Civilising the State:
state, civil society and politics in Thailand

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On 9 November last year (1998), a group set out from Chaiyaphum town in northeast Thailand towards two villages whose defiance stands in the way of a dam project. It was an impressive group by Thai provincial standards. The deputy provincial governor. An MP. District officers and other senior officials. Police. *Kamnan* and *phuyaiban* (village heads). Provincial councillors. Representatives of the provincial chamber of commerce and industry association. Other influential figures in the province. All in all, 300 people.[1]

The villages are deep in the forest, and the procession of some 40 vehicles along the narrow, rutted and steep road at the tail end of the rainy season must have been quite an adventure. The two villages are small – about 50 houses each – and very simple. No electricity. No running water. Makeshift wooden houses that can easily be dismantled and transported elsewhere. Only a few small fields, as the villagers live mostly by collecting forest produce – fungi, shoots, red ants' eggs, tree frogs, and the *bai lan* fibre once used as the 'paper' for all Siam's chronicles and religious texts. Each village is surrounded by a flimsy rail fence with a ramshackle gate hinged by an old truck tyre.

What exactly happened next is not clear. According to the provincial official record, they conducted a 'fact-finding mission'. According to villagers and activists, they broke down the gate with a military vehicle, waved weapons in the air, fired off shots, barged into houses, and threatened villagers if they did not stop opposing the dam.

Two weeks earlier, there had been a similar but slightly smaller expedition led by one MP, local officials and fifty police officers. Barred from entry to the village, one of the party exclaimed: 'Are these people Thai or not? Are they Buddhists or not?'[2] Two weeks later, officials stage-managed a demonstration in support of the dam. Two MPs proudly sponsored the event. The governor gave speeches. And the crowd deliberately blocked a provincial highway.[3]

On the evidence of the flimsy fence, ramshackle gate, and a crude notice claiming the village would negotiate only with the premier, the villagers were accused of setting up a *rat issara*, a free state. In other words, they had committed a *khabot*, an act of rebellion. In the official record, Thailand's leading human rights lawyer was accused of inciting the villagers to defy the government and cut down trees. At the time cited, he was actually in Bangkok.[4] The Assembly of the Poor, an alliance of NGOs and local groups which openly supports the villagers, was accused of 'opposing democratic principles, fomenting disunity among the people, stirring up resistance

continually and everywhere in Thailand according to an ideology that has never been changed'.[5] In other words, the Assembly was accused of being a communist plot.

I will return to this incident later. Here I just want to raise three queries arising out of the incident, which set the scene for the main discussion of this paper.

First, only a very few years ago, a couple of small, poor and relatively defenceless villages would never have been able to resist such a project. They would have been swept aside. What has happened?

Second, why is officialdom using the tactics of the mob and the language of the cold war?

Third, this dam (Pong Khun Petch) is a minor project,[6] certainly not a major environmental cause like Nam Choan, Pak Mun, the Yadana pipeline, or the Salween projects.[7] Why are the emotions running so high?

My concern is this: what is happening *between civil society and the state*.[8] In my view, the answers to these three questions about the dam incident are as follows.

First, these little villages can defy the dam because they have the support of new civil society networks, and because there is growing public distrust of government projects on account of their past record.

Second, officialdom has not adjusted to this new situation, and resists introducing new procedures such as proper public hearings. Instead, it is fighting back using the same techniques of agitation and demonstration used by protesters.

Third, with the added factor of the economic crisis, this stalemate leads to frustration and high emotions. Such Mexican standoffs, with uniformed and armed personnel faced off against angry villagers (or, in some cases, urban residents) have become a regular feature of the television news and press front-pages over the last couple of years.

With this incident as background, I want to discuss the changing relations of state and civil society in Thailand. First, I shall talk about the state. Then I shall review the development of civil society. Finally I will look at the key debate on strategies to change the relations of state and civil society, which I shorthand as *civilising the state*.

The decline of the state

One of the big themes of international political economy in the 1990s has been the decline of the state. Strikingly, analysts approaching from many different disciplines – economics, political economy, geography, cultural studies – and from many different political perspectives, have all tended towards a similar conclusion.

Let me just highlight three of the main arguments.

First, international political economists have argued that the multinational capital has destroyed the major role of the nation-state as the political expression of national capital. Robert Cox has pointed out that the impact of this major change is very different in different parts of the world. In the seats of multinational capital, such as Europe and the US, it is leading to the formation of mega-states. In areas like Latin America, where multinational capital is strong, the state is atrophying. In East Asia, the old developmental states are being broken down. And in some of the poorest and least secure parts of the world – Africa, Eastern Europe – states are disintegrating into a 'new medievalism' of robber barons.[9]

Second, many economists and political scientists have pointed to what Susan Strange calls 'the retreat of the state' in the face of the growing power of market forces. Many have recalled Polanyi's famous treatment of the ascendancy of democracy over the market in the nineteenth century, and have described the growth of neo-liberalism as Polanyi's process in reverse.[10] Susan Strange argues that because technology, finance and much else now flows freely around the world, states have lost many of the powers they previously wielded. Some of these powers have shifted from the smaller, poorer states to the bigger and more powerful ones. Some have shifted into the control of market institutions including international banks, shipping cartels, 'econocrat' institutions like WTO, and crime syndicates like the mafia. Finally, some of the powers have simply 'evaporated'.[11]

Third, from cultural studies Arjun Appadurai offers another perspective on state decline. Now that it is much more difficult to believe in the nation as the political expression of a race or people, so the nation-state has lost much of its moral and political authority. Moreover, besides the money and technology now flowing freely around the world, there are also much greater flows of information and of people themselves. With mass migrations, ethnic groups (and ethnic movements) are now scattered across borders. With the communications revolution, people can consume culture from all over the world. There is no longer any 'fit' between a people, a culture and a national boundary.[12] The state is in crisis because it no longer matches a socio-political reality.

Most of this literature comes from the west and often reflects local concerns in that region. But two important contributions are closer to home in Asia.

First, Kanishka Jayasuriya has been asking what will be the particular impact of globalisation on the state in Asia. He argues that the old interventionist developmental state is disappearing, and being replaced by a 'regulatory state' in which the administration of the economy is transferred away from government to independent rule-based institutions such as central banks and law courts. Further, he and others argue this is accompanied by the growth of 'illiberal democracy' (or 'authoritarian liberalism') in which power is concentrated in social and technocrat elites, representative institutions are reduced to a meaningless puppet show, and civil society is 'managed'.[13]

Second, Chai-Anan Samudavanija, in a famous article, concluded that 'While [in Thailand] the military and bureaucratic elites remain important and will continue to safeguard their diminishing role in society, they will not be replaced; they will be bypassed.' Like many others, Chai-Anan argues that international flows of money and

ideas are steadily diminishing the power and space of the nation-state. Hence the Thai elites which have dominated the state will simply decline with the institution.[14]

This short review is only a sampler. What is most striking about this literature on the decline of the state is that it is huge. On paper at least, the state is already dead.

New roles for the state?

By now I should have telegraphed that I'm going to dissent from this view. Much of this 'death of the state' literature is looking top-down from the Olympian heights of international studies. Certainly, the idea of the *nation* is crumbling. But to assume this must mean the collapse of the *nation-state* is to attribute too much importance to a hyphen. Certainly, the argument that the old role of the state in regulating the economy is changing in nature and shrinking in scope is valid. But this is only one aspect of the role of the state. This literature tends to ignore the function of the state as *an instrument of social control*. Here I want to argue, on the basis of Thai experience, that any shrinkage has severe limits. And the expectation of Chai-Anan that we can stand aside while the old military-bureaucratic core of the Thai state is 'bypassed' seems to me over-optimistic.[15]

Let me go back to the dam incident I began with. As I noted, only a few years ago, the Thai authorities could have completed this project with little difficulty. Certainly they would not have been deterred by a couple of villages of forest-gatherers. Now they are opposed by local groups, alliances built through the NGO movement, activists who no longer believe in the good faith of the state, and discourses against dams in the international literature on environmentalism. To that extent, the growth of civil society – at both local and international levels – has limited the power of the state and created some new political space for opposition.

But as the incident also shows, the authorities are fighting back. And in other recent cases where they used similar tactics – notably the Yadana pipeline and the Pak Mun dam – the authorities ultimately won hands down.[16]

What then is happening to the Thai state? Of course over the past twenty-five years, the military domination of the state has been driven back and Thailand has built one of the most ostensibly democratic states in Asia. This is an enormous achievement. But if we look at what is happening within this new democratic framework, we begin to see some limitations.

In a famous article written against the background of the 1991-2 political crisis, Nidhi Eoseewong asked what are the real fundamental working principles of power and politics in Thailand, stripped of all the legal and institutional formalities. Nidhi approached this question using two Thai words: *itthiphon* and *amnat*.[17]

By the word *amnat*, power or authority, Nidhi meant the formal power of appointed legal authorities, especially the bureaucracy. By *itthiphon*, influence, he meant the locally-based extra-legal power of village bosses, gangsters, godfathers and businessmen, and their modern incarnations as local councillors and MPs.

Both types of power, Nidhi argued, were basically out to exploit and suppress the people. However, the Thais were saved from the worst excesses of dictatorship and exploitation because both *itthiphon* and *amnat* were severely fragmented and, more importantly, because they could be played off against one another. 'The Thai people', Nidhi wrote, 'hate *amnat* because it oppresses them as a matter of course, but the Thai people know the country needs *amnat* because without it there would be nothing to oppose *itthiphon*. So the Thai people support the survival of both *amnat* and *itthiphon* so the two can fight one another' (164). He concluded that the Thai people survived by playing *amnat* and *itthiphon* off against one another, and that 'this form of struggle is the pure genius, the true wisdom of Thai society' (168).

Using this same model, I want to suggest that over recent years, the space that separates *itthiphon* from *amnat* has drastically narrowed, and the opportunity to play one off against the other has diminished.

Nidhi recognised that *amnat* and *itthiphon* were always ready to compromise with one another. And he pointed out the Thai people fear the army and police because they bridge both kinds of power. But I want to suggest there has been a serious rapprochement of the two sides; that it has occurred at many levels; and that the basis for this rapprochement has been the new framework of democratic institutions.

Let me just give two examples of the process. A decade ago, the Chatichai government (1988-91) extended the authority of ministers to make appointments and promotions at the top levels of the bureaucracy. Since then, career bureaucrats have had to attach themselves to political patrons in order to hoist themselves up the last few rungs of the bureaucrat ladder. Because ministerships change hands quite frequently, often they attach themselves to political parties rather than individuals. And because party politics is an uncertain and expensive business, often these relationships are more about finance than friendship. The buying of senior official positions – for vast sums – has become a common event. And has spawned a minor industry of agents and fixers to negotiate these deals.[18]

Further, as a result of this new close relationship, the nature of corruption scandals has totally changed. From the Chatichai era until recently, most corruption scandals had been of one particular form: a politician accused of making money from budget spending either as kickbacks on contracts or as skim from direct expenditure.[19] But over the last two years, we have had a flood of corruption scandals of a different pattern: namely, politicians and bureaucrats *working together* in schemes which are much more elaborate and much more long-term.

In the Salween timber scandal, logs illegally cut in Thai forests were laundered as Burmese imports. This required the connivance of police, customs, military and forestry officials scattered along routes of many hundreds of kilometres. The businessman who masterminded the scheme boasted of his political connections. Some of the suspect logs finished up in the possession of senior politicians and party branches.

In a health ministry scandal, a ministerial order made it possible for senior officials to organise a ring for overpricing the sale of drugs and equipment to provincial hospitals.

Political associates of the minister were involved in supervising the implementation by officials at the local level.

In the ‘edible fence’ seeds scandal, a minister promoted a scheme of free distribution of vegetable seeds to farmers. His officials arranged to purchase the seeds outside normal procedures at vastly inflated prices. Preliminary investigation showed that large numbers of officials were involved, and rumours suggested that the political involvement went very high indeed.

Three features of these scandals are worthy of note. First, they involved large numbers of people, both officials and politicians, and lots of money. Second, the schemes were outrageous, yet those involved seemed confident they could get away with anything. Third, because of the close cooperation between officials and politicians, by and large they *did* get away with it. The media described these schemes in considerable detail, and a handful of ministers and officials were forced to step down. But politicians and bureaucrats were able to close ranks and bury the accusations in a confusing muddle of investigative committees.

At the local level, there has been a similar rapprochement. Since the mid-1980s, each MP has had a fund to spend in his constituency on roads and other civic improvements. Classically this is used to reward localities for their vote. As a result of this scheme, most village headmen probably now make more money as contractors than as farmers. With the formation of the *oboto* (tambon or sub-district councils) over the last three years, this system has been extended. The headmen sit on the council. So too does the *nai amphoe* (district officer). Projects funded by central ministries are increasingly implemented through the *oboto*. According to one account, the leakage from project budgets can run at 40 percent after both *itthiphon* (the village bosses and an MP patron) and *amnat* (the district officer) have taken a cut.[20]

Let me go back again to my example of the Chaiyaphum dam. The procession which travelled into the forest to pressure the two villages is a graphic example of the cooperation between *itthiphon* and *amnat*. On the side of *amnat,* it was led by the deputy provincial governor, who took along district officers, irrigation and forestry officials, and police. On the side of *itthiphon*, there were two MPs, village officers, members of the provincial council, and representatives of the provincial chamber of commerce and industry association.

In sum, whether joining hands in complex and ambitious corruption scams at the national level, or in petty local extraction, or in an intimidating invasion of two irritating villages, *itthiphon* and *amnat* now work closely together.[21] And the ability of the Thai people to play one off against another – the Thai ‘genius’ for survival in Nidhi’s analysis – has been severely diminished.

The Thai state as rearguard

Now let me see if I can drag myself out of the swamp of Thai corruption scandals, escape from Nidhi’s culturally sensitive but esoteric framework of analysis, and get back to the evaluation of the state.

Clearly the Thai state is mounting a stubborn resistance to change. Let me give you a few examples. Take the question of bureaucratic reform. All of the last four governments have committed themselves to bureaucratic reform and set up committees to make proposals. But nothing has resulted. The reformist head of the Public Service Commission stated in frustration that there has been no significant reform of the bureaucracy for a century. The current government announced the intention to downsize and upgrade the bureaucracy, but then drew up proposals to reduce the numbers by just ten percent over four years.[22]

Take decentralization. Again this has been a standard policy commitment for over a decade. Recently an adviser to the Interior Ministry told me that the word 'decentralisation' was unmentionable inside the ministry until a few months ago, and can still be uttered only in hushed tones. The project of tambon councils is half-hearted and possibly designed to be such a failure that the project will be reversed.

Take the military. Recently it was announced that one third of all generals (616 out of 1,859) have no active post. Plans were announced to reduce this number by drastically cutting the number of new promotions each year. Last year, they did indeed reduce the length of the promotions list. But they also issued the list twice rather than once in the year. So the net result was more promotions rather than less.[23]

The military has blocked 5.3 million rai (0.85 million hectare) of land. Government has repeatedly asked the military to surrender what it does not need, but so far without result. Since 1992, the military has been under pressure to surrender its grip over radio and TV stations. So far, nothing has happened.

Take the police. Pressure for police reform has risen with publication of scandals over bribery, protection rackets, and involvement in gun-running, drug-trading and the flesh trade. The police have responded by weeding out officers who get caught. They insist the problems arise from 'bad people' not 'bad systems' and they strongly resist any structural change.

Now of course all states have an in-built conservatism. Their first instinct is to resist change. Also, the Thai state is a particularly crusty version. It has a century-long heritage as the instrument of royal absolutism and then military dictatorship. But I think the current rearguard action goes beyond normal instincts for self-preservation. The attack is stronger. And hence so is the response.

The period since the relaxation of military controls in the mid-1980s has seen rapid explosion of social and political demands which had been bottled up in earlier years. The resulting expansion of civil society over the past fifteen years has stimulated a defensive reaction. Moreover, this period has been a time of jolting social change, marked by the dramatic boom-bust cycle of the economy, large-scale migrations of people on a temporary and permanent basis, new patterns of work and consumption, and much broader dissemination of ideas and information. These changes have provoked a fear of a major social reorganisation which would threaten long-established interests.

The function of the state as an instrument of social control has been refined to cope with the outburst of social and political demands. Since the 1970s, the old

bureaucratic state has been broadened by incorporating big business, both local and provincial, and some sections of the middle class. But there is strong resistance to any form of democratisation which would give greater weight to the rural majority, or to the rapidly growing urban labour force. The conservatism of the state is one line of defence against major political change.

To return yet again to my dam example. When these villages first opposed the dam in 1996, the opposition leader was shot dead – by a policeman.[24] When village resistance hardened, officials resorted to the language of the cold war. Officials claimed the village's flimsy fence, which dogs, kids and chickens pass through regularly without noticing its existence, was evidence of the villagers' attempt to declare a 'free state' – an act of rebellion. And the organisations which lent the village support were branded as covert communists, working 'according to an ideology that has never changed'.

The passage of hope: from democracy to civil society

From the 1970s to the early 1990s, reformists believed that the mechanism to change the Thai state would be *democracy*, meaning representative institutions. During the 1980s, when changes were slow, this tardiness was attributed to the imperfect form of 'semi-democracy' under which electoral parliaments co-existed with much of the culture and practice of military rule. Once the military finally left, it was assumed, change would accelerate.

Hence May 1992 was a watershed. After the incident destroyed the political aspirations of the military, many reformists were optimistic. Thirayuth Boonmee, the 1973 student leader turned 'social critic', wrote a book claiming this as a 'turning point' on a scale which occurs only once a century. With the military now out of the way, he foresaw a period of benign change under the leadership of the middle class working through the institutions of formal democracy. He wrote:

> This will lead to a transfer of power and legitimacy from the state to society… from the bureaucrat group to businessmen, technocrats and the middle class. Society will change from a closed society to an open society, from conservative thinking to a much broader perspective, from narrow nationalism to greater acceptance of internationalism and regionalism, from centralisation to decentralisation.[25]

In mid-1998, just six years later, Thirayuth presided over a meeting of NGOs and local groups to discuss political reforms against the background of the financial crisis. For two days, speaker after speaker detailed local problems, discussed political strategies for seeking redress, and debated agendas for reform.[26] Not one speaker mentioned the formal democratic institutions – parliament, parties, local councils – as representing a proper or promising route to seek redress. In the view of these participants, the parliamentary system had simply been coopted into the bureaucratic state. The battle was still between the people and the state, the people and paternalist domination, the people and *rabop upatham*, the patronage system which now encompassed not only bureaucrats but elected representatives. What's more, as one speaker pointed out, in the age of mass TV and global communications, the mentality

of the people moves ahead much faster than the mentality of state institutions which are too big, clumsy and slow to effect change.

Thirayuth himself defined *thammarat*, the Thai translation of the phrase 'good governance', without reference to the formal institutions of government at all:

> National good governance lies in the power of the movement of local organisations, peoples, and communities to understand problems, be self-reliant, help themselves, reform themselves; and at the same time, be forceful in monitoring whatever is bad and ugly in society.[27]

Take another example of the declining faith in democracy. The student-led revolt of 1973 has often been cited as a landmark of Thailand's democratisation. But in a recent volume published to commemorate the 25th anniversary of the revolt and to analyse its 'lessons', not one of the articles carried the word 'democracy' in its title. The writers, who were mostly veterans of the event, totally ignored the subsequent development of parliament, elections, and parties. Instead, they wrote about social movements, ideology, community, civil society, and the politics of everyday life. The editor's own article concluded:

> The people's movement for community self-rule … forms a basis for the strength and security, both economic and political, of the community in the future … To prevent exploitation and to escape the colonialism of the great world powers … communities must be strong and secure, so the overall society is strong and secure too.[28]

With this declining faith in 'democracy' as the route to a better political future, and in parliamentary institutions as a mechanism of change, the idea of 'civil society' has been seized upon to play the same role – as the repository of hope.

In sum, the hope that democratic institutions will transform the state has dwindled now that unofficial and official power, *itthiphon* and *amnat*, have made a deal. The Thai state is not standing aside to be 'bypassed', but is mounting a rearguard defence. There is thus a growing belief that the state will have to be 'civilised' by civil society.

The state of civil society

So let me now quickly review civil society in Thailand.

Let me start by going back to Chaiyaphum, and looking at the linkages which connect these two villages to civil society. The core population of the villages are Chao Bon or Khon Dong – an Old Mon people who probably lived in the Chaophraya basin before the Thai and who have been steadily pushed deeper into the forest.[29] A generation ago, Chao Bon would run away at the sight of an outsider. Now other Isan people have joined the village and married. In the villagers' historical memory, there used to be four villages in this forest. They often shifted location, particularly after an illness or disaster. One villager in his 40s can remember six moves in his lifetime. My point is: this is very much the periphery – remote from the state, from rice culture, from

being Thai, from fixity of residence, from house registrations. But it is now linked in to civil society.

The dam project was first proposed in 1988, and initially escaped public attention. It came into view only when, after the Pak Mun dam affair,[30] NGOs began to investigate other dam projects among the Irrigation Department's plans.[31] In 1995-7, villagers joined the protests under the umbrella of the Assembly of the Poor. In the Assembly's negotiations with the Chavalit government in April-May 1997, the dam was suspended pending review by an independent committee. This committee included the head of the government's environmental watchdog association, who for the first time raised the issue of environmental impact (the project had been designed to fall below the minimum size requiring an environmental impact assessment). The committee brought in academics who raised doubts over the irrigation benefits and the cost-benefit calculations.

After the Chavalit government (1996-7) fell, local officials and the irrigation department quietly reactivated the dam project and prepared to force the villages out. After the November incident mentioned at the start of the paper, several newspapers ran stories on the incident. Most criticized the official aggression. Some raised doubts about the cost benefit of the project. A local activist lawyer petitioned the interior ministry to investigate the governor for abusing human rights, overriding the cabinet order to suspend the project, breaking the law, acting against the spirit of the constitution, and generally 'acting as if Thailand is a jungle'.[32] A human rights NGO visited the villages and established a branch there. Most of the large water-storage jars in the villages were spray-painted with clauses from the constitution on human rights, and with text of the 1997 cabinet resolutions on the right of people to live in harmony with the forest.

This is a very small example. But I think it captures some of the key features of the current state of civil society in microcosm: the vital role of the media, the catalytic role of NGOs, the increasing importance of both people's movements and umbrella organisations like the Assembly of the Poor, and the importance of the concept of *rights*. In this last section, I want very quickly to say something about each of these.

The media provide the platform for challenging the powers and actions of the state. This is now an established tradition which is well understood, well valued, and staunchly defended. In retrospect, too, we can see that 1992 was a landmark. Ultimately it strengthened and emboldened the print media. And eventually it willed us one electronic channel outside state control. The impact of the first independent television station, ITV,[33] is still too early to assess. But it has clearly done two things in its first two years. First, it has widened the space available on TV for serious social and political debate, and has forced other stations to adjust in response.[34] Second, it has introduced some investigative journalism which surpasses the standards of the print media. Most famously, it has shown the police accepting bribes on camera. More importantly, it has documented corruption in the logging industry with full details of how much was paid to whom; traced the paths of amphetamine dealers right back to the production sites in Burma; and much besides.

On the Thai NGO movement, much has been written over the last few years.[35] I want to make just one point. Over the last few years, the role of NGO workers has changed.

More and more they are catalysts and facilitators for local groups and local people's movements. They connect local grievances and local aspirations to media platforms, sources of information and expertise, and networks of alliance. The power of the NGO movement now comes not so much from its own resources of cash and manpower, but from the underswell of local movements.[36]

The last few years have also seen the growing importance of umbrella organisations, notably the Assembly of the Poor, but also farmers' groups and regional organisations in the north and south. Again, the formal structure of these umbrella organisations is skeletal. They are gradually assuming a larger role in public politics not because of their resources but because of the underswell they represent.[37]

The concept of *rights* has become central to the project of civilising the state. This is also relatively new. Ten years ago, the concept did not have anything like the importance it has assumed now. As the faith in democratic representation has dwindled, the importance of *rights* has soared.

Over the last few years, this promotion of rights has had two main strands. The first, has found its main expression through the movement to draft, pass and enforce the new 1997 constitution.[38] This movement for constitutional change has three main parts. First, to catalogue a long list of rights, as the basis for shifting the balance of power between individual and state. This is probably the easiest of the three. It may seem rather formal and academic. But when you see these clauses spray-painted on water jars in a forest village in Chaiyaphum, you begin to understand that they have powers of education and empowerment beyond the formal legal system.

Second, to shake up the judicial system so it may become a device for enforcing some of these rights. This is done by setting up some new courts (administrative, constitutional) and quasi-judicial institutions (for instance, the National Counter Corruption Commission) to circumvent some of the failures of the past, and implicitly to challenge the existing court system to act more independently of central power. This is undoubtedly the most difficult and uncertain part of the project.

Third, to break up the alliance of *itthiphon* and *amnat* by changing the structure of parliament, strengthening the judicial monitoring of politicians and bureaucrats, extending decentralisation, and providing greater opportunities for public challenge. Here the provision to allow petitions of 50,000 signatures to begin proceedings against the powerful is the most innovative, most dramatic, and most feared provision in the new charter.[39]

The second strand in the promotion of rights is associated with the local movements mentioned earlier. Here too the catalogue of rights claimed has expanded. Early movements focused on the rights to local resources, in opposition to state claims to monopolise or destroy those resources at will. More recently, movements have asserted rights to *livelihood* – in particular the rights to proper compensation for loss of livelihood, expressed in many dam protests, and the right of access to land, expressed in the land invasion movements that emerged in response to growing unemployment during the crisis. Finally of course, there is simply the *right to have rights* even if you are only a forest gatherer, faced by the deputy provincial governor at the head of a cavalcade of *itthiphon* and *amnat*.

Civilising the state

So, how to *civilise the state*? Over the 1990s, this has become an increasingly urgent debate, which now divides civil society. There are basically two different and opposed approaches.

The first approach puts its faith in further modernisation. It wants changes in rights and rules, such as through the reform of the constitution noted above. But more important, it puts faith in economic and social changes. For democracy to work, according to this view, the economy and society must advance further along the lines of western industrialised societies. In this analysis, the continued power of both *itthiphon* and *amnat* rest ultimately on rural society. *Amnat* derives its power from the traditional deference of peasants long submitted to official paternalism. *Itthiphon* has developed this deference into a modern patronage system (*rabop upatham*) which the local lords exploit to gain the super-profits of illegal commerce, and the political power from 'money politics'. The only solution, according to this school, is to modernise Thailand's peasant society out of existence. This can be done by draining the poor away from the villages to the city, and by upgrading the peasants into capitalist farmers through education and technology. As explained by Anek Laothamatas:

> … we must first destroy patronage relations, to release the "little people" of the village from the unequal, unfree association with the "big people" or "patrons", so they become "individuals" like the people of the city and other modern classes… then they can join together in free associations as "civil society", which from the angle of liberalism is an unavoidable condition of democratisation, because only such a "civil society" can deal with the state and truly control and reform the bureaucracy.[40]

This approach has adopted the term *pracha sangkhom* to translate 'civil society', and has been active in strengthening community organisations, especially in provincial urban centres.[41]

The second approach has less interest, less optimism about changing the state through politics or through new rules. Rather, it concentrates on battles within civil society – to defend and extend local rights, to enlarge the political space available to local groups, to break down the culture of dominance by bureaucrat or boss. These battles are fought by demonstrations, protests, networking, and attacks on the dominant cultural discourse. This strategy requires regular skirmishes with the state – particularly over the contested control of local resources of land, water and forests, which are so crucial for livelihood and well-being. My Chaiyaphum dam example obviously belongs to this approach. [42]

Advocates of this approach contend that modern Thai urban society and the more traditional rural society can and should co-exist, so the overall society can benefit from the best parts of both.[43] Like those of the first approach, they oppose the persistence of paternalism and the patronage system within rural society. But they believe the way to overturn this system is *from below* – by enlarging the political

space and increasing the political defiance of the 'little people'. The state will become civilised only with pressure from below.[44]

The difference between these two approaches to civilising the state is partly a matter of class. The first *pracha sangkhom* approach is largely urban with roots in the modernist middle class. The second approach is rural, and has roots among the poor. But this class difference is blurred by alliances and networking. More importantly, the two have a very different vision of a future Thailand. For the first, the state can only be civilised when Thailand's old rural society is modernised out of existence. For the second, the era of globalisation creates opportunities to break down the patronage system from below, and enable both urban and rural society to co-exist and achieve greater freedom.

So let me sum up. In my opinion the reports on the death of the state are greatly exaggerated, especially in the less advanced world. While many of the intellectual and material foundations of the old nation-state are being undermined by worldwide flows of money, people and ideas, the state is acquiring a new role as the bulwark against the social changes which these flows threaten to create. In other words, the state has a growing role as a defence of old hierarchies, privileges, vested interests, and controls over resources.

There is growing intellectual support for a concept of civil society, which challenges old hierarchies and exclusions. The growth of local organisations and networks translates this concept of civil society into day-to-day reality. However, the job of *civilising the state* in Thailand is going to be a long struggle. And the debate on *how* to civilise the state has become dramatically polarised. On one side, the modernists argue that Thailand's peasantry must be sacrificed to ensure a future for representative democracy. On the other, opponents have lost faith in the ability of representative democracy to civilise the state. They seek instead to limit and diminish the power of the state by strengthening the rights of individuals and communities – including the right of peasant society to exist and to be different. The crux of the debate is whether the Thai village could or should have a part in Thailand's future.

Notes

May I take this opportunity to thank the directors of the Centre for Asian Studies in Amsterdam for inviting me to give this Wertheim lecture. I feel greatly honoured.

[1] This account is based on a document from the Chaiyaphum provincial governor's office entitled *Khrongkan ang kep nam prong khun petch amphoe bua rahew changwat chaiyaphum* [Pong Khun Petch reservoir project, Rahew district, Chaiyaphum province] which details the history of the project and the protests; Sanitsuda Ekachai, 'Villagers complain of arson and death threats', *Bangkok Post*, 22 November 1999; *Sayam Rat Sapdawichan*, 27 December 1998, 88-9; Wanida Tantiwithayaphitak quoted in *Krungthep Thurakit*, 17 November 1998; Phichet Phetnamrop quoted in *Matichon*, 11 November 1998; and eye-witness accounts from villagers involved. Phichet claimed there were 200 armed police, and the invaders called the villagers 'Cambodians' and 'communists'; interview, 24 March 1999.

[2] 'Samatcha hoem tapoet no oo po![Assembly dares to chase off the district officer]', *Thai Rath*, 2 November 1998; and the provincial governor's document cited in note 1.

[3] *Khao Sot*, 5-6 January 1999; Vasana Chinvakorn, 'Diary of a protest', *Bangkok Post*, 16 January 1999. Shortly after this, a community building in one village was torched. Villagers believe provincial officials were responsible.

[4] Thongbai Thongpao, 'Using old tactics to suppress protesters', *Bangkok Post*, 10 January 1999.

[5] This quote is from the provincial governor's document mentioned in note 1.

[6] The dam was first mooted in 1971 as part of a larger multi-dam project, and dropped as uneconomic. It was revived as a stand-alone project in 1988. The 610-metre earth-fill dam across a shallow valley would create a reservoir of 14 sq. km. (8,750 rai) in area now mostly occupied by dry deciduous forest. The total cost is estimated at 318.6 million baht. See the Irrigation Department's report on the project dated December 1988, and its review of the project dated 15 February 1998.

[7] The Nam Choan dam project in the western forests was abandoned in 1989 after a long protest campaign. The Pak Mun dam project, sited close to the confluence of the Mun river with the Maekhong, was completed in 1994 in defiance of strong protests by local communities and environmental groups. Protests against construction of the Yadana pipeline, which carries natural gas from Burma through the western forests to Ratchaburi, climaxed in 1997. The project was completed but remains controversial because of continuing environmental damage. The Salween projects are schemes to pump water from the Salween basin into the Chaophraya basin to fulfil increased demand from Bangkok and the agriculture of the central plain. The Chuan II government recently voted a large budget for feasibility studies.

[8] I use the terms here according to the way they are used in the discourse I am reviewing, rather than trying to impose a different framework of definition. 'State' refers to government and those parts of society which work closely with and benefit from government. 'Civil society' refers to forms of socio-political association and activity outside official government auspices.

[9] Robert W. Cox, 'Critical Political Economy' in B Hettne (ed.), *International Political Economy: Understanding Global Disorder*, London: Zed Books, 1995. The phrase 'new medievalism' comes from Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, New York: Columbia University Press, 1977.

[10] K. Polanyi, *The Great Transformation*, Boston: Beacon, 1957; Andrew Gamble, 'The limits of democracy', in Paul Hirst and Dunil Khilnani (eds), *Reinventing Democracy*, Oxford: Blackwell, 1996.

[11] Susan Strange, *The Retreat of the State: the Diffusion of Power in the World Economy*, Cambridge: Cambridge University Press, 1996.

[12] Arjun Appadurai, *Modernity at Large*, Minneapolis: University of Minnesota Press, 1996, especially chapter 8.

[13] Daniel A. Bell, David Brown, Kanishka Jayasuriya and David Martin Jones, *Towards Illiberal Democracy in Pacific Asia*, New York: St Martins, 1995; Kanishka Jayasuriya, 'Rule of Law and Capitalism in East Asia', *Pacific Review* 9(3), 1996, 367–88; and 'Authoritarian Liberalism, Governance and the Emergence of the Regulatory State in Post-Crisis East Asia', paper for the conference on 'From Miracle to Meltdown: The End of Asian Capitalism?', Murdoch University, 20–2 August 1998.

[14] Chai-Anan Samudavanija, 'Old soldiers never die, they are just bypassed: The military, bureaucracy and globalisation', in Kevin Hewison (ed), *Political Change in Thailand: Democracy and Participation*, London: Routledge, 1997.
[15] Given that Chai-Anan was active in the movement to pass the 1997 constitution, and has since become a judge on the constitutional court, it appears he too believes this 'bypassing' will take some effort.
[16] These tactics are not confined to big public set pieces. On another dam project, a 'technical meeting' was called for officials and academics to exchange information. Without warning, the officials packed the meeting (in a university seminar room) with local politicians and other supporters of the dam, who held the floor and delivered polemics. No technical information was exchanged.
[17] Nidhi Eoseewong, 'Ratthathammanun chabap watthanatham thai [The Thai cultural constitution]', originally in *Silpa Watthanatham*, 13(1), November 1992, reprinted in Nidhi, *Chat thai, muang thai, baep rian lae anusawari* [Thai nation, Thailand, school texts and monuments], Bangkok: Silpa Watthanatham, 1995. Nidhi noted that he took the idea from Yoshifumi Tamada, 'Itthiphon and Amnat: an informal aspect of Thai politics' in *Southeast Asian Studies*, Kyoto University, 1991/3.
[18] In a landmark case this year, one such agent, an official in the Office of Accelerated Rural Development, was jailed for eighteen months after confessing to accepting 2.4 million baht, allegedly to be paid to a provincial governor to secure a promotion for the agent's client. *Nation,* 25 February 1999. In some ministries, this political alignment filters down through vertical clientages to involve middle and lower ranking officials as well.
[19] See Pasuk Phongpaichit and Sungsidh Piriyarangsan, *Corruption and Democracy in Thailand*, Chiang Mai: Silkworm Books, 1996.
[20] This 40 percent figure was given by a group of villagers in Yasothon in mid-1998. The group included a long-serving ex-kamnan (head of a group of villages) who admitted participating in this leakage.
[21] Murder, as Ben Anderson noted, provides great insight into Thai politics. On 27 February 1999, Ubon Bunyachalothon – *jao mae* of Yasothon, ex-MP, loan-shark, suspected mastermind of the killing of Saengchai Sunthornwat, *itthiphon* supreme – was shot dead by a sustained burst of AK-47 fire through the window of her Mercedes. The first person to appear at the hospital was *amnat* personified, the provincial governor. It is not clear whether he came in sympathy or to make sure she was dead. See *Thai Rath,* 28 February and 1 March 1999.
[22] *Bangkok Post*, 25 April 1998. The total number of state employees in 1995 was 1,464,557.
[23] *Nation*, 24 September 1998. 218 generals were due to retire and the proposal was to replace only 75 percent of them. But in the two rounds, 151+93=244 were promoted. The prime minister said the reduction policy 'turned out to be impossible to implement'.
[24] The police claimed they were raiding a marijuana plantation and the killing happened accidentally during a scuffle. But the villager had just been to lay a complaint against the local headman who was profiteering from land speculation caused by the dam project. He was shot in the back from medium range, which does not indicate a scuffle. The police could produce only a couple of marijuana plants. Suparat Janchitfah, 'Death of an ordinary man', *Bangkok Post*, 4 August 1996. The case is still in court.
[25] Thirayuth Boonmee, *Jut plian haeng yuk samai* [The turning point of the era], Bangkok: Winyuchon, 1993, 56. For another hopeful view of middle class-led politics see Anek Laothamatas, *Song nakara prachathipathai: naew thang patirup kan muang sethakit pua prachathipathai* [Two cities of democracy: directions for reform in politics and economy for democracy], Bangkok: Matichon: 1995.
[26] Thammarat workshop held at Chulalongkorn University, 25-26 July 1998.
[27] Thirayuth Boonmee, *Thammarat haeng chat: yutthasat ku haiyana prathet thai* [National good governance: strategy to rescue Thailand from disaster], Bangkok: Saithan, 1998, 31.
[28] Pitaya Wongkun, 'Thit thang khabuankan prachachon miti mai: naew santitham lae sang khwam mankhong haeng chiwit' [The direction of new people's movements: peace and building life security' in *Prachaphiwat: botrian 25 pi 14 tula* [People's revolution: lessons from 25 years of 14 October], Bangkok: Withithat, globalisation series 7, 1998.
[29] As with many peoples who like to keep themselves remote, what they are called is no problem for the villagers themselves, but a big confusion for everyone else. These villagers favour the form Khon Dong, which simply means forest people in Thai. William Smalley reported they preferred the term Nyah Kur, meaning hill people in their own language (*Linguistic Diversity and National Unity: Language Ecology in Thailand*, Chicago and London: University of Chicago Press, 1994, 264). Nowadays outsiders usually refer to them as Chao Bon, which means hill people in Thai. Previously they were often called Lawa, a catch-all term for Mon-Khmer minorities. In 1918, Eric Seidenfaden

wrote of them: 'The children in some villages are already ignorant of the language of their parents, and for the rest most of the members of the tribe prefer now to be called Tai for fear of being termed "savage".' ('Some Notes about the Chaobun, a Disappearing Tribe in the Korat Province', *Journal of the Siam Society*, 12, 1918) Smalley noted that this situation, which Seidenfaden assumed was the preliminary to integration, remained the same in the 1970s. In these Chaiyaphum settlements, it is still true in the 1990s. The periphery resists. See also Preecha Uitrakun and Kanok Tosurat, *Chaobon: sangkhom lae watthanatham* [Chao Bon society and culture], Bangkok: Social Science Association of Thailand, 1987.

[30] The Pak Mun dam project was bitterly opposed on grounds that the benefit was enough electricity to supply a small Bangkok department store, while the cost was damage to the fisheries which were important to the protein supply of the lower northeast region. The irrigation department faced down the protests and built the dam, incorporating a fish ladder. Protesters claimed the ladder would not work because 'Thai fish cannot jump'. They were right. The dam devastated the fishery potential on the lower reaches of the region's most important river. The credibility of the Irrigation Department was permanently damaged. See articles by Tyson R. Roberts in *Natural History Bulletin of the Siam Society*, 41(2), 1993 and 43(1), 1995.

[31] The history of the Pong Khun Petch project portrays in microcosm the recent dialectic between civil society and state. 1) When planned in 1989-90, this relatively small project attracted little attention. The Irrigation Department later down-sized the project below the minimum size to trigger a mandatory environmental impact assessment. By 1995-6 when protests surfaced, the project had progressed to an advanced stage. The construction contract had been allocated, land for the project purchased, and several villagers had accepted compensation. 2) Opponents queried the project on several grounds. a) The use of the forest for gathering was not costed at all. Not only did the local villagers depend on the forest for livelihood, but other villagers over a wide area also made occasional use of the forest for traditional gathering. b) The irrigation benefits detailed in the project document were vaguely described and probably over-stated. The dam would only add a relatively small volume of water to the Upper Chi river, and the same benefit could probably be achieved more cost-efficiently by managing the existing water flow better. c) Similar small earth dams in the same area had not been effective. 3) When these objections arose, backers canvassed local support for the dam by exaggerating its benefits. a) Several communities both above and below the dam supported it because they believed it would improve their water supply. Yet the project document showed these communities would not in fact benefit. b) Because of drought in 1998, local officials were caught between villages fighting over scarce water. Some began to support the dam in the hope it would make their job easier, even though the project plan allocated the water elsewhere. c) Local politicians and influential figures lent support for the project to show solidarity with the provincial governor and to gain the kudos of achieving a major local project. In addition, dams traditionally provide profits from land speculation and construction kickbacks. The MP leading support for the dam is said to be close to the construction contractor.

[32] The complaint, including this quote, is detailed in the provincial governor's document cited in note 1.

[33] The Chuan Leekpai government (1992-5) initially promised to license several new TV stations to break the state monopoly. However this promise was diluted and delayed. ITV finally began broadcasting in late 1996. Ownership is spread among a consortium including the Crown Property Bureau. Expertise has come from The Nation press group. Many of the station's most impressive investigations have been presented in the programme *Thot rahat* [Break the code].

[34] At the time of writing (February 1999), Channel 7 (army-licensed) is running a drama series (*Dao khon la duang*, each to his/her star) which features a godfather, bent policemen and a government minister running a drug-peddling operation. Although the plot celebrates 'good cops', the setting tells a story which would not have been found on this medium a very few years ago.

[35] Prudhisan Jumbala and Maneerat Mitprasat, 'Non-Governmental Development Organisations: Empowerment and Environment" in Kevin Hewison (ed), *Political Change in Thailand*; Surichai Wun'Gaeo, 'Non-Governmental Development Movement in Thailand', in *Transnationalisation, the State and the People: The Case of Thailand*, Tokyo: United Nations University, 1985; Thai NGO Support Project, *Thai NGOs: The Continuing Struggle for Democracy*, Bangkok, 1995.

[36] See Prudhisan and Maneerat, 'Non-Governmental Development Organisations'.

[37] The Assembly of the Poor was formed in late 1995 as an umbrella for many long-standing local movements, especially those connected with the land rights of the poor and dispossessed. In 1997, the Assembly conducted a historic 99-day demonstration in Bangkok. See Prudhisan Jumbala, 'Constitutional Reform Amidst Economic Crisis', in *Southeast Asian Affairs 1998*, Singapore: ISEAS, 1998; Praphat Pintobtaeng. *Kan muang bon thong thanon: 99 wan samatcha khon jon* [Politics on the street: 99 days of the Assembly of the Poor], Bangkok: Krirk University, 1998.

[38] See Prudhisan, 'Constitutional Reform'; Pasuk Phongpaichit and Chris Baker, *Thailand's Boom and Bust*, Chiang Mai: Silkworm Books, 1998, 273-7.
[39] Under clause 304, a petition of 50,000 eligible voters obliges the Senate to begin investigation of politicians or senior officials accused of corruption. The exact procedure for such petitions has not yet been defined by law. However, NGOs led by Rossana Tositrakun collected 50,000 signatures to force a proper investigation of those involved in the public health ministry scandal. On submission, she was asked to 'verify' the signatures. Vasana Chinvarakorn, 'Sign of the times', *Bangkok Post*, 27 February 1999.
[40] Anek Laothamatas, *Song nakara prachathipathai*, 91-2. The same passage appears in Anek Laothamatas, Seksan Prasertkun, Anan Kanchanaphan and Direk Pathamasiriwat, *Wiphak sangkhom thai* [Critique of Thai society], Bangkok: Amarin, 1995, 75. See also Kamchai Laisamit, *Wichan nung nak setthasat* [One vision of an economist] Bangkok, 1998.
[41] Chuchai Suphawong and Yuwadi Katganglai (eds), *Pracha sangkhom: tatsana nak kit nai sangkhom thai* [Civil society: a thinker's view in Thai society], Bangkok: Matichon, 1997. There is also an ethno-historical dimension to this debate; see Kasian Techapira on p. 125: 'If you ask me historically who originated Thai civil society, in my view it was the *jek*, the Chinese who migrated into Thailand and took up new roles inside traditional Thai society, that is as capitalists and workers. This group first established the market economy, and created associations independent of the state, such as the Chinese associations and schools.' The book also reveals a war of words. Chuchai advocates *pracha sangkhom*. Anek, Chai-Anan and Prawase Wasi seem easier using the English version. Thirayuth proposes an alternative, *sangkhom khem khaeng* [roughly, strong society]. Nidhi tries to avoid the concept altogether
[42] The movement of *watthanatham chumchon* (community culture) promotes an alternative discourse on the future development of Thai society. See Chairat Charoensin-olarn, 'Kanmuang baep mai, khabuankan khloenwai thang sangkhom rup baep mai, lae wathakam kan phatthana chut mai' [New politics, new social movements and new alternative discourses on development], *Warasan Thammasat*, 21(1), January-April 1995.
[43] Some of the *pracha sangkhom* modernists react very emotionally against this. They are not prepared to co-exist with rural society, but wish to reduce it and make the industrialised urban society supreme. In other words, the rural society must serve the city rather than being able to develop independently. See for instance Kamchai, *Wichan nung nak setthasat*. This amounts to liberalism as intolerance. Interestingly, this debate unites the liberal-modernists with surviving Leninists who believe pro-rural movements are an impediment to the march of history through capitalism to socialism.
[44] Yet this approach constantly runs up against the power of the state – particularly its central control over resources, and its new reactive aggression. Two recent major meetings of local movements both raised the same problem. The first was the *thammarat* meeting of NGOs and local groups convened by Thirayuth Boonmee, mentioned earlier. While no speakers showed any interest in the parliamentary system, several expressed a wish for some kind of central organisation to provide better coordination of local movements, and to create a stronger bargaining position with official agencies. Local movements are all very well, the argument went, but they are too easily picked off one by one. Over two days, this sentiment became one of the major themes of the meeting. The second meeting was the third anniversary of the Assembly of the Poor in December 1998. Over the previous year, the Democrat Party-led government had deliberately and aggressively reversed out the major achievements of the Assembly over the previous three years. The challenge was: will the Assembly remain vulnerable and ultimately powerless unless it develops some way to enter the formal political process.

The answer at both meetings was negative. At the first, Banthorn Ondam (a respected senior NGO leader, formerly an academic) argued that forming a central body would result in splits and discord. The strength of local movements lay in the locality. Loose networking remained the best organisational strategy. At the Assembly meeting, the proposal was not formally addressed. But the Assembly represents just the kind of loose networking that Banthorn described, and hence the answer was implicit. Yet the dilemma has been clearly stated. Can such movements civilise the state from the outside? Conversely, if they move inside, will they inevitably be coopted, destroyed or compromised?