

Kasian: Coup against corruption is too expensive

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'Don't use a coup to solve the problems of corruption. That will destroy the legitimacy of the whole justice system. It's really a high price to pay,' Kasian Techaphira, political science lecturer at Thammasat University, told Matichon reporters in an interview after the court ruled on the Thaksin assets case.

Asked whether he thought that the ruling on the case was the conclusion of the 2006 coup, he said he thought it was. The coup was meant to *'reform democracy to be safe for the monarchy'*, as implied right from the start by the original name of the coup makers, the Council for Democratic Reform under the Constitutional Monarchy, because the Constitutional Monarchy was insecure under Thaksin's rule.

Kasian, however, said that he did not mean that Thaksin or anyone else had tried to abolish the institution. The point was to maintain the hegemony to lead the country in one direction under the monarchy. Under Thaksin's rule, hegemony was shifted to Thaksin, the Thai Rak Thai Party and their cliques.

'This was what was at stake. So measures had to be taken to secure hegemony where it was. This means it was necessary to destroy Thaksin's power, crushing the two most important bases of his power, his money and his party,' Kasian said.

With the dissolution of the Thai Rak Thai and People's Power Parties (and possibly the Peua Thai Party next) and the assets seizure, the process is obvious. Once Thaksin's hegemony is destroyed, no other alternative hegemony is likely to emerge in Thai society.

Kasian likened the ruling on 26 Feb to *'killing a chicken to scare the monkeys'*, scaring big capitalists away from entering politics.

According to him, a democracy which allows an alternative hegemony has to be a liberal democracy, and an alternative hegemony has the possibility to claim victory. There can be more than two competing hegemonies. If the balance is lost, the democracy is not liberal, and dangerous. It not only stifles alternative hegemonies, but can also be despotic.

However, at this point, he instead focused criticism on Thaksin's hegemony.

'Rule under Thaksin tended to be less and less of a liberal democracy, more and more authoritarian, and was likely to become the sole hegemony, with no chance for other hegemonies to compete.'

In his view, the rule of law means limited government and equality before the law.

'Thaksin held state power, and sometimes stayed above the law. To bring the most powerful Prime Minister to court is an attempt to bring about the rule of law.'

Nevertheless, people who stay above the law include not only those who wield state power, but also

'influential figures'.

After the 2006 coup, there has been an attempt to tackle the problem of the rule of law regarding the Thaksin regime, but in the process the problem of 'influential figures' has been aggravated. The judiciary has been under pressure.

'It means only half of the problem has been addressed. But the rule of law has been distorted by these influences. The police dare not, or take too long, to investigate the Suvarnabhumi Airport case; it has been over a year now. The prosecutor has not brought them to court, claiming a lack of intention. This is where the allegation of double standards has been spawned.'

The recourse to 'influence' to tackle violations of the rule of law by the powers that be creates another problem. To solve it, Kasian said that the justice system had to be transparent.

'The red shirts have fought by revealing the secret tapes [claimed to be recordings of conversations among senior officials of the judiciary regarding court cases involving Thaksin - Prachatai]. I have not heard anyone say that those tapes are fraudulent, only that the taping was illegal. The judiciary has to be subject to criticisms and questions from other parts of society, as well as judges themselves.'

Non-transparency would only give way to influence, and discredit the judiciary itself.

Judicial review, or tulakanpiwat, is another mechanism to create balance in a democracy, in which the majority rules. The judiciary is crucial to prevent the executive from overstepping the line. But Kasian thought that the direction of Thailand after the coup was not right. Instead of judicial review, it has become a judicial rule, because more and more people from the judiciary have taken political positions, through the 2007 Constitution.

'What is bad is that the 2007 Constitution has institutionalized judicial rule, and that is locked in. It cannot be turned back.'

The way out is to amend the charter to bring the judiciary back to the judicial review, Kasian said.

If the ruling on Thaksin's case was the final scene of the coup, does it mean that the verdict was predetermined and the court is just a tool of the coup? the Matichon reporters asked.

Kasian said the court probably did not think that it was a tool of the coup, but if the court acquitted Thaksin and returned all his money, what was the reason for the coup?

Many people cannot say for sure that the Thaksin government was innocent, and many believe that it was corrupt. However, after the process that has been followed, the lesson can be learned that to stage a coup to tackle corruption will destroy the legitimacy of the whole justice process, Kasian said.

It is obvious that staging a coup to tackle corruptions is very costly. But in future is another coup still possible? Matichon asked.

Sondhi Limthongkul, leader of the New Politics Party and the People's Alliance for Democracy (PAD), has said that the military can intervene in politics if the government fails to act when cases of lèse majesté, threats to the monarchy and corruption arise.

'If so, the military will have to intervene on a daily basis,' Kasian said.

Thailand is now facing a power shift which may take years, and there were two such shifts in the past. Before 1932, social and economic changes created new groups of people who wanted to share power, and it took over ten years to settle to a constitutional regime. The second was 14 Oct 1973, when the educated middle class who had emerged during the economic development of the previous decade came out to reject military rule. But it was not until after May 1992 that the military retreated to its barracks.

Now is the third time in the context of globalization, and it is going to be a long standoff, taking years.

At the end of the day, negotiations to find common ground are inevitable, Kasian believes.

'However, one side is not in the mood to talk, because the airplane is going to land, and a soft landing has to be secured. During the landing, no changes are allowed. They trust nobody, neither the red shirts, nor Thaksin. It's a feeling of insecurity, a fear for normal democracy. The abnormality must be made secure under their control, and it will stay abnormal for a while until the soft landing is made.'

P.S.

Interviewed by Arin Jiajanpong and Pongpipat Banchanon for Matichon.

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