

Kyoto Review of Southeast Asia

[HOME](#)
[REVIEWS](#)
[ISSUE 21](#)
[ISSUE 20](#)
[ARCHIVE](#)
[Y.A.V.](#)
[VIDEOS](#)
[ABOUT US](#)
[EDITORIAL COMMITTEE](#)
[CONTACT](#)

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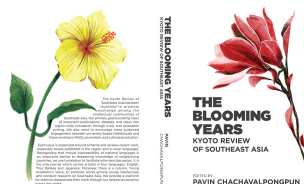
The Thai Cultural Constitution

NIDHI EOSEEWONG



Translator's Note. By the mid 1980s, Nidhi Eoseewong was established as one of the most original historians of Thailand. From around 1985, he wrote a series of long essays which use historical perspective to analyse modern society and politics. This essay is one of the most famous of this series.

It first appeared in November 1991.¹ In February of that year, an army junta (the NPKC) had seized power by coup, displacing the first government headed by an elected prime minister since 1976. The coup was initially well received by the Bangkok press, business, and middle class but this support gradually dissolved over the following year,

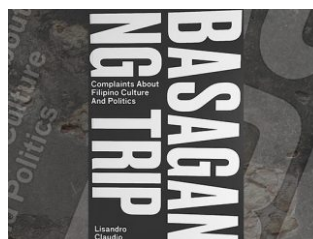
 NEW | THE
BLOOMING
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Download a compilation of all the English KRSEA articles from Issue 13 (March 2013), to Issue 20 (September 2016). This period marked a turning point for KRSEA with the re-launch of the website in March 2013 and the new online archive of earlier issues.

 YOUNG
ACADEMICS
VOICE


Buddhist Women As Agents of Change: Case Studies from Thailand and Indonesia

While in Thailand the majority of its population are adherents of the Theravada Buddhist 'tradition', in Indonesia, Buddhism is a minority religion with the Theravada Buddhist 'tradition' embraced by the majority of Buddhists. However, the development of the Theravada tradition in Indonesia is much

 LATEST
REVIEWS


REVIEW— Basagan ng Trip: Complaints About Philippine

especially when the generals drafted a constitution designed to reinstate the military's political role. Demonstrations against this draft began in the same month this essay appeared and climaxed on 17–20 May 1992 when soldiers fired into the crowd. This crisis led to a revision of the constitution draft and restoration of democratic parliamentary government.

Appearing against this background, the essay could not fail to be controversial and has remained so. Nidhi argues that the power relations and operating principles of Thai politics are very different from those enshrined in its many written constitutions (and, indeed, those used by most academic analysis). In his introduction to a 1995 collection of Nidhi's articles including this one, Thongchai Winichakul noted that Nidhi's perspective in this essay offered unique insight on Thai politics, but was also "much too close to reactionary discourse."² From King Chulalongkorn to the military dictator Sarit Thanarat, rulers had undermined dissent by painting it as "western," and had justified their own rule by presenting it as "Thai." Bringing in western-inspired constitutions, Thongchai suggests, might be a good way to fight the "dark" side of the power relations which Nidhi calls the cultural constitution.

But, as Thongchai also notes, nobody can mistake Nidhi for a reactionary and apologist of dictatorship. This little disagreement between Thongchai and Nidhi is one moment of a larger debate among Thai intellectuals in the transition from the era of the Cold War to the era of globalization. Some argued that the route of modernization, as mapped by either liberal or Marxist theory, still presents the best challenge to old forms

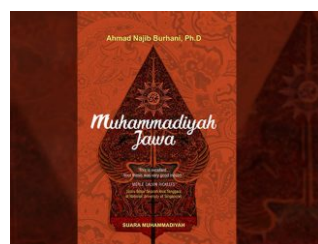
Culture and Politics

Basagan ng Trip makes theorizing and "discourse" chic. In the Preface, Lisandro E. Claudio notes that "Walang basagan ng trip" mirrors an "anti-critic tradition in Philippine arts" (p. ix). Through this lens, the Filipino psyche encourages creation and discourages criticism as this ruins the vibe of the imaginative process that produces something new. [...]



REVIEW— Mata Hati Kita, The Eyes of Our Hearts

Mata Hati Kita, The Eyes of Our Hearts
Compiled by: Angela M. Kuga Thas and Jac SM [...]



influenced by its counterparts in Thailand. Consisting only of men, the Theravada Buddhist ecclesiastical authorities in both Thailand and Indonesia do not recognize bhikkhunis (a fully ordained [...])



The Real Crisis of Philippine Democracy



The Constitutional Court in the 2016 constitutional draft: A substitute King for Thailand in the post-Bhumibol era?



Legitimacy and Military Rule in Today's Thailand



Energy Security in Southeast Asia? Let's

of domination. Others argued that the failure of both communism and democracy dictates that a new politics must be built upon more accurate understanding of local society and culture, free of the teleology of modernism. This essay – and others in the same series – are part of Nidhi's contribution to the latter project.

Except where indicated, the notes are mine. Thanks to Acharn Nidhi for permission, and to Acharn Pasuk for help. *Chris Baker*

The Thai Cultural Constitution

The constitution is said to be the supreme law, but only because foreigners said this already. We copied their textbook and memorised it like a parrot. It has no real meaning in Thai culture. If it had real meaning, the constitution could not be torn up often, and laws, ministerial orders, regulations, and so on could not contravene the constitution. But in Thailand the constitution is torn up often, and more easily than the various rules and regulations of ministries and departments. Besides, there are many laws, ministerial orders, regulations, and so on, which contravene the constitution. Yet neither those enforcing these rules, nor those subject to them, feel any embarrassment at all. For instance, the Interior Ministry rejects women for the post of deputy district officer (*palat amphoe*) but denies this is on account of gender; and some medical schools refuse entry to people who are lame without any serious proof that the disability is any obstacle to the profession.

What is a constitution? This has to be understood well.

A constitution is the arrangement of power relations among various individuals and institutions in a state. The phrase “power relations” in everyday language means “who is bigger than who” and under what conditions.

REVIEW— Muhammadiyah h Jawa

Muhammadiyah
Jawa Author: Ahmad
Najib
Burhani Yogyakarta:
Suara Muhammadiyah,
2016. 184 pages A
Muslim organization in
Javanese [...]



REVIEW— 从文化视角看大湄公河次区域合作 《评大湄公河次区域五国文化发展的体制机制研究》

从文化视角看大湄公河次区域合作《评大湄公河次区域五国文化发展的体制机制研究》 (Viewing GMS Economic Cooperation from Cultural Horizon: Review on Study on Mechanism of Cultural Development [...])



start
with the
Future



Revitalising
Cooperatives of
Agricultural
Communities:
OTOP
Organisations in
Thai
Villages



The 5th
Cambodia
election
s: a
turning
point for
the
democratic
process



Celebrating
Muhammad's
Birthday
in
Yogyakarta



“Arrested
Development”
Why and
how the
Thai
junta
disciplines
labor

But there's a little problem in defining a constitution as an *arrangement* in this way; it may create the misunderstanding among people with weapons or clever people with social standing that "if that's so, I'll arrange things myself," whether for personal interest or for the progress of the nation is open to debate.

In truth, the arrangement of power relations in a society does not arise because someone arranges them, but because various people and institutions struggle to create and defend their power status over a long time until it gains a certain acceptance and becomes part of administrative or political custom. That is, the *ways of life, ways of thinking, and values* of the society come to accept that legitimate powers must be related together in a certain way. This is the *political culture*.

The political culture of any society is not static because the competition to create and defend power status among institutions and individuals goes on continuously in response to trends of economic and social change. The political values of people in a society may alter. For example, people may think that old power relations between one institution and another are no longer legitimate and should be changed.

It is this political culture which is the true supreme arrangement of power relations. Or, to put it another way, *political culture is the state's true constitution*. This constitution cannot be torn up, however many tanks are used. Other laws, ministerial orders, and regulations cannot contravene the provisions in the political culture or in this true constitution. So let this true constitution be called the *cultural constitution*. This cultural constitution cannot be "drafted," but arises from the long-term experience of the society over centuries. Hence learned people (*nak prat*) in the pay of the military are not involved, and the cultural constitution of every society is not a written document at all.

In some societies, the content of the written constitution is fairly consistent with the cultural

REVIEW— On Five Short Films by Wregas Bhanuteja

EVERYONE IS AN ISLAND Wregas Bhanuteja became (social)-media sensation in Indonesia this year because of winning [...]



Enticing Patriotism: Thai National Anthems and Elites' Political Interests in the 1930s



Uncertainties for Malaysia's Opposition after Nik Aziz's death



The rise of mass-mobilizing politics in Indonesia



Along Came the Junta: The Evolution and Stagnation of Thailand's Local Governance



The Challenging Circumstances

constitution. Such written constitutions can survive fairly permanently, even though there must be room to amend them all the time. However, even in countries where the written constitution has no problems because it is fairly consistent with the cultural constitution, politics and government are still based a great deal on other, unwritten customs. For example, the custom that the US president is limited to two terms cannot be found laid down anywhere in the US constitution, but is practiced as a custom of politics which is never infringed and can be considered no less sacred than other provisions in the written constitution.

Conversely, in some societies the drafted constitution is not consistent with the political culture and so has no sacredness. The army tears up the constitution at will, and the mass of the population does not feel incensed. This is because the people know that the army cannot violate the cultural constitution which is not visible as a written constitution. Sometimes, however, army leaders gaily violate the cultural constitution, resulting in widespread popular dissatisfaction which undermines the leaders to the point that they cannot retain power.

Thailand is one such case. It has a cultural constitution which is sacred and inviolable (but gradually changes all the time), and it has a constitution drafted by servants of the military which has to be torn up from time to time (whenever it is torn up, the old servants are ready to draft it anew). But the content of the cultural constitution has never really been studied. Understanding this constitution is important because it creates understanding both of Thai political culture and of the source of changes in Thai political culture as well.

What follows is a study of only the major institutions in the cultural constitution. It's impossible to say much about the power relations among these institutions. I don't know enough to talk about some matters, and I don't dare talk about others.

And Future Prospects For Thai Rice Farmers



Northwest Vietnam's Coffee Boom and Food Security



China's Three-Pronged Strategy on Regional Connectivity



Ugly Americans, Ugly Thais



Reluctant Islamists : Rules and Incentives in the Malay World



The Decline of a Presidency?

Some Institutions in the Cultural Constitution—



Whether it is inscribed in the written constitution or not, the monarchy penetrates every part of Thai culture to the point that it is very difficult to do without this institution. Whether it is written or not, the king is in a position of revered worship and shall not be violated.³ If the section in the constitution on the king were totally removed, it would not shake the Thai monarchy at all, because this section is securely in the cultural constitution already. This is the reason why, however many times the constitution has been torn up, the section on the king in the newly drafted constitution has no significant change.

The written constitution deals with the king as an institution, not as an individual. This means that when the reign changes, there is no need to change this section in the constitution. However, the monarchy as laid down in the constitution is an institution that has roles and duties in the modern state. For example, the king is the head of state, is the head of the armed forces, has sovereignty through all three powers, is the upholder of religion, and so on.

But in the cultural constitution, the perspective on the “institution” of the king is different.

The Thai monarchy is “sacred” (*saksit*). Modern academics use this word to explain the monarchy with a new meaning which is not so different from being worshipped and revered. But the “sacredness” in the cultural constitution has an ancient type of meaning, which can be translated literally to mean having mystical power (*sak*) and might (*sit*).



Civil Discourse and Civil Society: The dysfunctional culture of Thai academia



Chiangmai: the Future of the Creative Economy in Thailand



Commodification of Culture in Vietnam's Northern Highlands



Mockery of Fiscal Decentralization: The “Intergovernmental Transfer” System in Thailand



The Colour-Coded

In olden times, the monarchy in almost all societies was “sacred” in this sense.

In medieval Europe, it was believed that incurable invalids could be cured by the king’s touch. In other words, the king had mysterious power of medical treatment. The Chinese emperor was the son of heaven, and there were various ceremonies concerning the emperor which showed that he truly was the son of heaven, that this was not only a simile. These included the ceremony of making offerings to the heavens in the “model universe” of Tiananmen Square. The Japanese emperor was truly the son of the sun queen until the end of the Second World War.

In Thailand, it has been whispered among people from olden times that when Queen Srisuriyenthramat went into labour before her first delivery, Jao Jomsua asked for the water that had washed the feet of King Rama I to be given to the Queen to drink, and the labour pains eased. This showed the mystical medical power of the Thai monarch, just like European kings.

The writer once interviewed a monk who came from the line of the Chiang Saen ⁴ rulers (and who claimed it was the line of the Mangrai dynasty ⁵). He spoke of matters which were passed on within the family about the time when King Kavila swept people down to Chiang Mai. ⁶ It was like all such sweeps; most of the people could escape it. But later, when the Chiang Saen ruling family and the people who were swept down with them had established a settlement near Chiang Mai, the other people followed down in their wake.

The writer asked the monk why the others followed, even though Chiang Mai had not sent an army to sweep them down. He replied that when a state has no ruler, the rain will not fall according to the seasons, so that if they remained at Chiang Saen they would face difficulty making a living from the land.

The Thai king hence has a certain mystical power which maintains the peace and order of the

Movements as a Space to Enhance Women’s Political Power



ASEAN Integration: Translating A Vision into Reality



Prioritising social growth for Singapore



The Production of Shared Space: Notes on Indonesian Migrant Workers in Hong Kong and Japan



Southeast Asia, Surprisingly



Daw Aung San Suu Kyi and

world. In olden times, such mystical power was demonstrated through things like the rain falling according to the season. Royal ceremonies about water, rain, agriculture, and so on, which appear in the palatine law of the Ayutthaya period, are based on the belief in the king's mystical power of this kind.

The various royal customs and coronation ceremonies taken from India are only a surface covering over old Thai beliefs that the ruler of the country is "sacred" (among the Black Tai, the ruler is born directly from the sky god [*thaen*], unlike the ordinary people who are born from a gourd). Hindu royal ceremonies may have been discontinued and ancient royal customs of India no longer practiced, but the "sacredness" of the Thai monarchy still persists in the thinking of most Thai people.

Today when the king goes anywhere, people lay cloth for him to step on and take it home to worship. Anything he touches becomes a sacred object which must be kept like an offering.

Some day in the future, there may be a prime minister or military commander who is highly liked and esteemed by the people such that wherever he goes crowds come to welcome him with cheers. But it will be difficult to find someone to replace the king in the sense of sacredness. In Thailand there may be someone who is more "popular" ⁷ than the person who occupies the position of king (and in the past there may already have been, such as Chaophraya Borommaha Srisuriyawong at the start of the Fifth Reign ⁸), but there is definitely nobody more sacred than the king.

In this respect the Thai monarchy is secure because this is laid down clearly in the Thai cultural constitution.

Even though the institution is safe and secure, the individuals who occupy the position are not necessarily safe and secure. In the practice of the Thai-Lao ethnic group from the past, it is

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understood that the most important property for holding the office of king is the right derived from birth or from the combined bloodlines of royalty. Old Thai legends (*tamnán*), whether of the Black Thai, Luang Prabang, or Thai Yuan, all focus on a royal clan. The old Singhonawat (Singhanavati) legend ⁹ is about the Singhonawat clan. The Khun Borom legend ¹⁰ is about the Khun Borom clan. The Thai Yai, Thai Ahom, and Black Thai all have stories about the founder of the royal clan descending from the sky.

The early history of Lanna, the Thai Lu, Luang Prabang, and even Ayutthaya show that overturning the throne does not mean changing the dynasty, but raising another prince of the dynastic line to replace the king. In Lanna, when the Mangrai line weakened and power fell into the hands of the nobles (*khun nang*), the nobles still had to choose a scion of the Mangrai dynasty to elevate as ruler, even when that meant a woman. ¹¹

There is a story from the above-mentioned interview with the monk from the Chiang Saen line that at the start of the Kavila or Thipchang dynasty ¹² in Chiang Mai, the new dynasty tried to take descendants of the Chiang Saen rulers as consorts, because they believed the Chiang Saen line was the Mangrai line. But the Chiang Saen ruling group refused to offer their kin in marriage to the “family of elephant raisers” which had become the ruling family of Chiang Mai. In truth, whether or not there were marriages between these two families in the early years has not been investigated. However, the local chronicle composed in the early Kavila period claims that the new dynasty had a blood connection with the Mangrai line, showing that the standing (*barami*) of the Mangrai dynasty was “sacred” in the Lanna region (the Mangrai dynasty itself had a chronicle which “claimed” a connection with the Singhonawat dynasty).

A definite change of dynasty is something that happened not long ago in Thai history, and it is difficult to indicate in what period it first

happened. King Prasat Thong's mother came from the "Sukhothai" line, and if relatives are counted in the Thai way, including the female side, he can be considered related to the royal line.¹³

Even though the chronicle states that King Phetracha came from a Suphanburi commoner family, there is contemporary evidence that states his sister was King Narai's first-ranked concubine, and in addition he was a close companion of Narai from childhood.¹⁴ All this shows that Phetracha was probably born into an aristocratic family of Ayutthaya, and it would be no surprise at all to find evidence that there is a line of the Prasat Thong dynasty, especially on the female side.

If Phetracha was not the first commoner to seize the throne, then King Taksin and King Rama I were the first group of commoners to occupy the throne.¹⁵ But ascending the throne at a time the state faced catastrophe (*kaliyuga*) was not a common occurrence, and must be considered exceptional. From then until now, there has been no other change of dynasty. Even though at certain times some noble families had more power than the dynasty, there was no change of dynasty.

Thus it is said that there is no law of succession to the throne in Thailand, but in fact it appears there is a law of sorts. The critical rule is that the successor to the throne must be of royal family (*jao*) (that is, from the group which descended the steps from the sky to come and govern according to the instruction of the sky god or *thaen* in Black Thai language). But the Thai law is not detailed to the extent of specifying that the eldest son (or the last child) must succeed. At the same time, there is no practice of ranking those with rights of succession to the throne according to any principle, as was introduced later by copying an English practice.

This then is the political mechanism of Thai society. To select the royal (*jao nai*) with the

capability to become king, there was always competition over the throne, with more complexity in the background than the personal ambitions of the persons competing for the throne. This was because, after King Trailokanath's centralization of power,¹⁶ the role of the Thai king in governing the kingdom of Ayutthaya was very important. Any person who did not perform according to the hopes of the ruling class could not retain the position, but had to make way for his kinsmen who organised the nobles and people to fight for the throne. If the new king turned out to be no good, the throne would be fought over again.

Foreign sources from Phetracha's time state that, after a fight over the throne, everything quickly returned to its former state as if nothing had happened. In other words, rivalry for the throne is not something which really shakes the system of politics and government. The writer understands that most of the succession disputes in Thai history were no different from Phetracha's time, particularly the disputes which were concluded in a few days.

At present we tend to adopt the western attitude of looking for an institutional succession of political power such as a law, decision-making council, and so on, in the belief that succession disputes mean the system of politics and government is shaken. Westerners competed for the throne by warfare over many generations (for example, the War of the Roses in England lasted around a century).

But in Thailand succession disputes were over in one gasp. Mostly they were fought by coups inside the court. Sometimes the ruler was covertly poisoned; sometimes he was taken by surprise and executed; and so on. Even when it came down to civil war, it lasted only a few days before it was clear who had lost and won. The time taken for an election nowadays, beginning from the time they start throwing mud at one another and shooting election agents in the head, is much

longer than the time taken fighting over the throne in olden times.

The reason why the old Thai method of succession disputes was peaceful and orderly was that the new group had no thought of violating the Thai cultural constitution. They knew how to put everything back in place, without any change. Even the coups that happened later were the same.

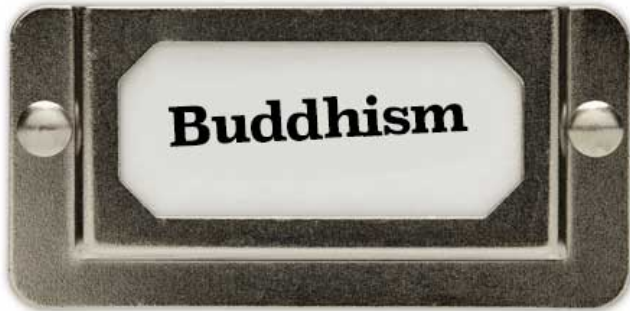
With this experience, the Thai have very high immunity to coups. They see a coup as a way to solve a problem and as a normal method of succession of power, no different from an election or an ordinary change of dynasty. Those who should flee, flee. Those who win become big according to the rules. As long as the cultural constitution is not violated, a coup is an ordinary change of government.

But because the position of the Thai king has such high importance in the government, there have to be frequent succession disputes to select the royal who is appropriate (whether for the benefit of the country or the benefit of the nobles) to ascend as king. Hence it can be said that the Thai monarchy as an institution is politically highly secure, but the individual holding the position may not be as secure as the institution because there may easily be a succession dispute to raise one of his own relatives to be king instead.

Even the attempt to establish a clear law of succession in the Fifth Reign did not give rise to a fixed and definite rule as intended. After the first Crown Prince passed away, instead of keeping the succession in the line of the same queen, King Chulalongkorn decided straight away to change to another line,¹⁷ even though some nobles and some members of the royal family dissented (according to what some senior people once said).

The Thai from olden times believe that the state must have a ruler but who that ruler should be is not so important except that he must be a royal

or have a blood connection with a family which is royal.



None of Thailand's written constitutions defines a national religion. Superficially this is as if Thailand is a completely "secular state," especially in comparison with Indonesia, Pakistan, or Burma. But in reality Thailand has not passed through a process of decisively separating state and religion as in Europe.

Nevertheless, it is necessary to define first that the Thai "religious state" was different from the western one, and hence the process of making it secular ought to be different from the western process also.

Westerners think that *power* over humanity belongs to god. Hence government or the use of power in the world cannot be legitimate unless it is approved by god. But the Thai think that *power* is something natural. If there is no government wielding power, then a new government will appear to wield it. And power can be held without asking for the approval of anybody.¹⁸ But a power holder can prove his legitimacy by nurturing Buddhism. One purpose of holding power hence is to promote and nurture Buddhism. It can be counted as one of the important purposes of government. The state thus arises for Buddhism. The ruler has the duty of defending Buddhism from being troubled by bad dogma. At the same time, he deploys royal power to create conditions for all the people to accumulate the king's *barami* so he may progress through the cycle of rebirth to attain nirvana. This purpose can be seen clearly from the reigns of King Taksin and King Rama I onwards.¹⁹

The reform of government and religion in the Fifth Reign did not affect this important principle. The revolution of 1932 did not negate this principle either, although nothing was specified clearly in the constitution. Hence in the Thai cultural constitution, Buddhism has a status more special than other religions.

Even though the western way of thinking about a “secular state” was the model from which we copied the symbols of the new kind of “nation,” such as the national anthem, national flag, national language, and so on, the essence of the secular state was not absorbed into the political thinking of the Thai, and hence does not have much meaning for the Thai. For example, the white in the national flag is supposed to stand for religion, and white was probably chosen because it does not clearly indicate what religion (colors and shapes are related to religion in people’s thinking, for example, green and star for Islam, yellow and wheel for Buddhism, and so on). But not long after the tricolour flag came into use, someone created a separate flag for Buddhism which can always be seen at temples during religious festivals. That is the yellow flag with the wheel of the law in the center. It is often displayed together with the national flag.

Hence Buddhism is not just one of the religions which every citizen has freedom to choose, no different from others. Buddhism has a special status in the Thai state. Every written constitution lays down that the head of state must be a Buddhist. Almost all royal ceremonies, state ceremonies, and ceremonies arranged by government officials have some element of Buddhist ritual. The state encourages the spread of Buddhism both inside and outside the country using tax revenue collected from citizens who are Muslim, Christian, Hindu, and Sikh.

Thus it is not a genuine secular state like a state in western Europe (neither is it necessary to be so because we have not been through the same experience as them, but only taken their type of state as a principle to refer to, even though we

are not the same). Whether or not it is written in the constitution, the Thai state is a Buddhist state. This does not mean that we have no prostitutes and drink no liquor, but it does mean that we give Buddhism a status more special than others. The Thai state is neutral between Christianity, Islam, or Hinduism but the Thai state is intentionally and demonstrably biased towards Buddhism.

Whether or not it is written in the constitution that Buddhism is the national religion, Buddhism is undeniably the Thai national religion, and this is openly inscribed in the cultural constitution.



As a result of their historical experience, westerners think that power can be subdivided. For example, for many centuries in Europe, power was divided between rulers of the world and rulers of religion. There was always dispute over the boundary between worldly power and spiritual power, sometimes to the point of open enmity between king and pope. Thus in modern times, when westerners think about opposing power, they arrange for several independent powers to oppose one another.

But the Thai think that power is indivisible. Even worldly power and spiritual power are the same, because whoever is king holds the supreme power according to the strength of his own past deeds (*kamma*). When his merit is exhausted, spiritual power makes him quit the post of his own accord by some means or other. In the thinking of the Thai, worldly power and spiritual power are not two kinds of power but only one.

Moreover, although spiritual power is the greatest power, spiritual power cannot take concrete form as either an organization or individual because, if

an individual or organization has supreme spiritual power (or in other words, the highest *barami*), then worldly power will also fall to that individual or organization automatically. Hence however much proficiency a monk has, he will always have less power than the king, because a monk has accumulated less *barami* than a king. If any monk were to have more, he could not remain a monk. In some way or another, he would become king eventually. The fact that a king is a king is proof that he has the supreme spiritual power, and hence has the supreme worldly power as well.

Even though the Thai think power is indivisible, yet this supreme indivisible power still has two constraints which are obstacles to the use of power for government. The Thai have always used these two constraints as shelter to escape from the supreme power of the rulers.

The first constraint is local leaders. There are many reasons why Thai rulers cannot completely repress local leaders. In olden times, the lack of a standing army, lack of communications, lack of a bureaucracy with a unified command, lack of public education controlled by the state, and so on, impeded the royal power in practice where local leaders were strong. However, the lack of the things mentioned above is only a secondary reason.

The real main reason is this. While in theory power is supreme and indivisible, in practice the king maintains power by dividing up the machinery of the state into little pieces which are fairly independent of one another, so that they cannot easily challenge the royal power. Thus although Thailand has had a bureaucracy for many centuries, the Thai bureaucracy is divided into little pieces which cannot coordinate for any purpose at all. Each piece seeks benefit from the duties entrusted to it by the king. In the past these pieces competed to control manpower. At present they compete to make laws which give themselves power to authorize this and that in order to demand a bribe.

The Thai bureaucracy from past to present has no ability to work in concert to truly increase the well-being of the people. But at the same time, it has no power to oppress the people systematically. Hence if Hitler or Stalin are taken as the standard for dictators, Thai dictators of every era are only clowns.

With an inefficient tool for government such as this, the rulers have to yield to *influence* (*itthiphon*).²⁰

Yoshifumi Tamada explains the word *influence* in Thai politics in this way. Thai people perceive two kinds of power: the first is the power which is correct according to law and custom, which is called *power* (*amnat*); the second is the power that is not recognized by law or custom, but has force just like the first type of power. The Thai call this *influence*.²¹

Influence has existed in Thai society from olden times and is not something which comes into conflict with power. When power confronts *influence*, instead of suppressing *influence* to leave only power, power finds it lacks the necessary force. Instead it compromises with *influence* by incorporating it into power. For example, local bosses (*nakleng*) are elevated as leaders or nobles, or the family which has the supreme *influence* in an area is elevated as the local governor.

Modern administrative law copied from the west cannot compromise with *influence* so leaves *influence* alone outside the bureaucratic system. But in practice things are the same as before. That is, there is compromise between government officials and *influence* at all levels. The upcountry nobles get their free drinks and running expenses from local *influence*. The central nobles become directors of banks and golf courses and receive shares at par from national-level *influence*.

Influence has been an obstacle to state power from olden times. *Influence* is a constraint which

the indivisible power of the Thai rulers must confront at all times. Whenever people are in trouble, they can either run to the rightful power of the state or seek the protection of the *influence* with which power has to compromise, depending on how that particular trouble should be dealt with. In modern western terms, the governing power in Thailand faces the “opposition” of *influence*.

Another constraint on power in Thailand is morality, or stated clearly, the manifestation of morality.

To retain power, the Thai monarch must demonstrate the ten royal virtues and carry out the imperial duties. What these two things are, Thai people in general do not know. But they are pleased if the monarch shows a high degree of compassion, is just, not indulgent, and moral. Learned men in the early Rattanakosin court condemned the kings of the Ban Phlu Luang dynasty²² for immoral behaviour such as killing animals, sexual licence, drunkenness, and so on.

In any culture, it's instructive to observe what is selected to condemn a king in history. In the Thai case, the five Buddhist precepts are chosen as the criteria. It is important for Thai rulers to manifest their morality. Failure to do so leads to lack of acceptance from the general population and invites other groups to challenge for power.

The manifestation of morality is not limited to the performance of public duties. The Thai do not distinguish between public duties and private practice. They consider them the same. Hence even in private life, rulers must manifest morality and integrity. One minister of interior had to resign because an MP said in parliament that he often took girls to cuddle in hotels.

Apart from their duties, rulers must also explain that they decide on policies for moral reasons, that is, clearly not in violation of moral principles. For example, for a long time there has been a call to abolish the law on prostitution and

decriminalize it, but opponents always raise reasons of morality and reputation. They claim abolition would amount to supporting immoral actions and shamefully sacrificing the country's reputation. But these opponents don't care much about the fact that Thailand has almost a million prostitutes. It's the same with the legalization of abortion, which has been opposed on grounds of morality, even while it's easy as anything in Thailand to get an abortion or "induced menstruation," both safe and unsafe.

So it should be reiterated that the "morality" which is important in opposing the power of Thai rulers does not make the Thai rulers become moral people, or make the public policies of the Thai rulers rich in morality. Rather, external manifestation of morality has much more importance than content. To put it simply, at present if you want a minor wife then go ahead but don't create a scandal.

Nevertheless, even the external manifestation of morality is a force to constrain the power of the rulers to some extent.

To sum up, Thai rulers are cramped by two kinds of constraint on power, first, local bosses, and second, the external manifestation of morality.

Both constraints are sacred institutions which are inscribed in the Thai cultural constitution.

Although nobody can tear up and throw away the provisions in this constitution, those who seize state power always suppress the bosses who are not part of their gang and build up their own network of bosses in their place. At the same time, the group which has seized power condemns its rivals as lacking in morality, even though the new group behaves no differently.

Influence and immoral actions disguised behind a moral façade are not something that Thai people dislike. Bosses in fact can help provide protection for us. Immoral actions disguised behind a moral façade are better than denigrating and violating the moral law without a care. In any case, power is like fire: close up, it's hot; far away, it's cool;

anything which can offer some opposition to the power of fire is already good.



The military is one form of *influence* (that is, power not recognised by law or custom), but this does not mean the military has no *power* (that is, power recognised by law and custom). The military does have *power*, but under any system of government other than military dictatorship, it is only a little *power*. The military always has only a small portion of *power* because whatever it does depends on decisions taken by others, whether a king, prime minister, or dictator.

Thailand has only had a standing army since the Fifth Reign (today's army likes to celebrate military victories before this time, but really these are victories by a totally different army – victories by the Thai king leading the peasants out to fight). Not long after there was a standing army, it started to become unhappy with the little *power* it had. In the Sixth Reign, the army was unhappy that the king spared only a small part of the budget for the army. Some parts of the army even tried to overthrow the absolute monarchy, but without success.²³ Relations between the military and King Rama VI were not good throughout the reign.

The military began to expand its power through *influence* both in the lower ranks and at the Cabinet level. It's notable also that newspaper articles at that time tended to cheer the military. Newspapers published by the military such as *Senasuksa* commanded an audience wider than the military circle. This amounted to increasing the *influence* of the military in Thai society in general.

But it is not at all surprising that people (at least in Bangkok) cheered the *influence* of the military. In the view of the Thai, *influence* is necessary to constrain *power*. What is more, the military has *influence* unlike other types of *influence* because it is not limited within a specific boundary. The military has a position within the bureaucracy, so it is both *power* and a tool of *power*. But the military itself does not have that much *power*. Thus it finds it difficult to be a danger to anybody. The military only has *influence* on which people in general can depend, or with which they can build an individual relationship more easily than with *power*. Hence there was no *influence* better than the military to limit the rapidly expanding *power* of the rulers in the new bureaucracy and the absolute monarchy.

Thus on 24 June 1932, the military was the main factor in the overthrow of the absolute monarchy. With the world situation offering no obstruction, the military became the biggest *influence* in Thailand, even though under the law and custom of democratic government, the military still had only a little *power*, as before.

Most Thai welcome the *influence* of the military and make use of that *influence* as fully as possible. Individuals run to the military to use its *influence* to coerce the *power* of the ever-corrupt civilian bureaucracy to follow their bidding or to be corrupt in a way which benefits them. Groups appeal to the regional army commander to press the interior ministry or police department to transfer officials they don't like out of their area.

This does not mean that the military is an *influence* which is pure. When someone has *influence* (which is power not recognised by law and hence power which cannot be monitored or constrained, except by employing another *influence*), where would that *influence* not be used for private benefit? But the Thai don't mind this. Using *influence* for some private benefit is not a problem. Any godfather would do that, but might ask for military protection in cases where that is necessary.

However, it must be admitted that the Thai have used the military to defend themselves against constant bullying by other parts of the bureaucracy or by criminals who always threaten them. Even though this is not effective every time, it is still better than not having any *influence* to obstruct the *power* which they cannot control themselves (don't forget also that the supreme power in Thai thinking is indivisible, and so in truth Thai may not think about controlling *power* through legal processes and citizens' rights, but rather think of using *influence* to control *power*).

Straight out it can be said, the Thai love the military more than all other officials, because they don't see the military as rulers, but rather as elder brothers who help to protect them from the rulers. But this love lasts only as long as the military have only *influence* and not *power*, that is, they do not themselves become the rulers. When they become rulers and have *power*, the military have to become united with the civilian bureaucracy, the usual rulers, because they have to use the civilian officials as tools of their *power* or rule. At that point the military can no longer be relied on as an escape from *power*. Worse than that, although as a result of making a coup or suppressing insurgency the military become the rulers and have *power*, the military still has *influence* as before. But when *influence* supplements *power*, it increases the *power* of the rulers to the point that it is difficult to control. The Thai cultural constitution thus opposes the military having *power*. Whenever the military controls the *power* of the state, the Thai people's appreciation of the military is reduced. Conversely, when the military does not control the *power* of the state, the army recovers the people's favor. It can drag its enemies along to "cooperate in the development of the Thai nation," not disclose some parts of the budget to the assembly, impound a government mobile radio station ²⁴ – and people joke about these matters rather than thinking anything of them, because all of that is just using *influence*.

The Thai cultural constitution likes the military to have *influence*, but does not like it to have *power*.



MPs are most like the military, that is, MPs are not rulers and even their duty to legislate is not so important. In the cultural constitution, MPs have almost no *power* at all. They cannot even appoint a village head (*kamnan*). But MPs have *influence* so even provincial governors respect them. Thus MPs are an *influence* on which citizens can depend to negotiate with the rulers.

The Thai don't think of giving MPs any more *power*. They like to see MPs as puny (*krajok*) in this way, but it's good if MPs have a lot of *influence*. Hence government MPs are better than opposition MPs, as those in government are expected to have more *influence*; for instance, they can even get a governor transferred.

The duty of MPs in the cultural constitution is to negotiate with officials on behalf of the people and to use *influence* to defend and protect citizens from the rulers they dislike. The part about raising their hands to pass this law and that legislation is fine because it gives them more *influence*, but has nothing directly to do with the MPs' duty. It doesn't matter if they go to sleep or go absent from the Assembly.

Whatever it says in the written constitution, this is the duty of MPs according to the expectation of the Thai in the cultural constitution. So MPs find that having and using *influence* is the main duty of being an MP. This *influence* can be used both for others and for themselves and their clique. MPs use *influence* in both ways intertwined – for others to gain the popularity to be re-elected, and simultaneously for themselves and their clique for

personal benefit to create the economic foundation for re-election. It is not possible to be a person of *influence* in Thailand without having a pocketful of money to spread around.

Each MP has more *influence* than each military man, but MPs as a group have less *influence* than the army as a whole. In this respect, an MP has an advantage over a military man in that one MP has the supreme *influence*. But combining together as a group or as a party does not increase the MPs' *influence* so much. While each soldier has limited *influence*, the military uses its *influence* to the full only when it is consistent with the policy of the military or of the commanding officer. An MP can be a patron (*thi pung*) more easily than a soldier. If an MP agrees to provide help (whether by saying something or by giving money), then the MP can use his *influence* straight away.

Moreover, because an MP has been elected, ordinary people feel it is easier to approach him than a soldier or a local godfather. So MPs are an *influence* which has importance in the cultural constitution. Whatever happens, the people who are not rulers must have MPs as an *influence* which they elect themselves for a fixed period, as a guarantee that the people can have easy access to them.

Other *influences* in Thailand, even though they are not disliked, are not *influences* which the Thai people created. Some *influences* create themselves and some are created by others, but only MPs are an *influence* which the citizens can confer on anybody they choose. Elections thus cannot be left out of the cultural constitution, because they guarantee that the *influence* which the citizens create will be of some benefit to themselves. The practice of those standing for election as MPs to bow and scrape, distribute little fishes (*pla thu*), hand out money for votes, and so on, is a practice which is very satisfactory for the people, because it helps to confirm that the citizens will get some benefit from this *influence* in the future because they have some control over it.

In truth, vote-buying (or doing anything which is not plain ballot-stuffing) is confirmation of the “sovereignty” of the Thai people according to the cultural constitution.



Influence is a force which is difficult to oppose, because *influence* does not derive from law. *Influence* is thus a frightening force along with being a useful force. The Thai have two ways to counter *influence*: first, by using another, bigger *influence* to counter an *influence* which is dangerous to them; second, by looking to *power* to counter *influence*.

The first method to counter *influence* worked well in the past because various *influences* were not tightly coordinated. It was not difficult to get an RPG or M16 to cut down a godfather. Even army commanders in the provincial centers might use their *influence* to quell local *influences*. But recently in some localities, economic expansion has made *influences* at various levels cooperate together. The *influence* of some godfathers has expanded very widely to cover almost a whole region. In some localities the regular local *influences* cooperate to share benefits among themselves peacefully. This makes it difficult to bring in one *influence* to counter another.

Even worse, the *influence* in several localities cooperates to share benefits with the *influence* which is concealed inside *power*. One clear example is that *influence* strengthens some groups of politicians to the point where *influence* has connections with ministers. This makes the *influence* of officials or the holders of *power* become one element of the *influence* of the godfathers.

But don't take only the example of politicians, because that is unjust. A large number of regular officials, both military and civilian, reap benefits in collaboration with *influence* and use the *influence* concealed in their own *power* to buy up land, invest in tourism, or make profit from opening casinos, for example. In such cases, countering *influence* is difficult. For this reason, the Thai more and more turn to counter *influence* with the second method, that is, by bringing in *power*.

It has been mentioned several times already that *power* is based on law and custom. The Thai dislike *power* because it regularly causes them trouble, yet they know the nation must have *power* because without it there would be no force to counter *influence*. For this reason the Thai support both *power* and *influence* to coexist and counter one another.

The Thai believe in the sacredness of law because law is the basis of *power*. They don't like anyone simply tearing up and destroying laws (other than the constitution). But because at the same time they believe in the importance of *influence*, they don't care so much if law is often violated. They only require that everyone display adequate respect for the law. This is because as long as law exists, the Thai can fight *influence* that oppresses them too much by appealing to the authority of law to suppress *influence*.

The sort of laws which appear in the civil and criminal codes, civil procedure, criminal procedure, royal decrees, ministerial orders, departmental regulations, and so on, are thus highly secure in Thailand. Anyone with *influence* may tear up the constitution, but cannot touch the law, except by going through the correct rituals, such as arranging first for one's clique and stooges to be members of the legislature and then gradually amending the law.

Coup-makers in Thailand are lawyers by instinct. They can trample on the constitution in full view of others, but a tiny law about collecting an irrigation fee of 10 baht must be followed

correctly with all its complicated and difficult procedure according to the proper ritual. Coup-makers know well that law is something very important for the Thai, because law makes the force of *power* totally secure. Even though *power* often oppresses and troubles people, without any *power* at all, *influence* would get totally carried away and cause no less oppression and trouble than *power*.

The Thai may not believe in *the rule of law*²⁵ like westerners, but they believe in *the persistence of law*.²⁶ The cultural constitution lays down that the various laws will persist very securely.

The persistence of law is proven not only on paper. The important part of law which must persist in the view of the Thai is the *power* of the judiciary. In the Thai ideal, the *power* of the judiciary is the *power* which is purest, that is, free of any concealed *influence* at all. In the view of the Thai, judges are clean and pure people, the only ones in the whole judicial process. This belief reassures the Thai that *power* truly has the force to counter *influence*. If the judicial process can be made to work so that a case appears in court, *influence* will be overridden or its evil lessened by the pure *power* of judges.

But it should be understood that the Thai don't hope to rely on the courts in every instance of dispute. Quite the opposite, in Thai culture and usage there are many ways to settle a dispute. In truth, bringing a dispute to court is only one part of the negotiation to settle it. The Thai do not perceive the courts as the ultimate recourse in resolving disputes (as lawyers think they should be). For example, suing to stop the construction of a condo next to one's house is not done to stop the construction but to negotiate the compensation for making one's house subside. When the money is secure, the case is dropped.²⁷

Once this is understood, it can be seen more clearly how the law and judiciary are an important part of the game. The cultural constitution thus

lays down that law and judiciary are “sacred” things which coup-makers cannot easily touch.

It’s already been said that the current economic expansion makes *influences* cooperate together more. Thus the opening to counter one *influence* by using another *influence* is narrowing. This is probably the reason why the Thai must increasingly use the second way of countering *influence*. Hence the Thai seem to pay more attention to changing laws after a coup, because currently the provisions of the law have more real impact on their lives than before.

It’s notable as well that there are two trends in the way government is changing laws and regulations at the present time. First, it is creating more guarantees for certain people’s rights (such as the right to call a lawyer when undergoing police questioning, tighter regulation of imprisonment, and so on). As relations with *power* are unavoidable, law must constrain the *influence* of *power* so it is safe to approach.

The second trend in changing laws and regulations is to increase the number of provisions imposing duties *power* must perform, such as setting a definite time limit to complete something after a petition is received, or beginning to impose constraints on bureaucrats’ decision-making. That is, if something is not approved, there must be clarification about what rule stood in the way, and the disadvantaged party may appeal to the courts. There is even an idea to have an administrative court to lessen the rulers’ *power* to adjudicate by facilitating more scrutiny.

This second direction of legal change is an attempt to monitor *power* because it is known that using *influence* to counter *power* as in the past is becoming more difficult, and hence it’s necessary to deal with *power* through law to guarantee one’s safety. If this trend continues, it’s possible that in the future the Thai cultural constitution will give rise to *the rule of law* more than *the persistence of law*.

This subtle change in the cultural constitution reflects the struggle of the Thai people amid the *power* and *influence* it cannot control, cannot monitor, and is constantly oppressed by. It should be said that this is a struggle which is profoundly clever and is the true wisdom of Thai society.

Amending the Cultural Constitution

All these are just examples of some institutions whose existence, powers, duties, and relations with other institutions are laid down in the cultural constitution.

Even though the cultural constitution cannot be torn up, it changes all the time. The above provisions must change in the future, in the same way that past provisions have been changed in the present. One change in the Thai cultural constitution will be mentioned here as an example.

In the cultural constitution in the past, it was never inscribed that people are equal. Quite the opposite, people were unequal for two reasons: first, birth; and second, the status granted to people by the king. This inequality is clearly seen in the Three Seals Law,²⁸ the law drawn up to accord with the Thai cultural constitution in olden times.

But many aspects of social change have made equality more significant in the present cultural constitution. High or low birth has almost ceased to have any meaning. People can no longer cite birth to maintain any *power* or *influence* (except the monarchy which is secure in the present cultural constitution). Only royal-granted status (or positions in the government) conveys *power* in hierarchical order but does not create any special “rights” for individuals.

The point worth noting is that *power* does not create any differentiation of rights, because *power* originates from law and so can be closely monitored. When a big military officer gives permission to a private company (with which he may have some kind of connection) to use a

government helicopter to fly to inspect the land used for a golf course,²⁹ people all over criticize it, even though it happened under a coup government. This is because holding a high post in the military does not give rise to rights of this kind.

Conversely, *influence* gives rise to a great variety of “rights,” and the Thai accept the variety of rights which arise from different kinds of *influence*. Someone with *influence* has many privileges of various kinds – bidding for distilleries under advantageous conditions, bidding for government work under conditions which disadvantage the government, staking out degraded forest land to make resorts, jumping the queue at government hospitals, starting a private airline, and so on.

The principle of equality which is beginning to appear more clearly in the cultural constitution is a different principle from that in western constitutions, because the origin and the thinking behind it are different. Equality for the Thai is the equality of the market. That is, money gives rise to equal buying power. The poor get an increase in “respect” through the down-payment system. The Thai are not so jealous of people driving Benzes because they think if they were equally rich they would have the same right to drive a Benz. The Benz thus does not confer status in the way that a litter or sedan chair did because the right to use those did not arise from having money.

Do you remember the credit card ad, “how much for this whole shop?”³⁰ It delights the Thai very much, because it is right on the Thai principle of equality in the cultural constitution.

All people are born equal. Gender, birth, status, skin color, religion make no difference; but money in the pocket does.

For what reasons does the cultural constitution change?

The easiest answer is that when culture changes, the cultural constitution changes. But how the constitution changes, and how it relates to change in culture, is a matter of great complexity which this writer cannot talk about without adequate thought.

So there can be no more suitable point to end this article.

Nidhi Eoseewong

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Notes:

1. "Rattthamanun chabap watthanatham thai" first appeared in *Sinlapa watthanatham* 11, no. 1, November 1991; and was reprinted in Nidhi Eoseewong, *Chat thai, muang thai, baeprian lae anusawari* (Thai nation, Thailand, school texts, and monuments) (Bangkok: Matichon Press, 1995). ↗
2. Thongchai Winichakul, "Chat thai, muang thai lae nithi iyosriwong" (Thai nation, Thailand and Nidhi Eoseewong), introduction to the collection cited in note 1, 29-33. ↗
3. The translation of this clause is taken from the official translation of the 1997 constitution, section 8. ↗
4. A place on the Maekhong river at the northern tip of modern Thailand. It is believed to be the site of an early political center mentioned in several legendary accounts. ↗
5. Mangrai (possibly 1238-1318) founded Chiang Mai in 1296, and his descendants

- ruled Lanna until 1558. ↻
6. Kavila (1742–1816) re-established Chiang Mai in 1775. After several attacks on the Burmese-held outpost in Chiang Saen, he took the town on 11 June 1804 and carried all its inhabitants away to Chiang Mai. ↻
 7. Written in English in the original. ↻
 8. Chuang Bunnag, Chaophraya Borommaha Srisuriyawong, was Regent when King Chulalongkorn succeeded at age 15 in 1868. Chuang headed the Bunnag clan which dominated the bureaucracy at the time. Some historians have accused him of manipulating the succession of a minor in the hope of dominating or even supplanting Chulalongkorn. ↻
 9. A legend about the establishment of Yonok, a polity believed to be around Chiang Saen, some time prior to the late thirteenth century. ↻
 10. The foundation legend of the Lao of Luang Prabang. ↻
 11. Jiraprapha became ruler of Chiang Mai briefly in 1545. ↻
 12. Kavila is credited with regaining Lanna's independence from the Burmese in 1775, and his successors ruled in Chiang Mai until it was absorbed by Bangkok in the late nineteenth century. Thipchang (sometimes Thipchak), Kavila's grandfather, had played a role in an earlier revolt in Lampang and Lamphun in the 1730s. ↻
 13. Prasat Thong (r. 1629–36) usurped the throne of Ayutthaya by coup. Sukhothai had ceased to be a major political center, but its ruling family had intermarried with the Ayutthaya dynasty and continued to be a source of royal legitimacy. ↻
 14. Phetracha (r. 1688–1703) usurped the throne from Narai (r. 1656–88) by coup. The chronicles written after the 1767 Burmese sack of Ayutthaya seek to attribute the sack to the failings of the Ban Phlu Luang dynasty begun by Phetracha. Hence they portray him as an uncouth upstart. Nidhi

has written a study (*Kanmuang thai samai phranarai*, Politics in the era of King Narai) which uses writings by the French in Ayutthaya (especially de Bèze) to show that Phetracha had some royal connections and strong aristocratic support. ↗

15. Taksin re-established a capital after the 1767 sack. He was dislodged by a coup in 1782 which installed his former leading general as Rama I. Neither Taksin nor Rama I had any royal blood connection. ↗
16. Trailokanath (r. 1448-?) is credited with a major change in Ayutthaya's government in the second half of the fifteenth century. ↗
17. In 1886, King Chulalongkorn (Rama V, r. 1868–1910) established a new system of succession based roughly on primogeniture, and selected Vajirunhis, his eldest son by Savang Vadhana, one of his three official queens, as the first Crown Prince. Vajirunhis died in January 1895. Instead of selecting another son by the same queen, Chulalongkorn chose Vajiravudh, his eldest son by Queen Saowapha. Vajiravudh succeeded as King Rama VI (r. 1910–25). ↗
18. Nidhi's note: This idea comes from Benedict R. O'G. Anderson, "The Idea of Power in Javanese Culture," in *Language and Power*, 1990, 19–23. ↗
19. Nidhi's note: See Nidhi Eoseewong, *Prawatisat rattanakosin nai phraratchaphongsawadan ayutthaya* (The history of Rattanakosin in the royal chronicles of Ayutthaya,), 1980, 50–69. ↗
20. From this point, Nidhi uses the words *itthiphon* and *amnat* in quotation marks to denote a special meaning. I have rendered this through italics rather than quotation marks. ↗
21. Nidhi's note: See Yoshifumi Tamada, "Itthiphon and amnat: An informal aspect of Thai politics," in *Southeast Asian Studies*, Kyoto University, 1991/3. ↗

22. The dynasty which ruled Ayutthaya from 1688 to 1767. The chronicles written in the early Rattanakosin period blame this dynasty for the sack of Ayutthaya by the Burmese in 1767. [↗](#)
23. In February 1912, authorities uncovered a coup plotted by about one hundred junior army officers. One of their grievances was that King Vajiravudh had founded the *Sua pa* or Wild Tiger Corps as a separate force under his direct personal control. [↗](#)
24. In 1990, Minister of the Prime Minister's Office Chalerm Yubamruang locked horns with the military. He stationed a government mobile radio station to intercept military communications. The army seized the vehicle and presented it to the king. Army head Suchinda Kraprayoon warned Chalerm, "he might have no land to live on" (*Bangkok Post*, 10 November 1990). Three months later, Suchinda led a coup and Chalerm fled the country. [↗](#)
25. Written in English and followed by a Thai translation. [↗](#)
26. Written in English and followed by a Thai translation. [↗](#)
27. Nidhi's footnote: See David M. Engel, *Code and Custom in a Thai Provincial Court*, 1978. The writer of this book told the writer of this article that he had recently returned to America to do similar research in a small community, and found that American people use the courts just like the Thai, that is, as only one part of negotiating to overcome disputes. He thinks that people anywhere in all cultures have many other ways to overcome disputes. Law has a small role in overcoming social conflict. [↗](#)
28. A collection of Ayutthaya-period laws assembled in 1805. [↗](#)
29. In June 1991, under the coup-installed government of the NPKC, newspapers published a picture of Jack Nicklaus descending from a military helicopter to inspect a golf course he had designed. The

course had encroached on Khao Yai national park, and the developer (Golden Valley Co.) had illegally blasted away an inconvenient slab of rock. ↻

30. In this ad for the Diners Club credit card, a young man enters a luxury shop and is treated with obvious contempt by the saleslady who expects he has no money. He reacts with this line. ↻



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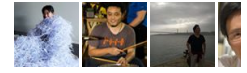
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