

# Thailand's Lèse-majesté laws: a potent weapon

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## **The increasing frequency of lèse-majesté cases over the past few years suggests that Thailand's claim to be the 'land of the free' no longer rings quite true**

There are many reasons behind the law's application. Propping up a weakened monarchical institution and disguising the uncertainty of the royal succession is one rationale. Attempts to control society, conserve elitist privileges, prolong the military's role in politics, obstruct democratisation and cope with the technological revolution in cyberspace also play a significant role.

But the more Bangkok's elite employ the law for political purposes, the more they weaken the monarchical institution. Its usage highlights a sense of desperation, not authority, as the old establishment clearly exploits the law to maintain its position of power.

That many accept the monarchy has a legitimate role to play in Thai political life, and has the right to intervene in times of crisis without sanction, underscores the existence of absolutist elements within the state. In fact, a 'prerogative state' now seems to coexist with regular Thai society, in which a handful of elites operate above the rule of law and where democratic accountability is no longer robust.

The lèse-majesté law is used to protect the monarchical institution, but also a much broader system known as the 'network monarchy'. The law serves to obscure the special prerogatives enjoyed by members of the network monarchy defend them from public scrutiny — so long as their actions are justified by the pretence of safeguarding the monarchy. This process runs parallel with the unending re-sacralisation and re-glorification of the monarchy. The strategy allows political opponents to be accused of disparaging the centuries-old institution and be labelled 'enemies of the state'.

Interestingly, before the 2006 coup, allegations of lèse-majesté primarily served as an inter-elite means to eliminate one's enemies. For example, Thaksin Shinawatra's Thai Rak Thai Party accused the Democrat Party of committing lèse-majesté by exploiting the monarchy in its election campaign. Similarly, Thaksin and Sonthi Limthongkul, a leader of the People's Alliance for Democracy (PAD), also pointed the finger at each other for not respecting the royal institution. After the coup, with the political space much more open — and with the prerogative state coming under threat — the royalists began to target virtually anyone with different political leanings.

Thirty-three charges of lèse-majesté came before the Courts of First Instance in 2005, and the number increased almost fourfold to 126 in 2007. This number jumped to 164 in 2009, and then tripled to 478 cases by 2010. The most dramatic increases came under Abhisit Vejjajiva's Democrat government. According to one estimate, there may have been hundreds jailed for lèse-majesté in this post-coup period. The dramatic spike in cases seems to have occurred after a pro-elite group — consisting of the PAD, the Democrat Party and the military — urged all Thais to display their absolute and unwavering loyalty to the monarchy. In this line of thinking, treason seems to lurk

around every corner, and the lèse-majesté law is a powerful device to silence political dissent.

While objectives like these clearly explain the law's misuse, the reason for singling out particular enemies is more elusive. As one example, Thailand's Centre for the Resolution of Emergency Situations drew up a stupefying 'mind map' that presented an obscure and convoluted chart supposedly mapping linkages between the monarchy's enemies — but without any clear explanation.

The chairman of the Truth for Reconciliation Commission of Thailand stated that all trials connected to political conflict before and after the 2006 coup should be halted and reviewed. He also suggested the government should reconsider whether to prosecute cases that expand the law's interpretation too broadly, such as those dealing with a so-called conspiracy to overthrow the monarchy.

The only way for the monarchy to survive in Thailand's changing political environment is for members of the old establishment to consider reforming, or even abolishing, this anachronistic law. So far, they have failed to acknowledge the devastating effects that come with exploiting it. These reforms could be undertaken in the larger context of amending the current 2007 constitution. This would not be an easy task, and Yingluck Shinawatra's government may yet prove to be more interested in building a 'working relationship' with the palace — rather than challenging it — as a means of securing its own political interests.

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