

Considering Parliament under Siege : Some Thoughts Concerning on Coercive Power and Power Relations of the Legislative Branch in Thai Politics*

พิจารณาการรัฐสภาภายใต้การล้อมตี : แง่มุมความคิดว่าด้วยพลังกดดันบังคับ และ สัมพันธภาพทางอำนาจของฝ่ายนิติบัญญัติในการเมืองไทย

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Abstract

The institutional approach to study of parliamentary issues tends to emphasize the internal roles and mechanisms, whereas behavioral approach has focused on pattern of political acts. However, the purpose of this article is to examine the National Assembly of Thailand through elitist theories. As an elitist institution, it has to obtain the some kind of political virtues. In reality it was found that the parliament is restrained by political society (both undemocratic and democratic elements) so intense those socio-political perspectives on the parliament are almost always associated with negative viewpoint. That perception has certified by institutionalize the limited parliamentary powers system. Therefore, parliament has never performed its full potential. For all these reasons, the article is thus considering rationalized parliament after 1997 political reform that confront with many political turmoil. Consequently, such situation led the parliament of 2007 constitution to be under siege and controlled by other sectors of political society. On the one hand, there perfectly demonstrates the limited powers of legislative body. And the other, there has pointed out the internal constraints of current parliamentary system. Thus, the contemporary parliamentary politics cannot be overcome the legitimacy crisis of its own.

Keywords: parliament, political elites, elective aristocracy, audience democracy, socio-political perspective

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บทคัดย่อ

การศึกษารัฐสภาแนวสถาบันการเมืองมักให้ความสำคัญกับบทบาทและกลไกการทำงานภายใน ขณะที่แนวพฤติกรรมศาสตร์กลับเน้นไปที่แบบแผนการกระทำทางการเมือง อย่างไรก็ตาม บทความนี้มุ่งศึกษา รัฐสภาบานานาคติทฤษฎีแบบชนชั้นนำ เมื่อเป็นสถาบันของชนชั้นนำก็จำเป็นต้องมีคุณลักษณะที่ตึงบางอย่างที่จะต้องบรรลุถึง หากแต่ในความเป็นจริง รัฐสภากลับถูกแรงเสียดทานจากสังคมการเมือง (ทั้งที่เป็นและไม่เป็น ประชาธิปไตย) จนกระทั่งมุมมองทางสังคมการเมืองที่มีต่อรัฐสภาล้นเต็มไปด้วยทัศนคติเชิงลบ ซึ่งรองรับความคิดดังกล่าวผ่านการทำให้เป็นสถาบันด้วยการสร้างข้อจำกัดต่ออำนาจของรัฐสภา ดังนั้น รัฐสภาจึงไม่สามารถแสดงศักยภาพอันแท้จริงของตนเองได้ ด้วยเหตุนี้ บทความจึงมุ่งไปที่การปฏิรูปการเมือง พ.ศ. 2540 ที่ทำให้รัฐสภาไม่มีความเป็นเหตุเป็นผล และต้องประสบกับปัญหาบางประการ ยิ่งไปกว่านั้น ผลสืบเนื่องจากปรากฏการณ์ดังกล่าวก็ทำให้รัฐสภาตามรัฐธรรมนูญ พ.ศ. 2550 ตกอยู่ภายใต้การตรวจสอบควบคุม และถูกล้อมตีจากภาคส่วนอื่นๆ ในสังคมการเมือง ในด้านหนึ่งจึงแสดงให้เห็นขอบเขตอำนาจอันจำกัดขององค์กรนิติบัญญัติ และในอีกทางหนึ่งก็เป็นการชี้ให้เห็นข้อจำกัดของระบบรัฐสภาเอง ดังนั้น การเมืองแบบรัฐสภาจึงไม่สามารถก้าวข้ามวิกฤตการณ์ความชอบธรรมของตนเองได้

คำสำคัญ: รัฐสภา ชนชั้นนำทางการเมือง อภิชนาธิปไตยโดยการเลือกตั้ง ประชาธิปไตยที่มีประชาชนเป็นผู้ชม ทัศนคติทางสังคมการเมือง

Introduction: Essential Nature of Parliamentary Politics

In the September-October 2005 edition of *Foreign Policy*, Fernando H. Cardoso, a former President of Brazil, predicts that the inability of the Parliament (and political parties) to respond to the people's need will become evident when popular politics becomes stronger to the extent that they do not have to depend on formal political organizations for achieving their own group interests (Cardoso, 2005: 41) while the political tendency of the parliament to become increasingly elitist is present in the countries where the democratic tradition has been well-established for a long time. In the United Kingdoms, for instance, most of the members of the House of Commons have upper class background and are alumni of prestigious educational institutes. Even in Labor Party, hailed as a socialist ideological front, registers an increased number of the party members with elitist background (Sen, 2016). Thai parliamentary institution, similarly, is coming under increasing social surveillance and scrutiny. It is true that there was a tendency for voter turnout to continuously increase over the past decade,^{*} and

* The statistics of the four latest election report the continuous increase of voter turnout in both constituency and party-list voting systems; namely, in 2001, 69.94% and 69.95% voter turnouts were recorded; in 2005, the turnouts rose to 72.55% and 72.56%; in 2007, they were 74.49% and 74.52%; and the latest general election in 2011 recorded 75.03% and 75.03% turnouts respectively. See Office of the Election Commission of Thailand (2016).

such a phenomenon was indicative of the tendency for street politics to lead the people into the polling booths, which would facilitate democratic development in process and would also provide a relief and a remedy for the conflicts in Thai political society. However, whenever the election comes to an end and the country is in the process of forming the government, the political opposition will not at all accept the new government's authority and political legitimacy. Moreover, it is evident that the opposition has the potential to generate conflicts through extra-parliamentary or street politics (Askew, 2010: 3).

In this perspective, robust democracy tends to corrode the parliament's quality of being an elitist political institution. If it were true, it followed that parliamentary institution and elected politicians are inclined towards democracy and the people. This connection is based on three premises: firstly, an election, as a mean of modern democracy, is an indication of the power of the people who are the best wielder of authority [election = democracy]; secondly, public figures should associate themselves with, and / or be responsible to, the people who are ultimate wielder of political authority through election; and lastly, the elected institution as well as their members should, therefore, be most democratic [elective parliament = democracy]. This article aims to explain and challenge all the above assumptions. Taking parliamentary politics and their MPs interacting with the context and other extra-parliamentary political forces, the article points out why it lacks the legitimacy to be the main institution of democracy, still less the central institution for solving contemporary political problems. If parliamentary politics still retains the shortcomings that prevent it from fulfilling its own virtues, the reliance on it as a mechanism to solve external problems seems impossible. It is therefore necessary to begin with the enquiry into the nature of the parliament in modern political society.

Theory of Elitist Parliamentary Government

"Democracy" in modern world is often defined in association with the simple distinction between "direct democracy" and "representative democracy". It is particularly the latter that have dominated the definition of democracy on account of the concession of the spatial limitation of modern nation-state which is larger than the assemblage of all its citizens. Representative democracy is hence recommended as "the second best form" of democratic government, and the people who are the true sovereign are entitled to elect persons to represent them politically in the national legislative body. The decisions in the parliament are therefore reflective of the people's decisions and at the same time, the people have to accept these decisions on behalf of their own. However, for Joseph Schumpeter, democracy

does not mean the people literally rule supreme since it means only that people are given a chance to accept or reject the persons who will rule over them. Election has become a crucial process for them to decide who will become their ruler; namely, it is a free competition for those capable of becoming elected leaders. In another word, “democracy is the government by politicians” (Schumpeter, 2006: 284-285). By electing the most attractive candidates, electors play their role only as responders to the stimulus injected by the elites competing in the electoral campaigns. They do not initiate, and do not even have the potential for, the formation of political agendas in any meaningful way. Moreover, the groups of electors have their demands materialized by political leaders. Even though the electors are themselves eager to realize their wishes, these wishes are not able to be fulfilled until some political leaders take action (Ibid.: 270).

Schumpeterian explanation finds its way into Bernard Manin’s work (1997), where it is argued that representative democracy leads to the establishment of “elective aristocracy”. In spite of the fact that every system of government presupposes the rule by the few, the difference between direct and representative democracy lies in the method for selecting rulers; namely, the former relies on lottery method while the latter employs election (Ibid.: 41). Election has become the central institution of representative government since it satisfies the principle of consent to power or the will of the ruled, and political obligation. It is on such a basis that the citizens become a source of the just rule. Hence, when people elect persons to political offices, they authorize them and they, as electors, form bond with, as well as acquiesce to, the persons they have elected.

While the lottery method gives everybody an equal chance to exercise power on the basis of the equal distribution of power, which enables every citizen to take turns to rule, the election is a means of distributing political offices to dominant elites equally as well. Hence, representative democracy depends on an election to enable every citizen to have the equal right of consent to power, but it does not ensure them an equal chance for holding political offices. Moreover, the non-democratic nature of representative institution is evident from the fact that the representatives are of higher social class and more socially outstanding than the people who elect them (e.g. wealth, education, capability and virtuosity). Election mechanism is in fact a psychological process by which the electors identify themselves with their representatives; namely, those who display special character tend to attract more positive judgments from the electors than the average candidates (Ibid.: 92-94, 142). From this consideration, the similarity between the representatives and those represented is impossible in representative version of democracy.

The Crisis of Parliamentary Democracy in Thailand

Social Perspectives and Political Decline

After the 1987 – 1997 decade, Thai parliamentary institution and the behavior of the elected politicians have come under criticism particularly from, for example, the urban middle class, academics, public intellectuals and social activists. The 1997 political reform was therefore, carried out with the expectation that it would readjust parliamentary system by rationalizing the parliament, vesting the executive with the paramount power to the parliament, restricting politicians' entry into political system by imposing the minimum educational requirement, enhancing people's political participation and establishing independent organizations to scrutinize and put politicians under surveillance (see Amorn Chandara-Somboon, 1994). Kasian Tejapira (2010: 62) points out, however, that this political reform had to contend with the unexpectedness of the 1997 financial crisis on the one hand, and the political unexpectedness accompanying the rise of big capitalists and Thaksin's regime during the 2003 to 2006 period on the other. The socio-economic change in Thailand centuries ago has brought no less significant changes in the parliament.

Aaron M. Stern's doctoral dissertation (2006) finds that Thai legislative activities regarding legal procedure and the working of the parliamentary committee have changed as a result of constitutional provisions and the Rules of Procedure of the National Assembly. However, informal changes seems even more significant, i.e. the increase in the number of the bills proposed, the reduction in the number of the activities of parliamentary committee, and the increased participation of wider interest groups in Thai society in legislative process. In the other words, the extra-parliamentary interest groups have become more vigorously involved in parliamentary politics. At the same time, the MPs tend to endorse the specific bills that represent the concerns of these interest groups in the parliamentary debates and the decision process of the bill review committee.

Such changes have not only affected the internal mechanism of the parliament, but the socio-economic dynamics have unavoidably left significant impacts on the legislature as well. Criticisms from the media reflect this trend, e.g. "*nowadays, the government and the legislature behave like dictatorships. In spite of being elected by the people, they do not work for them*" (Samart Mangsang, 2013). Moreover, it is not only that the MPs have not been the political leaders who represent the people's interests, but parliament itself has also become the latter's burden (Naewna, 2014: 3). The MPs are judged by the moral standard comparable to the one by which the power elites, e.g. the Constitutional Court, military officers, civil servants, or even the monarchy, are judged, though these elites are unelected. A series of past

elections has shaped the popular attitude towards the politicians who bribe their way into parliament. The image of “unelected persons who are honest and have clean hands” is often contrasted with that of “professional politicians” who corrupt even at the initial stage of their entry into electoral politics, resulting in the negative stereotyping of politicians in general. This explains why the image of politicians and the people’s faith in parliamentary institution have been progressively undermined since 2003.*

Globalization and Thai Political-Institutional Adjustment

It may be said that such phenomenon in Thailand cannot be detached, or exist as an isolated problem, from the changes taking place at the global scale. In the countries where liberal democracy has been well-established, the pillars of liberal democracy such as parliament and election have been in a state of decline for a decade. The indicators of imperiled liberal democracy are the declining tendency of the faith that peoples in different countries have in their governments, people’s diminishing official political participation in democracy, and the resentment at the government’s failure to fully satisfy the people’s needs (Beetham, 2006: 45). In addition, economic globalization has allowed international organizations such as the International Monetary Fund, World Trade Organization, and World Bank, etc. to exercise substantial influence over the determination of the agenda in domestic economic policies. Some academicians even argue that this process will deprive the state of its absolute sovereignty over policy decision making. Yet it is safe to say that, at least, it incapacitates the state’s economic sovereignty over its own citizenry (Seksan Prasertkul, 2010: 104).

However, this phenomenon is a double-edged sword. The advantage is that on the one hand, the victory of liberal democracy at the end of the Cold War led liberal democratic superpowers to no longer support the authoritarian governments that deprive their own peoples of the rights and liberty easily, and on the other hand, these superpowers’ foreign policies have encouraged the democratization of their own client states in order to support their own neo-liberalist economic policy that employs market mechanism to move the global political economy. The disadvantage is that the formation of these post-cold war fledging democratic states is often dogged by their own structural problems that pose an obstacle to

* During the period from 2003 to 2006, more than half of Thai people had faith in the houses of representatives and senates (58.1 – 64.6%). However, from 2005 onwards, their faith has displayed the tendency to progressively drop (though it showed a little upward tendency in 2009) and it dropped to less than half or 50 percent in 2010. See Thawinwadi Burikun et al. (2010: 13).

democratic development. In a country where state has been larger than society since the beginning, the advent of the democracy without liberal constitutionalism has brought about the accommodation of the old centralized state structure with the new form of centralization through the election under the national representative democratic institution which is the repository of national power and economic resources.

In the classification of the countries as “the new wave” of the global democratization, Thailand was put into the group of the countries that have undergone the transition from authoritarianism to democracy with the institutionally electoral competition in 1992 (Beetham, *op.cit.*: 72). The subsequent thriving of democracy was a corollary to two transitional periods: the first one started from the mixed form of government in the early 1977 - 1986 decade to electoral democratic form of government in the late 1987 - 1996 decade while the second one began with the institutionalization of democracy through the restructuring of power relations by the 1997 constitution of the Kingdom of Thailand. Nevertheless, the difficulties Thai state has encountered in globalization process have incapacitated the full materialization of the constitution’s normative expectation. Since the drafting commission of the 1997 constitution expect the disciplining of electocrats’ behavior and look at the politicians with suspicious eyes, the constitutional provisions are premised on the prejudice against minor political parties, intended to enhance the major parties that are strictly disciplined, and to aggrandize the strong executive, especially the office of prime minister, which was increasingly presidentialized in the politics of many developed countries during a few decades, or in the other words, is in the presidentialization of politics.

The case of Thai Rak Thai party and Prime Minister Thaksin Shinawatra fits in quite well with this trend. With the expansion of the role of the media, the public image of outstanding leaders who manage international relations and command more complex modern-style administration is often portrayed (Tamada, 2008: 123). Therefore, “the present form of government as prescribed in the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) cannot be called simply “parliamentary system” but “parliamentary system with an emphasis on strong prime ministership”, which is in essence not different from “semi-presidential system” (Kamnoon Sidhisamarn, 2005). In this respect, features camouflaged in the constitution transmit the authority from the people to the person who occupies the office of prime minister through party-list voting system. This voting system enables double recognition of prime-ministership by countrywide semi-direct election and the parliament which wields

legislative authority. The aggrandizement of executive power undermines the role and authority of the legislature and eclipses the enthusiasm of civil politics.*

The centralization of Thai state through election to strengthen itself and build up enough immunity for active engagement in the global market system, has culminated in the role of MPs (in general) being reduced to only recognizing the government that rose to power with the highest popularity rating ever recorded. A number of the policies of Thaksin's government corresponded to the then global economic trend that brought about "consumerist culture", and gave social protection to the citizenry, the aim of which was to boost confidence in, and self-assurance for, the state. The inability of traditional elites, new business groups, and the majority of rural people, to hold completely hegemonic position, accounts for the political instability in Thailand during the past decade. The failure of Thaksin's government and Thai Rak Thai party was their inability to attract support from the old elites (Morgan, 2012). The fact that Thaksin represented the new bourgeoisie class that forged alliance with a large number of rural population who had so far been barred from political participation, and that the constitutional legitimacy allowed an elected political leader to become an outstanding national representative, who can easily claim national consensus, stirred up worry among the power elites or the establishment. Therefore, the overthrow of the elected prime minister in the coup of September 19, 2006, represented the reprisal for the challenge posed by Thaksin's government.

Thailand's Parliamentary Dynamics in Conflict

Countering Thaksin Regime in Thai Political Condition

The 1997 constitution was designed to build up the power of political parties and prime ministership, which amount to reducing the negotiating power of the MPs in the parties. However, due to the apprehension against "the ghost of Thaksin regime" of the drafter of the 2007 constitution, there were attempts to hold back any possibility to bring Thaksin and his supporters back to power by enhancing the authority of the MPs with respect to the cabinet and prime ministership through, for example, restricting prime ministership terms to eight years to prevent strong prime ministers from centralizing the power in their own hands, enforcing the reduction of no-confidence debate, and stipulating that the MPs do not have to resign from their office to occupy the office of cabinet ministers and are allowed to more easily switch

* This political climate are common in Singapore where People' Action Party and their leaders holding the offices for more than five decades and, in consequence, they have the ability to stabilize their dominant position of the country. See Watunyu Jaiborisudhi (2014).

parties before elections take place. Moreover, as the merging of political parties was made more difficult to carry out, these parties' control over their own MPs was diminished. The splitting of a single national slate into eight regional slates was implemented to prevent the elected candidates in the list from asserting that they are elected from the people all over the country (Ockey, 2008: 21-22).*

However, according to the constitutional amendment with regard to the procurement of representatives, the multi-member constituency and single vote system was changed to the single-member constituency and first-past-the-post system, and the eight-regional-slate system was changed back to the single-national-slate one as prescribed in the 1997 constitution. This led academics to think that these changes had not at all affected the substance of the constitution significantly. As the 1997 and the 2007 constitutions (both prior to and post amendment) concentrated around only how to strike a good proportion between the number of MPs elected through first-past-the-post voting system and the number of those elected through party-list voting system. This brought about only piecemeal changes in the mixed-member majoritarian system (MMM). Actually, the main issue should be over how to translate electors' national political preferences into corresponding parliamentary seats optimally, and it is by this means that the issue regarding the degree of representativeness can be brought up (Nelson, 2011: 27).

The really significant change was the vesting in the Constitutional Court and Independent Organizations under Constitution of the paramount power over the executive and the legislature. Considering from a normative liberal democratic perspective, Thai parliament is vested with limited power for political actions because of the intervention from the various powers other than voters. However, taking into account the view that Thai politics is in fact dominated by the rule of mixed regime (a combination of a great man, aristocrats, and ordinary people), different explanation is required (Anek Laothamatas, 2006: 130). Namely, parliament can maintain stability provided it does not overstep the sphere of power of other forces in a political society. The traditional elites' anxiety about parliament was stirred up by the elected politicians' overwhelming grip over traditional political domains of other forces or by the fact that at least these other forces cannot fall back on their old tactics as political tools for bargaining and exchanging interests any more. The fact that these forces (including

* Paradoxically, after experiencing political instabilities, one of powerful Independent Regulatory Agency as the Election Commission of Thailand remains concerned about the lack of party disciplines and they have adopted various measures to promote the institutionalization of political parties. See Kowit Puang-ngam et al. (2014).

oppositions both in and outside parliament) rely on judicial power to counterbalance the parliament's overwhelming majority vote power, signifies that parliament is stable enough to shake the power base of the traditional elites. The judiciary has become, in the process, the last resort in formal politics for the *ancien régime*. The judicialization of politics in Thai political society is therefore a result of the class elites (businesspeople, politicians, and political parties, who are allied with the majority of the rural population) posing a serious threat to the traditional elites. If parliament has no power, it is not necessary at all for the moribund opposition forces to resort to other mechanisms in the political arena. In the last analysis, the main problem of contemporary politics derives from the attempts to manage the unsettled power relations between the old elites and the new ones.

Closed Politics Among Class Elites

The old regime which includes civil servants, military officers, the judiciary, Independent Organizations, and the monarchy, is classified as power elites who appropriate, police and transmit traditional values to wider society, as well as transform Western ideologies and ideas to suit Thai political society with their own group at the upper echelons, in order to preserve their own status quo. In contrast, the politicians, elected representatives and political parties may be put on the people's side, where the former and latter are allied through election. This way of classification blinds us to the fact that MPs are by nature elected aristocrats, with parliament as the central institution of class elites. This leads us to rethink the old conceptual framework that ignores the realistic relationship between MPs and the people. After all, the elected are superior to the people who elect them because political party system poses a crucial obstacle to the acceptance of new members into the system. Parliament is therefore based on the principle that the system shall be open to all people but not everybody has an equal chance of being elected. The selection of MPs by way of election denies a number of people the chance to occupy public offices while paving the path to power for a few.

It is true that the 2007 constitution abrogates the provision requiring the candidates to have a bachelor degree, which is prescribed in the 1997 constitution and barred 95 percent of the population in rural area as well as 99 percent of the population in agricultural sector from holding political offices (Sombat Chantornvong, 2002: 205). The reduction and repeal of this provision fall in line with the liberal democratic principle that equally entitles every citizen to contest for representativeness. In reality, however, the provision has not had so much a real effect as the long-established practices among politicians have done. The enumeration and

calculation in Satithorn Thananithichote's article (2016) of the proportion of political dynasties in the elections of representatives, reports a steady increase in the proportion of elected political dynasties from 1979, when the proportion was only 3.1 percent of the entire House of Representatives then, up until 2011, when it rose to 18 percent as a result of the steady exponential growth throughout the previous decade.

Certainly, of the 500 members in the House, only one-fifth of them come from the network of political dynasties. Seemingly, this proportion does not have a significant effect on the whole political system. Nevertheless, it should be kept in mind that most of the MPs from these political dynasties center around the "faction leaders" who can, like warlords, mobilize political forces and power resources. These "faction leaders" (*huanamung*) are influential in selecting the candidates in the election constituencies where they hold quite decisive sway. Faction politics (*mung kanmuang*) is therefore more than "political dynastic system" in which one generation of descendants simply passes on political successes to another. In reality, these faction leaders are also centers of political influence that are beneficial, as well as harmful, to the candidates outside their pedigrees. In this regard, the seemingly egalitarian politics comes to strengthen the power of some groups and facilitate their political paths. In the other words, the politics of parliamentary election is now witnessing the breakup of a single monopolizing political center into many smaller ones.

Another sufficiently plausible explanation in support of the argument that parliament is a repository of class elites, is derived from the analysis of the political culture of the electorates. The first factor influencing the electors' decision on a particular candidate is the distinctive characters of the candidates in initial comparison with the electors themselves. According to the 2011 survey of the Asia Foundation, 83 percent of the electors think that the imposition of the minimum educational requirement for parliamentary candidates is necessary for the upliftment of the country's political and government standards (Asia Foundation, 2011: 114). The second one is the comparison of one candidate's distinctive characters against those of other candidates. 50 percent of the electors elect representatives on the basis of the latter's professional standing and accessibility while 17 percent consider the candidates' educational qualifications (Asia Foundation, 2009: 87). In this regard, the comparisons both of the candidates' distinctive characters against the elector themselves and of one candidates' distinctive character against those of the others, has become a social psychological process, and in this connection, the consideration of candidates' distinctive characters is conditioned by cultural values varying across localities. The would-be MPs are hence above average people in one way or another or at least, they have to make the people believe that they are superior.

They display qualifications that are positive to particular contexts as well as are the ones the rest of citizenry lack (or have in unequal proportions). Therefore, the candidates' distinctiveness in comparison with other citizens is subjective to the electors themselves while the distinctiveness among their peers is objective to them. The nature of election does not at all enable the selection of representatives that are identical, or similar, to those who elect them (Manin, op.cit.: 149).

In the past, social function of MPs was to secure channels for basic needs for those inaccessible to them. As Nithi leosriwong has it: "the social existence of representatives amounts to the use of influence system for mutual support and interdependence between them and the people who elect them" (Nidhi Eawsriwong, 1991: 208). Up until now, constituency MPs' social function as medium between political units and state authorities remain unchanged since people in many localities are still scared of state authority. Constituency MPs, therefore, step in to assert state direct authority on the people. The business facilitation and coordination seem to be unavoidably an important function of constituency MPs while these representatives themselves regard parliamentary politics such as debates, interrogations, and law promulgation, as no different from a drama performance in a grand theater, which is staged just for the audience at home to watch their own representatives' enthusiastic role-playing (Somkid Chuekong, 2013).

Challenges and Future of Honorable Parliament

Changing Character of the Power Relationship

It was more than four decades (1932-1979) that Thai politics was dominated by the contests within the "power elites" for important political offices; namely, electoral politics was then the power contest among civil servant-military officer elites. The competitions in this closed politics excluded other forces in the political society, and this kind of situation is a distinctive feature of what Fred W. Riggs (1966) calls "bureaucratic polity", in which businesspersons and private sector have to depend on bureaucratic system for protection and patronage of their own enterprises. It is not until the 1977-1986 decade that businesspersons and local magnates began to enter political arena. Parliament, particularly the lower House, has changed since the early 1977-1986 decade when it became a bastion from which the new bourgeoisie compete against, and by which they come to share power with, civil servant elites and traditional institutions. Now parliament seems more inclined toward the people and democracy. However, in a more detailed analysis, it has become an institution that provides the old bourgeoisie with the power base for their monopoly of electoral politics. In this

perspective, parliament has, instead, become a power base for opposing, bargaining and counterbalancing the sovereign people, who are true wielder of the power.

However, after the coup of September 19, 2006, these elites learned how to assimilate with the old power elites, in contrast to the Thai Rak Thai party and Thaksin era, when they excessively asserted their power. The emergence of the 2007 constitution has not changed parliamentary politics so much at its core, only perpetuating the old electoral elite politics in the new garb through the partnership with the old elites. This reminds us of the fact that the people's true expectations and wishes have often not institutionally fulfilled, and the fulfilment of them is often initiated only when there is no threat to politicians' power. Whenever their boundary of responsibilities and authority is overstepped, the electoral elites often hit back at the social sector as in the case of the proposal for the amendment of Section 112 of Thailand's Penal Code,^{*} which those who propose it regard as the people's right to sign a petition to request the Speaker of Parliament to consider including this issue as one of the agenda of parliamentary conference.

This proposal was forcefully rejected by the politicians who argued that the proposal would cause public disturbances and was inappropriate due to its relationship to the chapter II of the Constitution of the Kingdom of Thailand, which concerns the monarchy. Pol. Capt. Chalerm Yubamrung, then deputy-prime minister, immediately hit back at those who had proposed the draft amendment, saying "this is Thailand and the country has been happy and prosperous because of His Majesty's Grace. Are you out of work?" (Matichon Daily, 2012: 13). Moreover, Wattana Sengphairoh, then the spokesman for the Speaker of the House of Representatives, said, "Phue Thai Party's 265 representatives have jointly confirmed that there will be no amendment of Article 112, and the Opposition does not support it either. Even though the amendment draft has already been proposed, it will be left untouched and will finally be rejected" (Banmuang, 2012: 6). Conversely, the provocation of the mass or social sector to play a role in a political system is carried out only when politicians want to seek support for the legitimacy of political actions. The alliance between elected politicians and the mass who want to enter a political system, is often forged only on the occasional initiative of the former when they want to achieve their own vested interests.

* Section 112 of Thailand's Penal Code states that "Whoever defames, insults or threatens the King, Queen, Heir-Apparent or Regent shall be punished with imprisonment of three to fifteen years." There are many proposals for the amendment of *lese Majeste* laws, in this case the section 112 amendment draft proposed by Campaign Committee for the Amendment of Article 112. See Nitirat (2016).

The above attitude has greatly shaped the social sector's perceptions and understandings of parliament, which may be classified into two different groups. The people in *the first group* do not trust parliament, leading some of them to turn to other institutions not directly responsible and accountable to the people as in the case of the People's Alliance for Democracy (PAD)'s agitation to reclaim the royal authority and request the royal bestowal of prime ministership according to section 7 of the 1997 constitution,^{**} and the demand, as well as provocation, for the military to stage a coup d'état against the elected government. The people in *the second group*, while they do not denounce parliament as political filth, downplay its importance and turn to popular politics, thus leaving parliamentary politics to be an affairs of the elites who attempt to shut themselves away from the pressure from, and the wishes of, the social sector. The situation as such corresponds to the criticism of parliamentary system by Wanida Tantiwitthayapitak, then the advisor to the Assembly of the Poor, as "*a structure designed by the Center or the powerful few at the top. In this design, only the people belonging to the same group, sharing the same interests and thinking in the same way, as those in power at the top, are selected. This is why elections at every level, as opposed to the widely-held belief that they can select the representatives that truly represent the majority, have been so far unsuccessful*" (Seksan Prasertkul, op.cit.: 94).

The above argument falls in line with the one put forward by the Idealist Democracy ideologues who support strong democracy, that parliament is an institution not directly equated with democracy since the politics dominated by the politicians always deviates from the true will of the people. Popular politics is therefore a means to reduce the gap between "the people" and political actions (see Baber, 1984). Conversely, popular movement seems, in politicians' view, to run counter to parliament, resulting in their dismissal of extra-parliamentary politics as the illegitimate "street politics" of some groups of public nuisances, which is destructive to parliamentary politics rather than constructive to democracy, as one politicians once observed, "*If we use extra-parliamentary politics to pressure the issue, that will cause troubles. Perhaps, if we descend into majoritarianism like this, I think that will be harmful to our parliamentary system, no matter which group becomes the government*" (Kasem Upara, 2013). Since state and society (or the people in the broad sense of the term), which form the two sides of the conflict, though they are not completely divorced, are not pressing against each other too closely, the elected wielder of state authority is capable of

^{**} Section 7 of the 1997 constitution of the kingdom of Thailand has sparked many controversies. It states, "Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional practice in the democratic regime of government with the King as Head of the State."

alienating the people who are true wielder of power from political process. In the worst case scenario, the government that come to power through parliamentary process can hit back at the people with violence. The most obvious example of this is when Abhisit Vejjajiva's government dispersed the demonstration of the "Red Shirt people" during the April-May 2009 period, which serves as a good testification to its hostility to the people.

Toward Audience Democracy?

Since the previous decade, the mass media has been very influential in determining political directions. The interdependence between the political sector and the mass media has unavoidably made the media a tool for creating public images (both positive and negative) for politicians. In the global democratic process, such phenomenon is called "audience democracy," whose distinctive feature is the assignment to the media of a huge role in shaping politicians' characters that are favorable to the people. Candidates who are successful at the national level will not be those who are influential at the local level any more, but those who can control and understand communicative technique more than the others, by making themselves "media figures" who are outstanding and different from the other candidates. Audience democracy, so to speak, is the rule by mass media experts (Manin, op.cit.: 229).*

This style of democracy has the following impacts on Thai politics. *In the first place*, it aggrandizes political leaders' public images, giving them an unmediated access to the audience. Conversely, the access to information enables the people to monitor the actions of their representatives closely, awakening the enthusiasm for the realization of the elected MPs' roles and responsibilities. The withholding of this access will prompt the society to petition their demand of it to parliament. For example, the professional media associations submitted a petition to the Speaker of the House of Representatives demanding the live broadcasting of the amnesty law draft parliamentary debate on August 7th, 2013 so as to keep the people informed of the related facts and prevent possible confusions caused by erroneous information, given that the government had previously banned the broadcasting of this on channel 11 (Manager Online, 2013). *In the second place*, the increased access to information has negative effects on the MPs as it leads a number of population to lose faith in the revered

* In Thai politics, the most obvious example is the campaigning techniques Thaksin Shinawatra, the ex-Prime Minister, and his Thai Rak Thai party, and Chuwit Kamonwisit, used during the 2011 election. In the case of the last person, it was the glorification of an individual (rather the Rak Prathet Thai party) to the extent that he gained nearly one million votes through party-list voting system and these votes was finally converted into four seats. See Baker (2011).

parliament. The ABAC poll conducted between August 20th and 23rd, 2013, revealed that 65.1 percent of the people lost faith in the parliament while 80 percent of them were disappointed about MPs' rumpuses and unruly behaviors, as well as their looking at pornographic pictures, during parliamentary conferences, since these were inappropriate behaviors for the national representatives and they are also indicative of their inattention to the issues then debated (Thairath Online, 2013).

The recent commotion in the parliament, in which both sides of the conflict acted violently towards each other, ranging from snatching the chairperson's chair, throwing away files, hurling the chairs at each other, holding up the shoes and exchanging harsh words, is indicative of the loss of the virtues that make revered parliament that is comprised of the aristocrats who are the leaders in the field of socio-political thought. Yet the loss of such virtues does not lead to the upliftment of democratic qualities at all (as been so far argued above). It may be noted that Thai society seems to expect too much from politicians in spite of the fact that these people are also ordinary human beings who can fall prey to greed and cannot distinguish between personal and public interests like other people. Such a high expectation means that politicians have to bear more responsibilities than ordinary people (Tamada, op.cit.: 133). However, regarding politicians in such a way is to distort parliament's nature and goals since parliament has to achieve some common goods such as representing collective, or at least majority, interests, securing some freedom from social pressures while maintaining connection with the people who are the true wielder of power, screening and satisfying the people's demands systematically, reducing elected politicians' immediate conditions, etc., if it wants to preserve its status as a national institution that displays positive qualities of the aristocrats. So long as the people do not have a chance to gain direct access to politics but have to depend on the elected representatives for it, it is very likely that parliament which is the institution for the elected elites will become alienated from the people.

Conclusion: Democracy for Future

Throughout the article, the viewpoints that contest the three premises explained above have been duly demonstrated.

First, election does not provide measures that will bring about democracy automatically, yet it does provide people of distinctive characters with a stepping stone to power. In the case of the 1997 constitution, though election leads to "democracy", it does proceed illiberally, as the government and political parties are capable of exercising their

absolute influence over parliament. Even in the 2007 constitution where the provisions that seem likely to bring back the old problems are eliminated, the continuity between new and old aristocratic elements is still maintained.

Second, even though public personalities are connected with those who elect them through election, it is not necessary that the elected politicians are obligated to satisfy all of the latter's demands. When they take a tour of their own constituency to redress the people's grievances, this will be beneficial to both the politicians and the people. Conversely, when the proposal for draft laws and other issues that is likely to be baneful to their political offices such as constitutional amendments, Section 112 of the Penal Code amendment, and the use of violent crowd dispersal methods on the Red Shirt demonstration during the April-May 2010 period, are brought up, their response is by and large too slow.

Third, given the nature of parliament's institutional design that is capable of bring about elected elites or in other words, "elective aristocracy", this aristocracy is capable of being ill and / or well-disposed. Those aristocrats who are the impediment to democracy basically want to preserve their own status quo and are fearful of the changes from below while those aristocrats who are contributive to democracy are often worried about the former and are responsive to the people's demand unsystematically.

For the democratic proponents, the main issue is not only to promote and campaign for democracy because democratization is both a necessity and an unavoidable. Yet another duty that is no less important is to question and criticize democracy exhaustively, and expand democracy so that it can take permanent root.

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