

SOME CHARACTERISTICS OF POLITICAL LEADERSHIP IN THAILAND: SARIT THANARAT'S "REVOLUTIONARY PARTY EDICTS"

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THE THREE MONTHS from October 20, 1958 through January 27, 1959 marked a most significant period in the contemporary history of Thailand.¹ In this period, the country was ruled, not by constitutional law, but by the fifty-seven edicts issued by the Revolutionary Party led by Sarit Thanarat. Under the aegis of these decrees, a number of well known policies were implemented including the abolition of party politics, censorship of newspapers and magazines, promotion of industries, and a ban on opium and other narcotics.

On January 28, 1959, Sarit promulgated the Constitution (Interim) of the Kingdom of Thailand, 1959, consisting of twenty articles, thereby bringing to an end the unique period of rule by decrees. Article 17 of this provisional Constitution is commonly considered to be the key to the understanding of the nature of Sarit's arbitrary rule. However, this single article is of little use, if we aim at a comprehensive grasp of the substance of Sarit's "political philosophy." Rather, we should take note that the style of rule represented in Article 17 had already been formulated as early as the "no Constitution" period, and that the fundamental tenets of Sarit's policies had already been set forth by the Revolutionary Party Edicts prior to promulgation of the provisional Constitution.

The emergence of Sarit on the Thai political scene, however, was not a mutant occurrence. It was rather a physiological phenomenon in the context of modern Thai history. Or, put another way, Sarit's personal style of rule may be seen as an "atavistic" reemergence of the traditional pattern of governance. During this period of autocratic rule by Sarit, the modes of rule typical of Thailand prevailed in a condensed form. Accordingly, it can be submitted that a good understanding of the events of this crucial period will allow us to grasp the fatalistic logic of Thai politics. Before attempting to analyze the Revolutionary Party Edicts, we must review the historical background from which Sarit and his mode of rule emerged. We cannot hope to understand the import of the ordinances apart from their vital association with the historical and structural fundamentals of Thai society.

On November 18, 1971, Thanoom Kittikacoon organized a new Revolutionary Party, abolished the Constitution and reinstated dictatorial rule by

¹ Scholarly literature treating the political process of the Sarit's regime is meager for this particular period. A fair idea, however, can be obtained from works dealing with Sarit's rule in general. For example, see [18].

Revolutionary Party Edicts. This second period of "no Constitution" lasted for thirteen months until a new interim Constitution comprising twenty-three articles was proclaimed by the National Executive Council on December 15, 1972. It was a remarkable resurrection of Sarit's earlier techniques, which lends to this study a contemporary significance.

I. THE BACKGROUND OF AUTHORITARIAN RULE

By way of analogy with the economic concept of the process of primitive capital accumulation which constitutes the take-off point for a modern economy, we may view the process of political modernization, which started to develop in Thailand from the middle of the nineteenth century, as a process of "primitive accumulation" containing the germs of current pattern of political rule. The initial impetus for Thai modernization was, of course, given by pressure from the foreign powers. Even for Siam, which never directly fell subject to the Western domination, nineteenth century colonialism functioned as modernizing social forces. By introducing the Western concepts of the territorial state and national boundaries, and, for better or for worse, laying the basis for the emergence of nationalism by introducing the modern concept of "nation," nineteenth century colonialism drastically altered the course of the Siamese history. It is significant to note, in this connection, that the Royal House of Siam sensed the import of these influences precisely and promoted internal reforms in line with them. Their measured and studied response contrasted sharply with that of the Burmese Royal House which viewed the external pressure as a military crisis and made preparations for war. Siam wisely chose to see the crisis as a diplomatic one requiring consolidation of internal political structure.

The point here is that it was the wise decision to favor diplomacy over war which essentially determined the course and contents of Siam's political modernization. In other words, it was the internal reforms implemented as responses to both the substance and logic of the foreign threat that became the focus of modernization. However, there was considerable divergence between the ways the Kings Rama IV and Rama V viewed the issue, so much so that at times it is difficult to ascertain whether they can be placed on the same context of history.² What matters here is the fact that Rama V was the king who tried and succeeded in establishing a fixed pattern of autocratic rule, instituting the style of rule by royal dictatorship in the 1880s. The key step involved here was to successfully degrade the Bunnaak clan, to the status of technical bureaucrats; this clan had played an excessively influential role in the decision-making process up to the time of Rama IV. Following this, the king began to formulate policies in consultation with members of the powerful royal family, and policies were imple-

² On the process of establishing a royal dictatorship extending from the reign of Rama IV to that of Rama V, see [28]. An emphasis was especially laid on the need to view the reigns of Rama IV and Rama V contrastingly rather than consecutively. [24, Chapters 2 and 4] offers a penetrating analysis from the identical point of view.

mented by officials with conferred titles known as *khun-naang*.³ Simultaneously, Rama V succeeded in reforming the bureaucratic system and in setting up a structure which made it possible to extend royal authority nationwide. The establishment of a pattern of dictatorial rule by Rama V has been viewed as marking an ideal stage in Thai political history by subsequent Thai politicians.

An important fact should be kept in mind here: An internal impetus toward modernization was lacking in the Thai social structure. The result was that political modernization had to be artificially devised from the top, unaccompanied by spontaneous responses from Thai subjects, and also that an authoritarian dictatorship became inevitable, accompanied by expansion of its executory apparatus, the *khaaraatchakaan* (bureaucracy), as well as by the practice of a formalistic constitutionalism, which we shall discuss subsequently.

In connection with the social deficiency noted above, the special characteristics of the Thai social structure have to be examined. There is a popularly held thesis that Thai society can be understood as a loosely structured social system. It is based on the looseness that is characteristic of the *baan* (village), which is the basic unit of Thai society. Recently, however, this view has been refuted by a group of scholars, who attempt to come up with a new way of characterizing Thai society. Hans-Dieter Evers of Yale University, in his *Loosely Structured Social Systems: Thailand in Comparative Perspective*, synthesizes recent positions on this issue [4], though a reading of it still leaves one unconvinced of the central thesis, i.e., that Thai society is not a loosely structured social system. From a standpoint of political science, there is no evidence of social units corresponding to the Japanese *ie* (family) and *mura* (village or community), which functioned effectively as a means of receiving and diffusing political authority from the center to the local level in prewar days.⁴ Accordingly, there are as yet no effective media of political communication on the local level in Thailand.

There has ever been little work carried out on the subject of politicization or political socialization of the Thai peasantry. On the other hand, due to fortuitous circumstances of land problems, as manifested by such customs as *cap coong* (squatting), there has been no occasion for political demands to accumulate on the village level [25, pp. 853–63]. Quite a few works have recently been achieved by scholars to show that tenancy and class differentiation are increasingly observed in Thai villages,⁵ but no persuasive argument has as yet been presented to show how this might be related with the political process on the national level in terms of “input-output” relationship.

Parallel to those limitations built in social structure, mention has to be made on another important limitation inherent in Thai “civic culture.” The process of political modernization commencing with Rama V was not accompanied by any

³ A handy work on administrative reforms under Rama V is [15]. Even more useful is [3] which is a detailed study of the achievements of the Ministry of the Interior under Prince Damrong.

⁴ [5] still stands as one of the best studies of the relationship between the family and village systems and political power in Japan.

⁵ A detailed analysis of Japanese scholarship on Thai villages can be found in [7].

substantial generation of "citizenship." Politics remained a purely urban phenomenon, and implantation of a "political catechism" characteristic of a totalitarian state was never successful outside a narrow sector in Bangkok. The level of sensitivity to political symbols other than the king was low, making for a fairly shallow nationalistic consciousness. Given the lack of a tradition of civil liberties and intellectualism, the role and influence of urban intellectuals was also limited. In sum, the more the formal efforts were made to achieve national unity, the more conspicuous became the irrelevance of those efforts to the Thai political system.

After all, the basic pattern of Thai politics as we know it today were developed in this protracted process of "primitive accumulation." The pattern reflects a low level of civic capacity. While it is the product of the modernization process of the past, it will remain a determining factor in the political modernization in the future as well.

II. DISTINCTIVE FEATURES OF THE RULING PATTERN OF THAI POLITICS

The above-noted characteristics of the power structure lend a distinctive bent to the manners of political leadership in Thailand.

Given the lack of a rule truly penetrating the deepest recesses of the minds of the populace, it becomes necessary to varnish an external façade of national cohesion by constantly inventing political myths loaded with nationalistic and collectivistic overtones. Moreover, inasmuch as the myths are fabricated by autocratic rulers and are imposed from above, ideologies come out in totally different forms and contents, as the rulers are replaced by successors. It is in this context that Thai nationalism must be given a review.

The idealistic nationalism espoused by Rama VI in the 1910s was a quite stylish one, showing signs of Western influence. Taking its cue from Europe immediately after the outbreak of World War I, and advocating the importance of dying for the cause of one's fatherland in war time (*yutthaphai*), Rama VI's nationalism went on to contrive a model citizen capable of responding positively to the appeal, "Won't you die with me for our country?"⁶ It goes without saying that this variety of nationalism could only be fostered in the imaginary world of Rama VI.

By comparison with Rama VI's nationalism, the *lak Thai* (Principles of the Thais) thesis advocated by government-patronized scholars in the 1920s turned out to be a more reliable conceptual indicator of the legitimizing principles of

⁶ Cf. Atsawaphaahu, [2]. Atsawaphaahu was one of about thirteen pseudonyms used by Rama VI. It was the one employed specifically for writing political reviews, another well-known example of which is [1]. Discussions of Rama VI's nationalistic views are usually based on these two essays. But it is not satisfactory to rely solely on them for grasping the whole of his ideas. And it is not unquestionable if the works by Rama VI have been interpreted rightly. All told, the subject of Rama VI's nationalism has yet to be definitively studied.

Thai political power.⁷ *Lak Thai* was an empirical theory of history, designed to show that Thailand was an indivisible national unit. At the same time, it was a political theory, propounding the nation (*chaat*), the kingship (*phramahaakasat*), and religion (*saatsanaa*) as the three pillars of national unity.

Toward the end of the 1930s, Phibuun Songkhraam initiated the State Conventions Campaign (*ratthaniyom*), based on the assumption that the statehood (*raat*) is superior to any other elements of a polity and is to serve as a unifying element for the Thai nation. *Raat*, then, was conceived as a supreme value of politics, which, connoting adoration of a totalitarian state, could affect the destiny and determination of the Thai people. The *ratthaniyom* campaign was so devised as to communicate national creeds to the nation through ten announcements of the Office of the Prime Minister on the state conventions (*prakaat samnaknaayokratthamontrii waa duai ratthaniyom*) as well as through numerous governmental appeals—persuasion (*kham-chakchuan*), requests (*kham-khoorong*), pleas (*kham-wingwoon*), conveyance (*kham-pathisanthaan*), notification (*ceengkhaam*), etc.,—and legislative enactments.⁸ Common to all of these measures was an air of authoritarianism with which the government sought to intrude itself into the daily life of the people and to homogenize their psychology.

Along with the creation of collectivistic ideologies, political modernization under absolute monarchy also featured, from the outset, purposeful attention to the technical aspects of achieving collective control of the nation. Perhaps the most representative example of the kind of measures was the step to institutionalize a compulsory universal identification card (*nangsüü pracam tua*) system taken by Rama V in 1903 [3, pp. 427–31]. Political consideration of this sort was to become almost systemic under Rama VI. While some would argue that, in view of the strange frivolity that characterized his reign, there is not much sense in serious endorsement of the achievements of Rama VI, it must be admitted that there were some measures which, in spite of their apparently trivial nature, did prove to be of some consequence. For example, the introduction of a surname (*naam sakun*) system into Thailand (through the Surname Act of 1913) [20, pp. 237–363] was meant to be a means of providing the peasantry, who, without surnames, were devoid of the culture of consciousness of familial lineage and familial unity, with a manner of “collective existence” (*khwaam-pen muu khawaam-pen khana*) [20, p. 238]. The use of political symbols of Western type, such as national flag and national anthem, was also a technique introduced by Rama VI.

But even those efforts of ideological instillation and measures of institutional-

⁷ See [22]. First published in 1928, this work has gone through several editions, remaining a modest but long-term seller. The second edition came out in 1929. The third edition, published in 1935, added a new chapter, entitled “Constitution” (*ratthathammanuun*), to the original three chapters on the monarchy, religion, and the nation, thus defining the four elements of legitimacy. Subsequent editions, however, reverted to the three element formula.

⁸ Information on the *ratthaniyom* is available in a number of materials published at that time, and the most convenient source is probably [10].

zation failed to guarantee positive "inputs" of the people's interests into the political process. The more sophisticated the government's ruling techniques became, the more conspicuous became the non-political nature of the people. The result was that the process of political modernization as it emerged in Thailand had to be accompanied by an aspect of psychological ambivalence, which is a mixture of excessively optimistic account with deep distrust of democracy. This could be validated by a comparative study of Phibuun and Sarit. Another result was that politicians began to evince extraordinary concern over political communication, without which they remain incapacitated to understand the people's wants and needs.

At the same time, an anti-regime movement in Thailand has to reveal its limitations on the same ground. The "revolution" (*pathiawat*) in Thailand has never been anything more than a court revolution, as it seldom requires the role of the people as its vehicle. The key to the success of a revolution is not the will of the people, but the will of the monarch. Thus the movements for constitutional democracy, launched as challenges to the absolute monarchy, became victims of a number of ironic contradictions. The sudden collapse of the revolutionary plot by the *Khana-pathiawat roo.soo. 130* (Revolutionary group of the Ratthanakoosin year 130) in 1911 was due to an act of betrayal by one of the co-conspirators who was unable to eliminate his sense of being a loyal subject to the king [12, pp. 79-81]. Although the Revolution of 1932 was somehow brought to a success, its heritage was gradually whittled down by political intervention of the royalists.⁹ The apparent contrast between these two "revolutions," one a success and the other a failure, is belied by the internal immaturity that they held in common. Today, while other revolutionary movements like ones by the Communists may achieve substantial gains in cities and towns with large overseas Chinese population, they rarely demonstrate an organization success in the countryside, the reason for which is that the looseness of the social structure on the village level impedes as well the kind of collectivistic movements the Communists aim to organize.

These circumstances give rise to a strange complex of ruling styles: Comparatively primitive ways of exercise of power, on the one hand, coexist with an extremely elaborate, perfectionistic political mythology, on the other. The political myths are often so devised as to rationalize the lack of a certain element of politics, e.g., the lack of "civic" culture and "civic" capacity. The myths, as they lack any meaningful basis in reality, tend to be ostentatious and elaborate. Under these circumstances, there is little wonder if one legitimate version of the official mythology may be precipitately replaced by another or be discarded all of a sudden. The taste for democracy cherished by Phibuun Songkhraam vanished as soon as Sarit appeared on the scene. As democracy could disappear from Thailand in a flash, so Sarit's "atavism" could exist without serious friction with reality.

⁹ On the true significance of the 1932 Revolution, see [27, pp. 65-86], a review of which appeared in [6, pp. 495-96].

Those circumstances, which inherently involve political myths, suggest the availability of an area in which a style of rule involving the arbitrary exercise of power can obtain. The Thai style of arbitrary rule is marked by the following three features. First, there is a Thai version of the concept of *noblesse oblige*. All Thai politicians share this particular Thai brand of paternalism. Second, there is a concept of power holders' freedom which is the wrong side of the paternalism, consisting of the freedom to formulate at will one's style of rule, as well as the freedom to make it a rule to govern by issues of order (*kham-sang*). The nature of this freedom is so perfectionistic as to remove all restraints from the arbitrary exercise of power. The third feature we may note is a principle of harsh exclusivity directed against non-Thai elements or heterodox elements incompatible with rulers. The category of heterodoxy, as will be illustrated in detail subsequently, is constantly provided for by governmental prescriptions. In line with this, a *kabot* or treason against the ruler¹⁰ is prescribed to be the gravest public crime that can be committed by the people now as in the past.

This type of authoritarian rule, then, has its peculiar expression in a number of legal devices. In Thailand, the tradition of constitutionalism or penal legalism is comparatively well established in the twentieth century. Rule based on the statutory law is an inescapable obligation which falls on every ruler of Thailand. And for this reason, conversely, it is possible to bring the particular pattern of authoritarianism into relief by examining series of legal measures extending from the martial law enacted in the reign of the Rama VI to Article 17 of the Provisional Constitution of the Kingdom of Thailand of 1959.¹¹

The period of no Constitution, which was phenomenalized first in autumn 1958 and again in November 1971, was very unusual without any sign of legalism. It was not, however, a period of total aversion to rule by law, for there emerged a substitute, i.e., rule by statutory proclamations (*prakaat*) which were empowered with the force of law. This pattern of rule by Revolutionary Party Edicts was undoubtedly an instance of the most primitive type of rule conceivable in the modern world. Yet, it was a matter of historical necessity within the context of Thai modern history.

III. MARTIAL LAW AND THE ANTI-COMMUNIST ACTIVITIES ACT

In connection with Sarit's Revolutionary Party Edicts, we must take up at least two legal devices which were instrumental in building authoritarian rule in Thailand. One of these is the martial law, which has a relatively long history. The other is the Anti-Communist Activities Act.

¹⁰ For the meaning of *kabot* as opposed to other revolutionary phenomena, see [21, pp. 251-53]. Instances of *kabot* are described in detail in [17].

¹¹ Article 183 of the 1968 Constitution explicitly stated that the "orders" (*kham-sang*) issued under Article 17 of the Sarit Constitution were also legally valid under the 1968 Constitution.

A. *Martial Law*

Currently in force in Thailand is the Royal Act of Emergency (No. 5) (*Phraraatchabanyat kot-ayakaansük* [*chabap thii 5*], *phoo.soo. 2502*), consisting of as few as seven articles, and promulgated on August 6, 1959. It stipulates merely that, with a mere partial amendment, the old law shall be in force, which, in its turn, had as its substance the Royal Act of Emergency of 1914, promulgated on August 27 of that year by Rama VI. Prior to this, a martial law had been instituted by Rama V in 1907 in the Royal Decree of Emergency (*kot-ayakaansük*). This, however, had much to be desired, and remained rather un-serviceable. Its significance in the context of Thai legal history is therefore rather slight.

The enactment of a new law in 1914 by Rama VI, the Royal Act of Emergency, was undoubtedly a reaction to the abortive revolutionary attempt by the Revolutionary Group of R.S. 130 (*Khana-pathiwat roo. soo. 130*) in 1911. This incident, which took place in the year following Rama VI's enthronement, came as a total shock to the new king, as he had hardly anticipated that the challenge to Thailand's absolute monarchy would come from within or *phaainai* rather than from without the nation's borders. Thus, the Act of 1914 had its origin in political considerations involving this Revolutionary Group of R.S. 130, and was in no way connected with non-domestic factors. Unlike Rama V, whose enactment of the martial law was primarily intended to deal with a potential war situation, Rama VI set up the Royal Act of Emergency for the purpose of suppressing domestic anti-governmental activities (*kabot*).¹² In fact, every version of the martial law has possessed the character of an apparatus for authoritarian rule and has functioned in that capacity ever since.

The Royal Act of Emergency, 1914, which is effectuated as current by the Royal Act of 1959, consists of seventeen articles and is a law of orthodox and conventional character.¹³ Article 2 stipulates that a state of emergency may be declared by a royal decree for the entire territory or a specific part of the kingdom, regardless of whether the crisis is brought about from within or from without, in a situation where the maintenance of domestic order is deemed to be an urgent task. The same article also stipulates that the legal effects of the martial law shall prevail over all other laws.

Articles 4, 6, and 7 contain basic provisions concerning the military which are vested with the power of territorial control. Article 7 in particular stipulates that all judicial matters shall fall under the jurisdiction of military tribunals in place of the ordinary civil courts.

The articles subsequent to Article 7 list the special competence—or, put differently, provisional restrictions on civil liberties—accorded to the military authorities under martial law. The powers accruing to the military through proclamation of martial law are quite numerous (Article 8). They include censorship

¹² Rama VI was a king unusually concerned with legal administration. Cf. [20, pp. 336-46].

¹³ I have used Niitiweet's edition [8].

authority (Article 9), requisition powers for hands and provisions (Article 10), suspension of certain civil rights such as freedom of assembly and association (Article 11), confiscatory power (Article 12), the right of forcible entry into private dwellings (Article 13), the power to alter the status quo, e.g., removing houses (Article 14), and the power to issue eviction orders (Article 15). Furthermore, in such instances, citizens are deprived of the right to appeal for compensation for damage or restoration of the status quo (Article 16).

The Royal Act of Emergency of 1914 underwent four amendments in the reigns of Phibuun Songkhraam, Khuang Aphaiwong and Sarit Thanarat, making the current act the fifth of its succession. It should be pointed out, however, that these were not full amendments in the sense that they involved promulgation of new laws. Rather they were very limited partial revisions, with the result that the core of the original 1914 law is still left intact in the emergency act of Thailand today. The revisions subsequently made centered on Article 7, which specifies the relations of jurisdiction to obtain between the military courts and the ordinary courts when the law is invoked.

B. The Anti-Communist Activities Act (Phraraatchabanyat poonkan kaan-kratham an pen khoomiunit)

The history of Thai anti-Communist law starts with the Act on Communism of 1933 (*Phraraatchabanyat waa duai khoomuunit phoo. soo. 2476*) promulgated by Phrayaa Manoopakoon on April 12, 1933. In the midst of the conservative reaction against the successful Revolution of 1932, "Draft for a National Economic Plan" (*khao khroongkaan seethakit heeng chaat*) written by Luang Pradit Manuutham (Priidii Phanomyong) created a considerable stir. The draft envisioned both government-guaranteed full employment and nationalization of virtually all national resources including land. The radical reformist group led by Luang Pradit was dealt a fatal blow by the conservatives, who labeled his plan as Bolshevism. The instrument of their attack was the hastily written Act on Communism, the goal of which was to suppress the activities of the radical faction of the People's Party [23, pp. 352-55]. Consisting of only five articles, the act defined Communism as any economic program or political principle designed to deny private ownership and seeking nationalization of land, capital, industry, or labor (Article 3). For persons suspected of believing in Communism, the act provided imprisonment at hard labor of up to ten years or a fine not exceeding 5,000 bahts (Article 4).

The tenet of anti-Communism in this 1933 Act on Communism was hardly as stringent as that of the post-World War II period. Although it was ostensibly directed against Communism, the 1933 Act was specifically designed to stifle radical tendencies in the People's Party. It was not until the 1950s that Thailand began to assume an anti-Communist posture in real earnest. In other words, Thai anti-Communism began to be much more authentic after the outbreak of the Korean War, and it has functioned as a component of the American containment policy in Asia ever since. Phibuun was of course the one to take the lead.

It was true that he was partly motivated by his sincere interests in pursuing pro-American foreign policy, but one may suspect that what basically motivated him was his concern over domestic political instability. Following his return to power by the coup of November 8, 1947, engineered by the Coup d'État Group (*Khana-ratthaprahaan*), Phibuun faced at least five abortive *kabot* before his decision to suspend the Constitution in November 1951.¹⁴ It was out of an intense dislike for civilian politicians under the influence of Priidii Phanomyong that Phibuun made a liberal use of the label of Communism in an effort to effectively suppress their political activities. A concomitant result of this was increasing ambiguity in the meaning of the word "Communism."

The Anti-Communist Activities Act,¹⁵ promulgated by Phibuun on November 13, 1952, consisted of a total of eleven articles. Article 3 lists the following Communist activities (*kaan-kratham an pen khoomiunit*): (1) to overthrow the democratic system headed by the monarch; (2) to change the economic system of the nation based on private ownership; and (3) in attempting to carry out either of the above, to engage in activities likely to cause agitation among the people and confusion in the social order. The punishment for those convicted of the above activities is imprisonment at hard labor for not less than ten years or to life (Article 4). Article 5 enumerates about ten specific acts which are prohibited. (It is interesting to note that the Thai verbs used here, *yuyong*, *nenam*, *siamsoon*, *khoosanaa*, *muasum*, *somthop*, *jinyoom*, *toklong*, *tratriam* . . . meaning respectively "incite," "suggest," "instigate," "propagate," "conspire," "join," "consent," "agree," "prepare" . . . , cover practically all types of human behavior.) Article 6 provides for imprisonment of five through ten years' hard labor for those who become members of a Communist organization. Article 7 provides for application of the entire act to similar activities committed by Thai nationals abroad. Article 9 also provides imprisonment of five through ten years for persons offering financial assistance, lodging, or a place of assembly to Communist organizations or individual Communists.

A distinctive characteristic of the Anti-Communist Activities Act of 1952 is its deliberately ambiguous definition of what is to be meant by Communism. Article 3 makes it possible even to consider anti-monarchical and anti-democratic activities as Communism, making the definition quite open-ended, in other words, a catch-all for all varieties of anti-Thai activities. A second feature is the wide range allowed for application of the act which is manifested by pathologically detailed prescription of illegality in those articles subsequent to Article 4. The act is clearly so designed as to efficiently serve the needs of those in power seeking to eliminate unwelcome anti-governmental elements. It makes a good contrast to the Anti-Communism Act of 1933, which lacked such meticulous provisions and wide-ranged applicability.

¹⁴ According to Thai Nooi, there took place actually nine *kabot* between early 1948 and November 1951. See [17, pp. 211-358]. However, only five of these were full-fledged enough to constitute effective revolts against Phibuun.

¹⁵ I have used Niitiweet's edition [9].

The Act of 1952 was put to considerable use in subsequent years not only under the Phibuun administration, but by Sarit Thanarat after the coup d'état of the Military Group (*Khana-thahaan*) in 1957.¹⁶ Sarit reconfirmed the importance of this act in one of his Revolutionary Party Edicts or Edict No. 12 (dated October 22, 1958), indicating his determination to apply it even more sternly than his predecessor had done.

A decade or so later, on February 12, 1969, Thanoom Kittikhacoon enacted the Anti-Communist Activities Act (No. 2) of 1969, which considerably revised and supplemented the Act of 1952. In the new act, Article 9, which prescribes for prohibition of any act of cooperation with Communists, is provided with more minute description. A series of new articles, numbered 12 to 23, are added in an effort to give the act a new face. Article 14 is most indicative of the new characteristics of the new act: The minister concerned shall designate those areas which are infested by Communist or Communist-oriented activities as "Communist infiltrated areas" (*kheet seeksüm khoong khoomiunit*), a term of reference which symbolizes the keynote of the current anti-Communist policy of the Thai Government. This does not change the fact, however, that it was Phibuun Songkhraam who paved the way for anti-Communist legislation in Thailand.

IV. SARIT'S REVOLUTIONARY PARTY EDICTS

Let us now turn to the autumn of 1958 to study the Revolutionary Party Edicts.

The first act of Sarit's Revolutionary Party (*Khana-pathiwat*) after its seizure of power was to abrogate the Constitution (Constitution of the Kingdom of Thailand of 1932 as amended in 1952) and to proclaim martial law as effective at and after 9:13 P.M. on October 20, 1958. Thus the "no Constitution" period came into being, during which a number of decrees were issued in place of constitutional law, having the force of law and known as Revolutionary Party Edicts (*prakaat khoong Khana-pathiwat*).

Fifty-seven Revolutionary Party decrees in all were issued: The Edict No. 1 was dated October 20, 1958, and the last one, No. 57, was dated January 27, 1959, the day before the Provisional Constitution or Constitution (Interim) of the Kingdom of Thailand, 1959 was promulgated. Each proclamation was made public in the *Official Gazette* (the first one appearing in Vol. 75, No. 81 and the last, in Vol. 76, No. 16).¹⁷

The fifty-seven decrees were not issued on as many individual days. On several occasions, a number of them appeared in a single day. Counted on a monthly basis, there were twenty decrees in October, twelve in November, seven in December, and eighteen in January of 1959.

Inasmuch as these decrees were the product of the "no Constitution" period, they did not come into the category of royal ordinances (*phraraatchakamnot*) to be issued on the authority of the emergency royal ordinance provided for in the

¹⁶ On the nature of Sarit's anti-Communist policy, see [16].

¹⁷ I have used Niitiweet's edition [13].

Constitution. They were nothing else but "proclamations" (*prakaat*). Moreover, since there was no Parliament, parliamentary *ex post facto* approval (*anumat*) was of no avail for those decrees.

The legal validity of those edicts is therefore problematic. In practice, however, the Revolutionary Party Edicts are considered as having the same legitimacy as ordinary royal acts (*phraraatchabanyat*), notwithstanding their semblance of administrative orders nor the fact that they were put in force in violation of normal legislative procedures. For instance, Paragraph 3 of Edict No. 35, or Paragraph 3 of Edict No. 38 explicitly states that the Revolutionary Party Edicts have the same legal validity (*phon chai bangkhap*) as laws then in existence. The same effect was affirmed by legal interpretations put on the matter by the Thai courts. Moreover, even after restoration of constitutional rule on January 28, 1959, and even after promulgation of the new Constitution on June 20, 1968, the whole set of the edicts continued to be recognized as valid as before.¹⁸ Accordingly, the revisions and abrogations of existing laws enforced by the Revolutionary Party Edicts continued to be valid as well after promulgation of the Constitution in 1968, while revisions and abrogations of the Revolutionary Party Edicts themselves had to be done legally in the form of the royal act amending the Edict of the Revolutionary Party (*phraraatchabanyat keekhai phüümtüüm prakaat khoong Khana-pathiwat*) in conformity with the usual parliamentary legislative procedures. After November 1971, this old pattern of lawful illegality was revived by the issuance of new Revolutionary Party decrees.

The Sarit's edicts dealt with a variety of matters. The first seventeen (from No. 1, dated October 20, to No. 17, dated October 27, inclusive) were obviously designed to legitimize the "revolution" as well as to consolidate its achievements. Among these seventeen, there were seven proclamations (Nos. 1, 2, 3, 4, 9, 10, and 11) which were issued merely for the purpose of explaining and justifying the revolution. Leaving these seven aside, we must examine the contents of the remaining fifty.

The most numerous type of decrees are those which have the nature of administrative orders. These total sixteen in number, including a decree providing for the filling of seats of local assemblies' representatives whose terms expired after the revolution, as well as one prescribing for the confiscation of land, and one defining the territorial boundaries of local government authority. Some noteworthy decrees are Edict No. 37 on narcotics prohibition, Edict No. 6 (promulgated on the day of the revolution) prohibiting price raises and hoarding of commodities, and Edict No. 50 which deals with public morals in such places as in bars, dance halls, hotels, and public baths. Another decree (No. 25) imposed a fifteen-day mourning period on all government officials on the occasion of the passing of the Patriarch (*somdetphrasankharaatcao*). Similar to this administrative variety of decrees were those which served as summonses on certain specified individuals. There were three in all of this summons type, all of which

¹⁸ For instance, on January 23, 1969, a military tribunal ruled that the Revolutionary Party Edicts were still legally in effect even after the promulgation of the Constitution of 1968.

ordered specific individuals to report to the headquarter of the Revolutionary Party. They were Edict No. 5 (promulgated on the day of the revolution) summoning all undersecretaries of ministries and other important ministerial officials, Edict No. 7 (also promulgated on the day of the revolution) summoning the heads of city banks, and Edict No. 23 summoning the managers of insurance companies.

The second largest category, numbering ten, was that of decrees dealing with economic policies. The most noteworthy one was Edict No. 33 dealing with industrial promotion; it set forth Sarit's convictions on the need of economic development. The others more or less relate to measures encouraging various sectors of industry. Among these are two interesting decrees (No. 26 and No. 32), which provide for governmental inspection of fire insurance contracts made by insurance companies. Evident here is Sarit's obsession with crookedness of arsonists aiming at the insurance.

There are as many as eight decrees concerned with abrogation or revision of the current laws. Two were abolished by decrees, the Political Parties Act of 1955 (Edict No. 8) and the Labor Act of 1956 (Edict No. 19). Other laws, such as the Forest Act, the Taxation Act, and the Land Tenure Act underwent partial revision.

There were also seven edicts relating to the maintenance of public order, and three edicts dealing with the organization of military courts. Thus a total of ten are devoted to security affairs, including such significant ones as Edict No. 12 reaffirming the validity of the Anti-Communist Activities Act, Edict No. 13 prohibiting political meetings of five or more persons, Edict No. 17 imposing restrictions on printed materials, and Edict No. 21 relating to the control of hooligans (*anthaphaan*).

Lastly, there are three decrees dealing with foreign affairs. They are Edict No. 27 ordering the Thai-Cambodian border to be closed after the rupture of diplomatic relations between the two countries, Edict No. 28 ordering the defense of the border areas and Edict No. 53 prohibiting trade with the People's Republic of China.

A detailed study of the Revolutionary Party Edicts reveals that they clearly reflect the political philosophy of Sarit Thanarat. As I have analyzed his "political philosophy" elsewhere [26, pp. 285-99], here I do not go further than limited comments on several salient points in it.

There is no need to restate that Sarit's ways of thinking were unusually unique. First of all, he exhibited very paternalistic tendencies as is manifested by some of his edicts like Edict No. 18, in which the welfare programs of Bangkok are discussed, Edict No. 29, which prescribes for a reduction of various fees to be paid for the local government, or Edict No. 39, which extends the validity term of the Social Welfare Special Subsidies Act of 1956. Through these decrees, Sarit tried to show his deep concern for the common people.

Secondly, the extraordinary concern Sarit evinced on the issue of modernization is clearly reflected in the series of edicts dealing with economic policies. However, Sarit's notion of modernization included some other elements than

economic development. For instance, he was so fastidious about cleanliness that he even believed cleanliness was an important value-element of modernization.¹⁹ Decrees such as Edict No. 44 prohibiting trash disposal in areas used by the public, and Edict No. 50 dealing with public morals in bars, dance halls or in hotels provide keys to grasp of the hidden aspects of Sarit's politics.

Thirdly, another critical factor in his philosophy is his tactical use of the concept "hooligan" (*anthaphaan*), along with that of "Communists," as a means of eliminating heterodox elements. After Edict No. 21 was issued to provide stern methods for controlling those hooligan elements, Edict No. 36, which ordered even harsher measures of control, and Edict No. 43, which instituted measures for dealing with supposedly nonreformable hooligans, were proclaimed. The definition of hooligan, according to Edict No. 21, is given as a person who acts in such a way, whether individually or in a group, as to offend (*rangkee*), bully (*khumheeng*), threaten (*khuukheen*), or bother (*ropkuan*) other people. The ambiguity of the concept is enhanced by the nebulous contents of these illegal acts. What is made possible in effect by such an open-ended definition is to check all troublesome elements on the plea of the national welfare and progress.

The Revolutionary Party Edicts have undergone several revisions since promulgation of the interim Constitution on January 28, 1959. Sarit himself ordered two changes while he was still alive (Edicts Nos. 16 and 12, both dealing with public order, were revised respectively on April 21, 1961 and January 27, 1963). After another revision of Edict No. 16 was made on February 13, 1964 under Thanoom, and after parliamentary democracy was restored by promulgation of the new Constitution in June 1968, a number of laws, including the Election Act, and Political Parties Act, were enacted and Edicts Nos. 8, 13, 34, 40, and 55 had to be nullified.

Thanoom's Revolutionary Party Edicts began to be issued on November 18, 1971. As of December 13, 1972, 364 edicts were proclaimed, indicating that the second period of "no Constitution" was prolonged much longer than the first period. It is difficult to distinguish between the decrees of Thanoom and Sarit in terms of style.²⁰ However, the passage of time has brought about a change in priorities of political consideration, with the result that significant new tendencies are observable in the way the decrees were proclaimed under Thanoom.²¹ For instance, there is an increase in the proportion of those edicts of administrative order type, indicative of a heavier role now played by the

¹⁹ In [14, p. 8], Sarit is quoted as saying to the effect that the criteria of modernization are "cleanliness" and "order."

²⁰ A certain consistency of style is apparent in the Revolutionary Party Edicts. It seems to apply equally to decrees of both Sarit and Thanoom. A decree usually starts with a paragraph led by an explanatory conjunction, such as *dooi thii*, *duai*, *nüang caak* or *taam thii*, which introduces the reasons why the decree in question has to be proclaimed. A new paragraph follows, beginning with the words "the Head of the Revolutionary Party therefore issues an order as follows:" (*huanaa Khana-pathiwat cüng mii kham-sang dang too pai nii*). The orders then follow.

²¹ Thanoom's Revolutionary Party Edicts and related decrees are available in order of enactment in [19]. They may also be found in [11]. The Edict No. 1 appeared in [19, Vol. 88, No. 124] and in [11, Vol. 19, No. 12].

government or of a more active functioning of the state. Also not to be overlooked is the increasing frequency with which laws are overhauled. In general, there seems to be a striking tendency that the edicts, now more prolix, assume the primary function of legislation, with the rest of the legislation functioning in a secondary capacity. The implication to be drawn from this is that a new style of rule is almost established in Thai politics—a style which owes its foundation to the “no Constitution” period beginning on October 20, 1958 and, going back even further, to the success of Rama V in establishing a typically Thai style of rule. Looking at it from a longer perspective, the question yet to be answered is whether this style will contribute to political stability or instability in Thailand.

V. CONCLUSION

A new generation of political élites, centering around Sarit, emerged on the political arena as a result of the Military Group coup in 1957. This new generation differs in many respects from the old generation associated with the old People's Party. First of all, politicians of the new generation lay emphasis on political stability as their fundamental political value. Being aware of the peculiarities of the old-timers or of their adherence to a concept of political order incompatible with the reality of Thai society, the new group has sought to be a revolutionary force capable of discarding the old style of politics. However, for precisely the same reason, they have found it impossible to function as the decisive support of change. By seeking a principle of politics, which should be characteristically Thai, to replace the imported variety, they have developed the “atavistic” pattern of rule described earlier and, very ironically, have materialized a kind of continuity with the period of absolute monarchy. This has indeed been the irony permeating contemporary Thai history.

A style of rule based on paternalism, arbitrariness and elimination of the heterodox must maintain legal apparatus for those particular purposes. The martial law, originally a vintage under the absolute monarchy, has been so revised and made more and more precise as to suit different needs of different rulers. The Anti-Communist Activities Act has also been adapted to meet contemporary realities by occasional revisions, the last of which was made in 1969. Sarit's Revolutionary Party Edicts were laden with those elements indispensable for his type of rule, while will undoubtedly continue to be valuable in the future as well. By constant revisions and new interpretations, all those legal devices will obtain an almost eternal value.

However, for all this, Thailand cannot remain immune from political instability in the long run. The Thai politics still lacks a mechanism for adequately channelling the desires of the people into political processes. Even though civilian experts may get occasional appointments to high posts, the nucleus of power will still remain in the hands of a small number of military politicians who may find the complicated business of running the state and processing the proliferating informations too much for them. Added to this, such social prob-

lems as city management, land problems and unemployment, though previously not considered serious political "inputs," may crop up as potential powder kegs. Tenancy and class stratification are in process of development in the rural sectors of Thailand, which may sooner or later change the political character of the agrarian population. The government will find itself increasingly burdened with vexing problems as the trend of the events proceeds apace.

The political instability, which was so endemic in Thai politics in the 1940s and 1950s, found expression in the frequent coups d'état. Nonetheless, stability continued to prevail in the society as a whole. However, for years ahead, this kind of stable instability will gradually taper off. It is true that there is even less margin for the rise of an effective counter-power outside of the ruling clique. Future instability, however, will rather derive from the inability of the government to respond adequately to structural changes taking place within society. In other words, it will take the form of a structural transformation of the polity, appearing not in a manifest and precipitous manner as in a coup d'état. At the initial stage, it will gradually erode the basis of political power, and will bring about substantial change in the nature of political power in the long run.

This new type of political instability will undoubtedly render completely meaningless the traditional notion of "political crisis" still cherished by Thai politicians as ever. In other words, those who believe that political crises are caused by political ambitions of specific crooked heretics or that crises are engendered by personal and conspiratorial causes will not be capable of properly coping with political crises of the new type, for which reason we can assume that authoritarian rule is unlikely to remain absolutely justifiable.

Be that as it may, a very distinctive pattern of rule has been established in Thai politics. Formed over a period of more than a hundred years, it is so normative that it is not likely to be easily modified. However, it will be important for any political observers of Thailand to be watching the changing aspects of social and political communication or the way in which national integration is actually achieved in Thailand. Any political system cannot escape from metamorphosis in its own peculiar way, and Thailand is no exception to this rule.

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