the Facebook account under the name Tananun Buranasiri by citing Article 112. Miss Tananun Buranasiri was an activist who advocated against anti-democratic establishments since before the 2006 coup. According to Prachatai, after the Garbage Collector Organization launched online and offline campaigns against her for

[7] 'Open the record of Anek Sanfran, the first terrorist whom Thailand requested extradition from the United States' (in Thai; 19 March 2015). Retrieved 26 October 2015, from http://www.manager.co.th/Politics/ViewNews.aspx?NewsID=9580000032372.

posting anti-monarchy posts on Facebook, Miss Tananun's employer terminated her job contract.

The Facebook page of the organization remains active, with constant updates of posts expressing devotion to members of the royal family and activities promoting the Thai monarchy like the upcoming 'Bike for Dad', which is a biking event organized as a tribute to HM the King, in celebration of his 88th birthday on 5 December 2015.[8]

In addition, older posts on this organization's Facebook page also warn members of the organization, who have infiltrated into anti-monarchy pages and are pretending to be insulting the monarchy in order to provoke similar action, that legal actions would be taken soon so those people should delete posts pertaining toward insults to the monarchy..

Zeroing-in Surveillance and Doxxing

The following accounts are based on arrest cases on lèse majesté that are preceded by evidence of cyber-witch hunt. These cases are carried out, individually and collectively, to pursue the same aim—defending the monarchy.

Sasiwimol Patomwongfa-ngam

This arrest case surfaced after authority spotted a Facebook user identified as Rungnapha Kampichai repeatedly posting content allegedly insulting the royal family. According to iLaw (2014), the arrest followed the filing of lèse majesté complaint by a group called 'Facebook Chiang Mai' at a local police station. Apart from filing the complaint, the group also denounced Rungnapha on the social media, sharing her Facebook posts and profile on different pages. After the complaint was received by the officer, the Facebook collective, led by Krit Yiammethakorn, visited the

[8] **The event, which will take place on 11 December 2015, will be led by HRH Crown Prince** Maha **Vajiralongkorn and will cover more than 20 km of collective bicycling in and around Bangkok. More than 100,000 people are expected to join the bike tour. Apart from the communal bike ride, the event will also feature outdoor performance of traditional Khon-masked dances from the Ramayana epic, a jazz concert, and an exhibition to honor HM the King.**

police station again two days later, with pro-monarchy sign banners, demanding prompt prosecution of the alleged culprit.[9]

Speaking for the group in front of the police station, Krit stated that Chiang Mai residents cannot 'tolerate any libelous remarks directed at the monarchy', according to *Khaosod English* (2014). 'Above all, we love His Majesty the King. So we decided that it is time for a majority of Chiang Mai residents who love the nation and the monarchy to come out and defend the institution they revere', he said. 'Those who insult the monarchy work together to cover up their identities. They are a network intent on destroying the monarchy.' He continued: 'Now that we received information that one such individual is in Chiang Mai, we want a swift legal action taken against that person' (*Khaosod English*, 30 September 2015).

The group leader also told *Chiang Mai City Life,* a local magazine, that the royalist group had around 18,000 members on Facebook. According to the same report, another group member, Mattana Ammeelap, traveled over 500 miles from Rayong, a province in the east coast of the Gulf of Thailand, to join the Chiang Mai group's demonstration after she found out about the offensive Facebook content. Mattana said she could not let people dishonor the beloved monarchy.[10]

Soon after, the police brought in Rungnapha for interrogation but reportedly found no involvement with the Facebook account. They instead found a new lead that Rungnapha could be framed by another woman, Sasiwimol Patomwongfa-ngam, whom Rungnapha had an ongoing personal conflict. By the end of September, the investigators visited Sasiwimol's house and seized her computer for further examination.[11]

About four months later, on 13 February 2015, the police summoned Sasiwimol, a 29-year-old hotel employee and mother of two daughters, to the Muang Chiang Mai Provincial Police Station. She was told to come

[9] Sasivimol: posted messages on Facebook (2014). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/en/case/681#progress_of_case.

[10] 'Royalists Urge Police to Prosecute Chiang Mai Woman for lèse majesté' (n.d.). Retrieved 21 October 2015, from http://www.chiangmaicitylife.com/news/royalists-urge-police-to-prosecute-chiang-mai-woman-for-lese-majeste/.

[11] For this and the following, see Sasiwimol: posted messages on Facebook (n.d.). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/th/case/681#progress_of_case.

in to sign a subpoena. However, once she arrived, she was taken to the military court at the 33rd Military Circle Kawila Camp, where she was issued an Order of Detention Pending Trial and immediately taken to the Chiang Mai Woman Correctional Institution.

In May, the officers from the Thai Lawyers for Human Rights (TLHR) center visited her at the prison. Upon their questioning, Sasiwimol said that it was a friend of her who used her computer to create the fake Facebook profile in order to attack Rungnapha, whom Saswimol claimed to be her ex-boyfriend's mistress and was having issues with. Sasiwimol also denied any involvement and said that she was unaware of the lèse majesté content. The detainee also claimed that she admitted to the charges in the first place because of the pressure during the interrogation and the authorities promising her a release.

In the morning of 9 June 2015, Sasiwimol arrived at the same military court for her first trial. Her lawyer, family, and friends were present along with the officers from the TLHR. The judge then informed her that, because the case involved national security, non-stakeholders were not allowed to be at the trial, and the interrogation will be carried out in secret. Her family and friends as well as the TLHR officers were removed from the room before the court proceeded and finished in 20 minutes.

As the case went on, two months later, Sasiwimol, like many defendants in lèse majesté cases, reversed her statement to confess to the charges. The military court ruled her guilty over seven counts under the Article 14 of the Computer Crime Act and Article 112 of the Criminal Code. She was sentenced to eight years in prison per charge, which totaled 56 years but was reduced by half to 28 years because of her confession. The court denied her parole request, saying her violation of the revered institution had a great impact on Thai people's feelings.

Aree

A 55-year-old employee of the Srinagarindra Hospital of Khon Kaen University was denounced and accused of lèse majesté and computer crimes by three royalist groups on 5 December 2014, after she allegedly

posted a photo of her and her friends wearing black attire a day before the King's birthday.

The employee who went by the name Aree Redshirt on Facebook became the center of the royalist group's attention when her photo that was deemed to be allegedly insulting toward the king was shared across the social media. According to *Prachatai*, the allegedly insulting photo posted on 4 December 2014, a day before the king's birthday, shows Aree and her friends dressed in black suit. The next day Aree posted two messages: 'The fifth of December of every year to me is a day off. Thanks to the owner of the birthday that makes it a day off' and 'Death is part of life. Everyone is born and will die. Accept it and life will be happy' (*Prachatai* English, 12 December 2014).

The controversy took off when Kampanart Tansithabudhkun, a famous psychiatrist and former TV host, shared Aree's photo and messages, demanding her explanation as well as revealing her work and personal information (*Prachatai*, 8 December 2014). The Garbage Collector Organization, another ultra-royalist group led by Major General Rienthong (Hookway 2014), active in monitoring online activity and singling out individuals allegedly insulting the monarchy, came out to endorse the cyber hunt, thanking the psychiatrist for his contribution. Many users also shared her personal information further and cyberbullied Aree.

Soon after, three parties, one in Bangkok and the other two in Northeastern provinces, separately filed complaints against Aree.

On 8 December 2014, a gathering of people called the People who Protect the Monarchy Group, led by Navasornsawan Thirakotr, went to Lumpini Police Station in Bangkok to file a *lèse majesté* complaint against Aree. That afternoon, Aree and her four friends were summoned by the authorities. According to *Bangkok Post*, the hospital management also sent a lawyer to be present at the interrogation. The lawyer, Chawee Meeklaub, also said that 'Aree's office received so many hate phone calls and threats that her line had to be disconnected' (*Bangkok Post*, 8 December 2014).

In the evening, Aree and her friends were taken to a military camp and detained for about five hours for what was called 'attitude adjustment', during which they were told by military officers to show their love for the

king by attending ceremonies and using honorifics when talking about the royal family.

On 9 December 2014, members of We Love the King, a Khon Kaen-based network led by Supat Passakorn, went to Khon Kaen Police Station to report about Aree's alleged infringement. On the next day, in another Northeastern province Maha Sarakham, another network member Weerapong Sithichan filed complaints against Aree and her friends, not only for violation of the lèse majesté law but also under Articles 14, 16, and 17 of the Computer Crime Act.

The officials then had a meeting with the Internal Security Operations Command and Khon Kaen University, and agreed it would look into the accusations. Aree was reportedly summoned again on 9 December. Her accusations are still under investigation, whereas her Facebook profile has already disappeared.[12]

Jaruwan

Lèse majesté complaints were filed against a young mother in Ratchaburi Province after a Facebook profile under the name 'Jaruwan' was found to be insulting toward the monarchy, according to iLaw.[13] The complainant, Lt Col Burin Thongprapai of the Judge Advocate General's Office, brought evidence of the user Jaruwan's Facebook activity to an inquiry official, who then worked with the Technology Crime Suppression Division (TCSD) to check the accused Facebook account.

On 16 November 2014, Jaruwan, a 26-year-old factory worker and mother of two children, was reported by the media that she had posted content insulting the monarchy on Facebook. After hearing the news, she called the police, who later came to her residence in Ratchaburi Province and took her to the Crime Suppression Division to be interrogated.

Upon questioning, according to iLaw, Jaruwan claimed that she did not post any of the insulting messages and suspected that it was her

[12] 'Aree: Facebook with black dress' (in Thai; 2014). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/th/case/642#progress_of_case.

[13] 'Jaruwan: Posting lèse majesté message on Facebook' (2014). Retrieved 21 October 2015, from http://www.prachatai.com/english/node/4773.

husband's friend, Chatchai, who did it to defame her after they were involved in a love triangle that ended badly. She claimed that her account had been hacked and used to post statuses related to prostitution to discredit her. She also said that she had not seen the accused content, as she was not able to log in.[14]

A day later, the military arrested Anon, Jaruwan's 22-year-old husband who could not read and write Thai, at his house in Ratchaburi and took him to the Sanam Pao Military Camp in Bangkok for interrogation. In the evening of the same day, he was arrested in Prachuap Khiri Khan Province and was then taken for questioning under the martial law. He denied his acquaintance with Jaruwan who accused him of hacking her account, saying he still lives with his family. The officers, though, kept Chatchai in custody at the King's Guard, Second Cavalry Division.

On 18 November 2014, the TCSD officials brought Jaruwan to the Bangkok military court, which granted pre-trial detention permission to keep her at Central Women Correctional Institution for 12 days, while waiting for her criminal record and witness examination. The court reasoned that the case attracted a lot of attention and the defendant could be harmed if released. The same happened to the other two, Anong and Chatchai, the next day.

Without the mortgage securities, they were kept in detention for a total of 84 days. They were released on 10 February 2015. After almost three months of provisional detention, the prosecutor has not filed any charge against them (*Prachatai* English, 10 February 2015).

Piya

Piya, a mobile-application programmer and former stock broker, was arrested by plain-clothes officers after complainants accused him of posting insulting comments about the king one year earlier.

In 2013, a group of Internet users filed complaints to the Technology Crime Suppression Division (TCSD) in Bangkok as well as the officials in other provinces, including Nan and Nakhon Pathom, after they came

[14] 'Jaruwan: Posting lèse majesté message on Facebook' (2014). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/en/case/641#progress_of_case.

across a Facebook profile named Pongsathorn Bantorn allegedly posting *lèse majesté* content. The profile photo of the user, though, was the picture of Piya.[15]

According to iLaw, on 11 December 2014, plain-clothes officers stopped Piya after he left his house and asked if his name was Piya. Once he confirmed his name, more than 30 officers nearby revealed themselves as officers and took him to custody, although no arrest warrant was declared. The programmer was then taken to the Royal Thai Police Headquarters and then the TCSD for investigation.

The TSCD officials asked him to change his shirt from red to black and tried to take him to a press conference, but he resisted because he did not wish to be in the news. While he was under arrest, the authorities seized his laptop and mobile phone for further investigation and did not allow him to contact his relatives or lawyer.

After interrogation, the police claimed that he admitted to posting *lèse majesté* comments and filed a case against him. He, however, denied this fact, saying he could only confirm that the profile photo of the accused user was the same image that he had used publicly as a profile photo on many social media, including Google+ and Twitter. After being detained at Tung Song Hong police station for one day, the officials took him back to his house in order to bring over his desktop computer, flash drives, and hard disks for further investigation. The next day, the court permitted a 12-day pre-trial detention and he was taken to the Bangkok Remand Prison.

After seven rounds of pre-trial detention, 84 days later, on 9 March 2015, Piya denied all charges and informed the court of misidentification, explaining how the complaints were filed against the Facebook user name Pongsathorn Bantorn. Piya was indicted under Article 112 of the Criminal Code and Article 14 of the Computer Crime Act for importing lèse *majesté* content into the Internet. The attorney also asked the court to proceed in private, citing national security concerns as the reason (*Prachatai* English, 9 March 2015).

[15] For this and the following, see 'Piya' (2014). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/en/case/645.

In May, the court processed the case in private, granting only his father, friends, and the lawyer's assistant to attend. The court then called for clarification over identification but both parties could not provide any evidence. To avoid involving an individual outside the case, the court told the attorney to correct and re-submit the complaint, but the attorney claimed identity theft was involved in this case. In July, the attorney re-submitted the complaint that contained only Piya's identification number. The case was scheduled to continue in November 2015.[16]

Conclusion and Discussion

If there is any advice to the NCPO, the military junta that came to political power in a 2014 coup could give to the next coup maker,[17] it would likely be how to manage online communication. Not only because this is the platform dominated by dissidents but also because it is a contested terrain for competing ideologies that could inadvertently help consolidate the power of the ruling status quo.

As the accounts of social surveillance and cyber-witch hunts compiled in this study shows, the challenges facing Thai society in its democratic path lie not only in the iron-fist rule of the junta but also in the hands of those that hold computer keyboards and smart phones. Notably, these apparent violations of a person's or persons' right to privacy and personal data have taken place in the absence of a data protection law or a privacy law, which would have been mandatory elsewhere.

Thailand is indeed a growing information society with more than 27 million Internet users or 41.13% penetration rate in 2014 and 144.91% for mobile penetration.[18] Bangkok has also been ranked as the capital city with the highest number of Facebook users in the world[19] while Thais are the biggest user of Line, a popular mobile chat application, outside of

[16] 'Piya' (2014). Retrieved 21 October 2015, from http://freedom.ilaw.or.th/th/case/645.

[17] Thailand's modern politics has been intermittent with coups. Since 1932 when the country changed its regime from absolute monarchy to constitutional monarchy, there have been 19 coups, of which 12 were successful.

[18] http://www2.nbtc.go.th/TTID/Internet_market/Internet_users/.

[19] http://www.socialbakers.com/facebook-statistics/thailand.

Japan.[20] But beyond these statistics, it is clear that different social groups are harnessing these globalizing technologies for their respective aims and under different political predisposition.

Undoubtedly, such social surveillance and cyber-witch hunting have contributed to a chilling effect and a climate of fear in cyberspace, which remains the most open and participatory fora for political communication in Thailand. Coupled with draconian laws, polarizing politics, and post-coup regulations, rights to free speech in Thai society in 2015 seem to be most circumscribed than ever. Through deliberate patrolling and network of surveillance handled by private users, the online control seems to be more widespread and commonplace, yet more debilitating for dissidents or non-conformists to speak out.

But the remedy may lie beyond just a change in laws and political regime. The respect of another person's human dignity, which includes personal information and private communication, is a globalizing value that still needs to be impressed upon in Thai society. For a start, the NCPO, which has always been adamant on reform, could begin by adding this notion to its much propagated 12 core values of the Thai people as a small but meaningful step toward genuine reform.

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14

Conclusions: Globalization, Democracy and Challenges

Chantana Banpasirichote Wungaeo

The plan for this book was provoked by an observation that in the first decade of the 2000s, the countries in Southeast Asia (SEA) are facing some degree of political unrest: Thailand's astonishing two coups d'état since 2006, the rising political opposition to the long-established dominant ruling parties in Singapore and Cambodia, the rise of democratic forces under the logo 'Bersih 4.0' in a formerly calm Malaysia, the peace agreement on Bangsamoro in the Philippines, the increasing visibility of civil society in Vietnam, and the big step of general elections in Myanmar. The first reaction would be a simple question as to what has been going on with the democratic polity in the region after the few decades of nation building and the recent proliferation of neoliberalist globalization?

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In order to tackle this question, a conference on 21st globalization in SEA: Alternative Futures and Democracy was organized at Chulalongkorn University in 2014, which brought together a number of scholars in the region to share analyses and interact with scholars from outside. The focus was on democratic politics in twenty-first-century SEA. The discussion, however, quickly expanded to the quality of society in the changing context. The region is undergoing some changes under the influence of economic expansion, but it is still doubtful if the change is a one-way transition to liberal democracy. As the pressure from neoliberalist globalization becomes stronger in the region, 'democracy' is both thriving and being questioned at the same time. This chapter will shed light on matters that might affect the life of democracy and development as reflected in different countries of SEA. The diversity in terms of development levels and regime types may not allow for a very coherent picture, but when liberal democracy is not flourishing in this region, the lessons of its relationship with society can be shared. If no country exactly fits the model of a Western liberal democracy, what does this mean? If we see movements for and against some version of democracy, where are the nation-states of SEA headed? If social movements pop up everywhere in the region, do they offer alternative models of democracy?

What Kind of Globalization?

SEA's economic miracle caught global attention in the 1990s as the newly industrialized countries in Asia transformed into so-called economic tigers. Several factors have contributed to its growth: post cold-war conflict settlements, foreign direct investment and the role of the developmental state. By the end of the 1990s, the rising Southeast Asian tigers were struck with an endemic financial crisis. The impact on SEA varied with the role of the state and the degree of its liberalization. The presence of globalization is felt in different ways and degrees, but three key areas are prominent, namely economic neoliberalism, the proliferation of new media and the mixed migration flow of people. To some degree they affect social and economic classes, social integration and public space.

The financial crisis of 1997/98 was a hard encounter of SEA with neoliberalist globalization. The consequence was close to an economic catastrophe. One should not forget the 'moral hazard' in the course of financial crisis that uncovered institutional shortcomings in coping with the neoliberalist economy, particularly in Thailand. Structural adjustment with a varied degree of privatization, deregulation and liberalization was introduced as recovery measures in some countries and had regional ramifications.

Greater economic liberalization causes the region to be under the influence of external determinant factors of development, and in return there is a diminishing role of the developmental state. Neoliberalist economy drives the region at the turn of the twenty-first century into a 'trade war' consisting of a series of free trade agreements and economic regional blocks, notably Trans-Pacific Partnership. Transnational corporations are prevailing in several sectors such as mining, industrial estates, new infrastructure, food biotechnology, transportation, energy. The idea of special economic zones was invented to accommodate foreign investment. Transboundary natural resources become a new frontier for cross-border development projects, with more Chinese transnational corporations penetrating into mainland SEA. The incidents of land grabbing become more intensified in a number of countries like Cambodia, Laos, Thailand, Vietnam and Myanmar (cf. Welsh 2015; Vidal 2011; Oxfam America 2015). The economy of the twenty-first century is shifting toward innovation and creativity, which is a big challenge for most countries in the region as they need to do better in these sectors to leave the middle-income trap.

The new media and communication technology changes the political behavior. Undoubtedly, cyber space serves as a new form of public and political space. The question is whether this new form of public space enhances democracy. The situations in different countries point in different directions in which the new media serves as an important mechanism for new social movements to raise public awareness, voice their concerns and influence public policies. However, the advancement of technology is not supported by the democratic value of freedom of expression and tolerance, leading to another example of paradoxes in globalization (cf. Ramasoota, Chap.13 in this volume). The new emerging youth with new

ideas and aspiration is reflected in the case of Cambodia and Malaysia, while in Thailand the right wing exercises political surveillance in the new media. In a divided society, like Thailand, cyber space becomes a new battlefield that can equally promote democracy and at the same time counter it.

The region now faces an increasing mobility of people, which changes the characteristic of the population now and more in the future to come. Country case studies in this volume deal with the phenomena of migrant workers, refugees and displaced people. These become relevant social and political issues as seen in, for example, Singapore's social integration, Myanmar's ethnic conflict and Thailand's human trafficking in fisheries. Issues of citizenship, political rights and social integration become hidden political agendas.

The initial anticipation for growing and deepening democracy, when a certain degree of economic growth has been achieved, is now leading to more questions. There is skepticism if globalization has contributed at all to a more egalitarian polity in the region and questions if even globalization in itself is democratic. Francis Loh Kok Wah refers to an observation in Indonesia in the early 1990s by H. Crouch (1993, p. 92) that both social structure and political culture do not pressure for more democratization. Despite changes in economic development, it has not created enough impetus for meaningful political change. Not surprisingly, the predominant political elite did not conform, if not resist, with democracy (Loh 2005, p. 35). This observation is also true for other countries. Öjendal (2005) points to the contradictions in the three processes of governance, democratization and globalization. With the existing traditional governance legacy, the neoliberalist globalization and the egalitarian value of democratization, the region faces dilemmas. There is the proliferation of liberal democratic values and the rise of middle classes; at the same time, marginalization of the poor and the strengthening of elites in support of globalization are occurring. He states that 'stratification of societies is a part of the process of globalization, countering the egalitarian aspects of democratization. The lower strata of the population tend to be left behind in the process … Thus, globalization tends to promote a non-committing procedural democracy, but may render it increasingly

difficult for a more grounded, substantive and egalitarian democracy to emerge' (Öjendal 2005, p. 366).

What Kind of Democracy?

As the first decade of 2000s has passed, a recent assessment of democratization in SEA finds some changes as well as continuities. William Case (2015) gives the title of his chapter as 'Democracy's mixed fortune in SEA: torpor, change and trade-offs'. He elaborates the current state of democracy in this region:

> Where democratic change unfolds in the region, it is usually fragile and ever vulnerable to a rollback at varying pace or even stark breakdown. But more insidiously, even where democracy stabilizes, this comes at the cost of quality, there in stunting rule of law, policy responsiveness, executive accountability and the like. Social forces may drive democratic transitions in Southeast Asia through popular upsurge or concerted patterns of voting. But resurgent elites, never quite dislodged, may reply with authoritarian backlash. (Case 2015, p. 20)

The contemporary trend of governance in SEA, departing from the statist approach to nation building, is still predominantly governance by elites (Jamil et al. 2015). The nation-states of SEA are ranked in the Freedom House report 2015 as 'not free' and 'partly free' countries by political rights and civil liberty standard; the status did not change from the previous year except for Thailand falling back to a 'not free' country. This happens to be a part of the global trend of discarding democracy mostly in young democratic countries (Puddington 2015, pp. 11–13). It would be very common in some countries like Vietnam, Laos and now Thailand to find people relying on the ruling elite or trading freedom for social security in countries like Singapore and Malaysia (cf. Kampfner 2009).

In this volume Jan Nederveen Pieterse is (Chap. 2) convinced that the convergence of modernity, capitalism and democracy is more of a hegemonic narrative. In fact, democracy and capitalism do not necessarily guarantee equality. So, there is no point of sticking to the convergence

as a framework. The rival models are Islamic theocracy and, particularly for this region, East Asia developmental state. He no longer doubts the relevance of democracy for the future. The right question is what kind? He argues to rethink state and democracy focusing on institutions, governance and policy. After the financial crisis, the role of the state is back to the discussion. However, the states in SEA take a grip on the society rather than the market. The incidents of land grabbing and special economic zones in most places in SEA are good examples of the state collaborating with investors, leaving common people out of the equation (Welsh 2015; Vidal 2011; Oxfam America 2015). The chapter on urban inequality in the Philippines illustrates this by looking at intense land development projects and low-income housing (Porio, Chap. 9). States in SEA have relatively less autonomy from economic agents than the ideal developmental state and are often driven by vested interests. This affects the capacity of the state and the quality of democratic polity to a large extent.

Political Stability Looking closer at the case studies of countries in this volume, it can be claimed that the region enjoys relative political stability. All countries, recently including Myanmar, except for Thailand and the communist countries, have managed to keep the general elections in place regardless of the outcome. The electoral politics is relatively young, at an average of 50–55 years. Malaysia and Singapore have a longer election tradition but are a one-party monopoly. Cambodia has also been ruled only by one party. Philippines' and Indonesia's electoral politics were interrupted by periods of dictatorship though more stability is found only in the past 20–30 years. Thailand is the only country that has not been able to break through the vicious circle of military coups since the regime change from absolute monarchy to constitutional monarchy some 80 years ago (1932). Myanmar celebrated the second general election in 2015 after a long period under military government but is still struggling with an undemocratic constitution granting a quota for military officials in the house of representative and discriminating the political leader from premiership. The communist countries like Vietnam and Laos claim that

democracy is in the party mode of representation whereby the hierarchical procedure is applied.

Democratic Transition Stability is tested by the recent rise of oppositional forces, both from the political parties and from the civil society. Discontentment has to do with a number of issues that affect the legitimacy of the incumbent governments in this region. Singapore is a mildest case of citizen alert, and political competition has been closely contained within the electoral system. After a strong leadership of Lee Kuan Yew, the opposition party has been able to step up the constituency support but not to the point of regime change. What matters to the shaking legitimacy of Singapore's strong government has to do with what Yeoh, Yeo and Auyong refer to in Chapter 4 as 'social contract trilemma'. The authors' assessment of Singapore's social contract is that it is lopsided with the highly developed economic competitiveness but has still underdeveloped social protection and relatively undeveloped democratic development. The crisis of the social contract emerges from, among other things, the changing level of social cohesion due to the country's reliance on foreign workers, which has implications for both the meaning of social integration and protection and the aspiration of the new generation for greater public participation.

In Malaysia, after Mahathir, the internal politics within the ruling party has led to intense political contest and change of the electoral landscape with a greater visibility for the opposition party. The recent unprecedented and dramatic popular uprising of the Clean and Fair Election movement appears amidst political competition to closely monitor election and corruption scandals. The anti-climax for Malaysia is that the opening up of political space is also exploited by the right wing in association with the ruling party.

The declining trust in electoral politics is worst in Thailand. The erosion of electoral legitimacy was due to a loss of trust. The unprecedented popular uprising of anti- and pro-government groups driven by political mobilization had led to a protracted conflict and a deeply divided society. The conflict resulted in an interruption of the electoral political procedure by two military coups.

Cambodia seems to be an exception. Despite skepticism of electoral flaws, with a shorter experience of having elections, people in general have been patient and full of hope to see the election results changing in the near future as the younger generation is emerging from economic development. The stability issue in Myanmar is different. Elections were held under the military regime, and the results could have been in favor of the military, but the NLD won a landslide victory. The underlining condition for a stable polity in Myanmar is the settlement of ethnic conflicts. There is no way of knowing if the communist party in both Laos and Vietnam are stable. The not so promising sign of instability can be seen from the state's reaction against human rights defenders. This is not limitted to the communist countries alone. The forced disappearance of human rights defenders or even nongovernmental development workers is reported in certain countries, for example, Thailand and Laos.[1]

Not only the communist regimes control popular political activism under the justification of 'national harmony', but also the multi-party countries in the region make use of draconian laws to regulate political activism, namely anti-terrorism, internal security, sedition, press and publication. There is even control of common laws like traffic and public nuisance laws and recently computer and digital communication. In short, the situation is very fragile because it is based on tough measures which do not address, or rather increase, people's frustration and distrust. It might not be an exaggeration to state that most Southeast Asian states are still trapped in the cold-war mentality of state securitization. Concerning political stability, Singapore might be able to manage people's dissatisfaction better than others with the help of economic competitiveness and electoral accountability while most countries in this region will be struggling.

The rise of political activism is considered healthy for democracy, and there are signs of the long-lost opposition parties waking up. Embong asks in his chapter whether Malaysia, and I believe along with other countries in the region, is moving toward a 'mature democracy' or is 'stuck in

[1] Sombat Somphone was abducted from his own car on 16 December 2012. More information can be found from Find Sombat Somphone facebook http://www.sombath.org/en/and his website http://www.sombath.org/en/video/the-investigation/.

transition'. After some 50 years of democratic transition, most Southeast Asian countries have achieved stable electoral politics. Elections might take root in the region when people cannot see their future without it, regardless of possible malfunctions. Yet, elections will only become an institution when it is sure they are to be free, fair and inclusive so that people have confidence in the system.

It should be quite explicit how democracy is situated in each country by using an adjective to name a few: façade democracy in Cambodia, disciplined democracy in Myanmar, controlled or guided democracy in Thailand, quasi or limited democracy in Malaysia and party-controlled democracy in Vietnam. The same adjective can be justified in different ways. As electoral politics in the liberal democratic countries experience declining trust in the electoral procedure, the interest is now in the interpretation of democracy in the communist countries. For Vietnam, controlled democratization is necessary for democracy not to derail. The communist party is confident that democracy is in the economy only and then leads to other dimensions of democracy. Nguyen and Pham's analysis of Đổi Mới in this volume contends that people have enjoyed greater economic freedom on the first count while civil society is still guided in a 'socialist-oriented civil society' and that one-party rule cannot be discarded as impossible for democratization. Rehbein's explanation of Laos' political structure falls in the similar logic in which people are represented by the party that is broad-based through different levels of representation. People's associations are created within the party structure. Notable are women and youth groups. Political participation in Laos outside the party is not in fashion as long as a relative economic gain is delivered. It is interesting to find a different degree of responses toward the neoliberalist economy between the two communist countries. Laos has maintained a slower pace despite high growth rate. It seems that the market has driven political change in Vietnam to a greater degree than in Laos. The recent change of party leaders and central committee in Laos has shown a sign of the party maintaining the status quo by passing on positions in the party to their family descendants. This is a new phenomenon after the old elites are retiring (Semyaem 2016).

In general, we cannot name a particular model of democracy for Southeast Asian countries. The closest can be an electoral politics or procedural democracy, not including the communist countries. The system only seems to be operating through establishment of elections while at the same time informal political institutions coexist in both democratic and communist countries. Most country studies in this volume refer to special or extra-contractual political relationships such as patron–client, cleavages, kinship, clan and nepotism. These informal and personal types of relationship in the private sphere encroach into the public and cause unpredictable political behavior and democratic distrust.

We have no deeper knowledge of how the informal political institutions and rules intervene with a modernized political institution like elections and governance in SEA. In this globalizing economy, how does social capital, for instance, work in political configurations, in both conflict and consensus context? For this we can anticipate a similarity between the communist and democratic countries on the influence of informal politics. Studies on informal institutions in Latin America broaden our perspective. They do not simply find fault in the informal institutions because they can be positive as well, and the informal rules do not necessarily come from cultural traditions either. Informal institution is defined by Helmke and Levitsky as 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels' (Helmke and Levitsky 2006, p. 5). The authors also distinguish possible relationship between informal and formal institutions as complementary, accommodating, substitutive and competing based on the outcome it has on effectiveness of the formal institutions (p. 14). It seems that informal political institutions can lead to a better explanation of democratic status quo in SEA, so there is room for further studies on this subject.

Along with some good signs of more alert citizens and the increasing visibility of the opposition parties across the region, yet, not without risk of instability, countries have undergone certain changes. To begin with a communist country, Vietnam's polity is driven by the market economy. The communist party has adjusted to the external and internal factors, for example, with the adoption of business people into the communist party, possible trade union law and voices of the opposition in the assem-

bly. Nguyen and Pham in this volume see that democratization has to come from the communist party with pressure from integration into the international economy. Multi-party systems will be aspired to in the unforeseeable future.

Countries like the Philippines and Indonesia with more political stability are concerned about the structure and capacity of the state. The countries are experiencing development of local government and decentralization. In the Philippines, Porio's analysis of urban reform to accommodate low-income housing through the work of local government and grassroots movements cannot withstand the impact of increasing land prices from big project investment and flood disaster. Local government eventually has to survive by supporting big investment projects so urban inequality continues to prevail. This calls attention to the capacity of the state to deal with market aggression. Singapore, Malaysia and Cambodia are countries ruled by a dominant ruling party for a long period that begins to see oppositional forces.

Thailand's situation is full of contradictions. Democracy has been derailed by deeply divided conflict and the military coup despite people's long experiences of public participation. The country had been experimenting with a substantive form of democracy for almost two decades. Jumnianpol and Nuangjamnong in this volume trace back the use of 'deliberative democracy' in different forms since the major political reform in 1997. They found from different case studies that the practice of deliberation did not observe the fundamental principles of reasoning and inclusiveness. Above all, most deliberation is carried out without adequate links to the representative democracy. In spite of new approach to substantive democracy, the practice of deliberation is still influenced by informal relationships and cleavages, which are not well recognized by representatives.

Finally, the most intriguing phenomenon is the change in Myanmar. The political road map of the military government in 2003 provides a foundation for political change toward civilian government but still with military control. Zaw Aung in this volume attributes the political road map to the international pressure for the safety of Aung San Suu Kyi in Depayin incident, the Saffron revolution and the cyclone Nargis all of which compelled the military government to make change under their guidance.

A change in the political landscape is about to happen in Malaysia, Cambodia and Singapore as the opposition and political activism is about to exercise greater influence. To learn from Thailand's lesson, the role of the state and the place of counter-democracy in the political system are critical to political stability. It seems that countries like Singapore with greater level of economic development and better management of ethnic relations might have a better chance to maintain stability. Countries like the Philippines and Indonesia that enjoy relative political freedom cannot dismiss the important role of the state in curbing inequality. Myanmar and Vietnam are taking steps toward a democratization process in their own way.

Democratic transition might be applied to Myanmar's transition from military to civilian government through the electoral process. In this case, Thailand can be considered to be in an unfinished democratic transition. For other countries, transition to mature democracy, liberal or socialist, is still questionable. Those self-descriptions of each own democracy by country political analysts and critics convince us that democracy here is not yet settled. Electoral politics might be democratic, but other things are not. Much has been said about rule of law, active citizenship, checks and balances, and so on, but why have they not been installed? Perhaps, it is not ready-made and needs to be intertwined with the pre-capitalist social structure and political tradition. It is generally acknowledged that democracy needs more than electoralism and advanced technology. Jan Nederveen Pieterse in this volume advocates the idea that for a certain society, the economy must be secured for it to work. He also points to the developmental state as the feature of this region that should be revisited since the model was successful in East Asia before.

Considering democracy is always in the making, and democratic transition for SEA (apart from stable electoral procedures) seems to center around adjustment of state–society relationship with the market; a critical agenda that is missed out in the discussion is the transformation of the state in democratic transition. The idea of 'embedded democracy' articulated by Merkel (2004, p. 37) identifies five partial regimes and supporting environments in a democratic system: electoral regime, political liberties, civil rights, horizontal accountability and effective power to govern. Those partial regimes are supported by 'stateness', civil society, and social and economic requisites.

This analytical model of embedded democracy is useful for new democracies because it recognizes the fact that the state might not entirely possess full power to govern despite representing the electoral majority.

Challenges

The problems concerning democratic polity in this region as reflected in this volume are concentrated on certain areas: outrages of counter-democratic forces, politicization of ethnic conflict and ethno nationalism, widening inequality and shrinking social cohesion, state capacity and transformation, monopoly of ruling elites and disenfranchised middle classes. A number of issues reflect on the vulnerability of liberal democracy and elite and middle class in the persistence and changes of social structure.

Vulnerability of Liberal Democracy The focus on Thailand in this volume represents the extreme politics under representative democracy. The risk of political instability along with a declining of trust in electoralism and political representatives appears in the other country studies as well but not to the scale as in Thailand. The question raised is, why the existing democracy cannot contain conflict without resorting to violence? Wungaeo in this volume points to the politics of distrust causing an erosion of legitimacy and so nothing in the system seems to work. Distrust has its function in the democratic regime because it encourages checks and balances and the citizens to be alert. The risk is when counter-forces provoked by distrust become unpolitical and so counter-productive. There has been a common experience of tyranny of the majority, uncivil society, as well as 'unpolitical' and apolitical movements in the communist countries.

While liberal democracy presupposes an egalitarian condition, the characteristic of social structure of countries in this region is far from equal. Paradoxically, liberal democracy does not guarantee equality either, but quite the contrary. Most countries in this region, even Singapore, face poverty and inequality. Without a decisive inclusive policy, there is a tendency that certain groups will be marginalized. This

is particularly pertinent to ethnic conflict as demonstrated in the case of Myanmar.

The capacity of the state becomes a determinant of the political. The country case studies on the Philippines and Indonesia, which touch on examples of policy issues on urban low-income housing, social inclusion and environmental protection, share similar observations about the ambiguous ideology and inefficiency of the state in the age of neoliberalism.

Elite and Middle Classes Politics in SEA is already well known as played and dominated by the elite groups (cf. Cho et al. 2008). The middle classes have had a role to play in the changing course of democratic regimes in most countries at a certain point in time, but there is a lot of inconsistency. The 'noisy right' in Malaysia and the witch hunting and social surveillance in the cyber world in Thailand postulated in this volume by Embong and Ramasoota, respectively, show a rather ambiguous reaction of the middle classes to the opening up of political space. On top of that, those political reactions exploit and are exploited by the state's security mechanisms to tighten national security controls. These might be an exception rather than the rule while the rise of the middle classes in general leads to social change. Against the general expectation, the middle classes might not be a useful lens through which to analyze democratization especially in situations of a polarized conflict. Attention might be paid to the overall social structure.

Rehbein's analysis of social structure in Laos in this volume sets an example of how to study elite as well as middle classes in the changing context. Using 'milieu' and 'habitus' to differentiate social stratification, Rehbein found that classes do not change abruptly despite radical regime change to the communism. An important observation of the Communist Party of Laos is that its ability to maintain the status quo or not depends on how the new professional elite can be integrated into the socialist polity. This analysis brushes up against the previous conviction on the role of the middle classes in democratization in which the resistance to change is equally important. Thus, the role of elites in maintaining the status quo as well as leading social change is almost indispensable for the study of democratic

transition in this region. Frustration over the inconsistency of the middle classes in upholding democracy should be channeled to the study of elites.

In summary, we see a strong correlation among pre-democratic social structure, economic globalization and the particular form of democracy and its opposition. Democracy is just as 'embedded' in society as the market. Or, more precisely, the three interrelate and enter a specific configuration, which is path-dependent. With regard to SEA, this book highlights several aspects of the regional and national paths: the legacy of the Cold War, rapid economic development and liberalization, external economic globalization, the important role of informal politics, powerful elites and weak but emerging middle classes.

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