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DE-THAKSINIZING THAILAND: THE LIMITS OF INSTITUTIONAL DESIGN

Abstract
Almost two decades after the initial victory of Thai Rak Thai, scholars still debate the forces behind Thaksin's rise to power. I revisit these debates and argue for a more explicit analysis of dynamics over time. I distinguish analytically between the founding moment of TRT's first victory and the subsequent reproduction of its dominance. I argue that TRT's financial muscle was a sufficient condition for its 2001 victory, that institutions merely contributed to the scale of its victory, and that its platform was not decisive. Once in power, however, institutions were instrumental in allowing TRT to complete its term, but more important for its long-term dominance was the rapid implementation of its campaign promises, which created a mass constituency that in turn made Thaksin-linked parties resilient at the polls despite institutional reforms designed to weaken their electoral performance.

Keywords
Thailand, Thaksin Shinawatra, electoral politics, institutional design

Almost twenty years after winning his first election, and after almost a decade and a half in exile, Thaksin Shinawatra's legacy and looming but distant presence still haunt Thai politics. His frustrated political opponents, incapable of beating his parties at the polls, repeatedly turned to extra-parliamentary means to dislodge him and his associated parties from elected office. While scholars agree that Thaksin's rise deeply unsettled Thai politics, they disagree about how he and the parties that he backed became such an insurmountable force. One of the most influential views is that of institutionalists, who emphasize the role of constitutional reforms in Thaksin's rise to power. These reforms, adopted in September 1997 in the wake of the devastating Asian financial crisis, altered electoral institutions, strengthened checks-and-balances, and bolstered the power of the prime minster. These changes were designed to weaken the power of provincial bosses, clean up elections, strengthen political parties, and increase the stability and accountability of elected governments (Kuhonta 2008). The reforms, it seems, worked too well—once in power Thaksin's party, Thai Rak Thai (TRT), consolidated power and metastasized into an indomitable force. If these new institutions explain Thaksin's rise, then an obvious way to de-Thaksinize Thailand would be to change the electoral rules. Thaksin's rivals have indeed tried this response, but to no avail. Despite efforts to design institutions to obstruct Thaksin's parties, they kept winning, forcing his rivals to resort to extra-parliamentary means to oust him and his allies from power.

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In this review essay, I return to the debates about the role of institutions in Thaksin's rise and consolidation of power. At the heart of Thaksin's lasting impact on Thai politics was the formation of a mass constituency loyal to him and his electoral vehicles. Institutionalists trace this development back to a seemingly small innovation, the introduction of a party list. TRT most astutely took advantage of this new political opportunity and won a stunning victory in 2001. Once in power, Thaksin took advantage of other institutional features introduced by the 1997 Constitution to consolidate his power. These institutions, they argue, best explain Thaksin's rise and subsequent lock on power.

I will argue that institutionalists have overestimated the importance of these institutions in explaining the enduring power of Thaksin and his parties. Key to making sense of the Thaksin phenomenon is analyzing dynamics over time. Scholars seldom distinguish explicitly between the factors that contributed to TRT's initial rise to power from those that were critical to its metamorphosis from a purely personalistic electoral vehicle to a party with a strong mass base. In order to parse out these causal dynamics, I distinguish analytically between the founding moment—TRT's initial victory in 2001—and the mechanisms of reproduction of TRT's and Thaksin's dominance in subsequent years. I conceptualize 2001 as an "unsettled moment" in which TRT's financial muscle was a sufficient condition for victory. Institutions, I argue, merely contributed to the scale of the victory, and TRT's platform and marketing, while undoubtedly attractive to many voters, was not decisive. Once in power, however, institutions were critical for the reproduction of TRT's power, especially during its first term in office, because they allowed Thaksin to quickly implement his campaign promises. But over time the importance of these institutional factors diminished. Efforts to redesign institutions to subvert TRT's dominance failed because during its reign TRT built a mass constituency among rural and poor voters. Whereas institutions were essential for its short-term consolidation of power, it was this direct connection to voters that was essential to reproducing TRT's dominance over the medium term and that have made Thaksin and his electoral vehicles such a threat to other elites.

The essay proceeds temporally, beginning with an analysis and critique of the institutionalist explanation for Thaksin's rise to power, followed by a discussion of his consolidation of power during his first term, and then the post-coup period when efforts were made to undercut the electoral prowess of Thaksin-linked parties by rewriting the rules of electoral competition.

INSTITUTIONS AND THAKSIN'S RISE

Among the multitude of provisions in the 1997 Constitution, institutionalists analyzing the rise of Thaksin and TRT have zeroed in on those that restructured the electoral system, in particular the introduction of a party list of 100 seats in a single national district (Hicken 2006b, 2007b; Selway 2011). In the new electoral system, voters cast votes not only for a constituency seat but also for a party on the national party list. Parties had to win at least 5 percent of the list vote in order to receive any of the 100 party-list seats. Because the whole nation was the district and because voters chose parties and not individuals, parties that hoped to claim a large proportion of these seats could no longer rely solely on clientelism to win votes. Parties were therefore incentivized to develop distinctive party brands and to secure votes through programmatic appeals.

Institutionalists have placed secondary importance on another significant change to the electoral system: the transformation of the constituency seats from a block vote system to single-member districts (SMDs). Single-member districts, they argue, further incentivized parties to offer programmatic policies because unlike the previous block vote system, party labels could now help candidates to distinguish themselves from other candidates (Hicken 2006b, 2007b; Selway 2011). Under the block vote system, which combined multi-seat constituencies and multiple votes, parties ran multiple candidates in each constituency. With candidates from the same party competing against each other, party labels were of limited value to candidates, who therefore relied overwhelmingly on clientelism and their public image to differentiate themselves from other candidates. Under SMDs, however, each party fielded just one candidate in each district. Party labels therefore became useful in differentiating one candidate from another, and candidates were incentivized to flock to parties that offered attractive policy commitments.

The party that most astutely adapted to this institutional environment was TRT, which hired an army of professionals to scientifically assess the electorate and to create a party "brand" (McCargo and Ukrist 2005). To this end, TRT developed an eleven-point national agenda in June 2000. This agenda included policies such as a rural debt moratorium, a one-million-baht village development scheme, and most importantly, a thirty-baht health plan to provide affordable healthcare to all.[1] Institutionalists vary in terms of the weight they give adaptation to the new institutional environment in propelling TRT's victory, but they agree that it was at minimum a necessary condition. Hicken emphasizes the incentivizing effects of the new institutions and the payoffs to adapting to them—the development of a party brand, he argues, was a necessary if not sufficient condition for TRT's rapid ascent. Selway (2011, 167) has argued more forcefully that broadly targeted public goods such as the thirty-baht healthcare plan were "the only winning campaign strategy possible under the new electoral rules." They concur that by offering such policies, TRT was able to outcompete other parties that did not respond as aggressively to the new institutional incentives. Institutionalists are not alone in stressing the importance of these policies in Thaksin's victory in 2001—scholars who highlight political-economic factors, for example, argue that these programs were the carrot offered by Bangkok-based interests to rural voters in exchange for their support in the election (Pasuk and Baker 2004; Hewison 2004).

Below, I challenge the argument that the party list and the programmatic policies it incentivized were crucial in TRT's initial rise to power. Instead, I stress the role of the Asian financial crisis, which both weakened existing parties and gave TRT a significant resource edge. TRT's political platform was far less important in this initial phase than TRT's comparative advantage in resources. To the extent that electoral reforms were decisive, it was the introduction of SMDs that put wind in TRT's sails—not for their effect on incentivizing programmatic appeals but for their winner-take-all character, which intensified competition and amplified the importance of money. TRT's programmatic appeals may have helped it to win a large proportion of the party-list seats, but these merely contributed to the *scale* of TRT's victory. It was TRT's war chest that assured it victory in the vastly more numerous constituency seats that were essential to becoming the largest party in parliament. To make this argument, I will first call into question the decisive role of the party list in TRT's victory, then develop my argument about the importance of TRT's financial edge in winning the constituency seats.

Institutionalists are correct that the new electoral institutions incentivized parties to develop programmatic appeals. But whether or not candidates and voters responded to these policy promises is a separate question. While these policies were undoubtedly attractive to many voters, there are good reasons to doubt that voters would find such promises credible, and even less reason to think that candidates valued them more than the ample cash that TRT offered. During the "unsettled period" (Swidler 1986) between the onset of the Asian Financial Crisis and the 2001 election, the new institutional terrain on which the upcoming election would be fought created both opportunities and high levels of uncertainty. North (1990) has famously argued that institutions function to reduce uncertainty. But newly established institutions arguably also create uncertainty because actors cannot predict the impact of new rules. Politicians and political brokers had to plan their strategies for the 2001 election in the context of high levels of uncertainty created by the new rules and the unsettled political moment. Under such unsettled conditions, people often rely on strategies that have proven successful in the past (Beckert 1996). In Thailand, working local electoral networks was how candidates traditionally won elections. As for voters, in the context of deeply rooted clientelistic structures in the countryside and a long history of national politicians neglecting the interests of the rural poor (Kuhonta 2011; Arghiros 2016; Hewison 2014), Thai citizens had little basis for believing that parties would actually deliver on their campaign promises, no matter how enticing they were. Since programmatic appeals were an unproven commodity in Thailand's electoral political economy, both candidates in the constituency seats and voters had reason to be skeptical of their value.

Voters, then, were unlikely to respond to candidates offering future promises but minimal immediate payoffs. Candidates therefore needed ample sums of money to deliver the clientelistic rewards that voters expected. Given this, it is worth considering a rival explanation: TRT's resource edge, not its policy proposals, were sufficient for it to win because it allowed TRT to make deep inroads in the constituency seats using old-style clientelistic politics. Numerous scholars have noted TRT's substantial resource advantage in comparison to other parties in the wake of the Asian financial crisis that erupted in July 1997 (Nelson 2001; Pasuk and Baker 2004; McCargo and Ukrist 2005; Ockey 2003; Kitti 2007; Hewison 2010). The crisis resulted in precipitous declines in investment, GDP growth, and capital inflows, and brought more than a decade of strong economic growth to a screeching halt (MacIntyre 2001) A large swath of domestic capital was burdened with crushing debt, and even the royal family's Crown Property Bureau took a major hit (Pasuk and Baker 2004; Porphant 2008; Hewison 2004). The Chavalit government fell soon after the crisis hit, and a new coalition government, led by the Democrat Party, agreed to and carried out the IMF's widely unpopular adjustment policies (Haggard 2000). The economic devastation of the crisis led many Bangkok-based conglomerates to conclude that they could no longer leave their fate to provincial politicians or to the neo-liberal policies pursued by the Democrat Party; leading Bangkok capitalists from telecommunications, banking, property development, construction, and media and entertainment therefore flocked to Thaksin's new electoral vehicle, TRT (Pasuk and Baker 2004, 68–71; McCargo and Ukrist 2005; Hewison 2010). Thaksin and many of the tycoons that supported TRT were comparatively flush because their investments were insulated from the crisis (Kitti 2007; Hewison 2010; Ockey 2003).[2]

TRT's war chest was critical because a fundamental fact of Thai politics remained constant in this period of economic and political tumult: elections were won in the provinces. Although the introduction of 100 party-list seats in a single nationwide constituency potentially weakened the hold of the provinces on parliament, 80 percent of the seats in parliament—400—were constituency seats. Without strongly institutionalized parties, parliamentary candidates typically won their seats based on the strength of their local political networks, not programmatic appeals. In the 1980s and 1990s, provincial businessmen dominated parliament (Pasuk and Baker 2002), and local bosses known as *chao pho* financed many candidates and even ran for office themselves (Ockey 2000). Thai elections were fought and won through vote buying, patronage, pork barreling, and professional violence (Pasuk and Baker 2004).

If TRT hoped to win the election, it needed to perform strongly in the constituency seats, which required that its tentacles reach deeply into the countryside to harness the local political networks that were essential to mobilizing voters at the polls. TRT recognized the enduring power of these local political networks and assiduously cultivated the support of key local figures (Nelson 2007). TRT used its deep pockets to suck up former MPs from other parties, paying them transfer fees, monthly allowances, and substantial election funds (Somchai 2008). The impact of TRT's financial edge was amplified by the winner-take-all nature of SMDs. Under the previous block vote system, politicians with strong local networks would have had a good chance of winning a seat even if TRT bankrolled competing candidates. But under a SMD system, only one candidate could win, which intensified competition. Only those with great confidence in the solidity of their networks were likely to refuse TRT's financial support. The effect of the SMD was probably strongest in districts with multiple political bosses, since if one boss latched onto TRT, they could use their ample resources to lure away key members of their rival's electoral network (Prajak 2014).

By election day, TRT had recruited more MPs and former MPs as candidates than any other party—about 100; it also successfully recruited other key provincial figures such as vote canvassers and local politicians as candidates (Ockey 2003). In the Northeast, for example, TRT persuaded a number of prominent figures to defect to TRT, and most of its candidates there were MPs, local politicians and their relatives, or canvassers from existing electoral networks (Somchai 2008). Once TRT had recruited these candidates, they brought with them their local electoral machines. Consequently, a majority of the MPs elected in 2001 were former MPs, and among those who were not former MPs, many were relatives or close aides of former MPs (Ockey 2003, 668). In places where it failed to recruit, such as the South and parts of the Northeast, its performance was comparatively poor. In Amnat Charoen and Nakhon Phanom provinces in the Northeast, for example, candidates from parties with strong traditional electoral networks did not defect to TRT, and it won none of the seven seats up for grabs (Somchai 2008, 115–16).

Despite these bumps in the road in the South and Northeast, TRT's efforts delivered an unprecedented victory to the party, which won 37.1 percent of the constituency vote and half of the constituency seats (Pasuk and Baker 2004, 89).[3] Based on constituency seats alone, TRT held 40 percent of the total seats in parliament. Even if TRT had not won a single party list seat—an unlikely outcome—TRT would have been the largest party in parliament.[4] But TRT performed even more strongly on the party list, taking 48 out of 100 seats with about 40 percent of the vote. TRT won a larger share of votes on the party list than in the constituencies in every part of Thailand except the South. Many voters therefore chose a party other than TRT for the constituency seat but punched the ballot for TRT on the party list. The difference in the Northeast was especially large (38 percent versus 46 percent). In other words, as the institutionalists have argued, TRT's programmatic appeals, which were offered in hopes of winning these party-list seats, yielded fruit. But they were a small number of seats in comparison to the constituency seats, and TRT would have performed well in the election even with a poor performance on the party list. The party list, then, contributed primarily to the scale of TRT's victory.

But how can we assess whether it was old-style politics or the programmatic appeals that were decisive in the constituency seats? Since the strongest programmatic appeals were offered by the party that was also the best resourced for old-style clientelism, TRT's strong performance in 2001 was to some extent overdetermined. Perhaps TRT won the constituency seats because its attractive policies helped its candidates to distinguish themselves from other parties' candidates. Since we cannot rerun the 2001 election, we cannot know for certain, but thinking through a counterfactual helps to reinforce the importance of money. If TRT had no platform but retained its resource edge, could it have recruited so many candidates? Given the winner-take-all context, the likely answer is yes. Conversely, in a time of flux when candidates had not traditionally campaigned based on programmatic appeals, if TRT had offered the same party platform but offered minimal resources to candidates, it is unlikely that it could have sucked up so many strong local candidates. The party might have performed well on the party list but would not have fared nearly as well in the far more numerous constituency seats. In this context, the ample funding from TRT was the essential lubricant for operating candidates' election networks, and the attractive policy platform was merely the icing on the cake. The high levels of vote buying in 2001 also demonstrate that candidates had little faith that voters would reward them if all they offered was campaign promises (Callahan 2005; Ockey 2003).

Having vanquished its foes at the ballot box, TRT faced the challenge of holding the party and its coalition government together. Whereas policies were not essential to TRT's 2001 victory, they played a central role in consolidating Thaksin's power, and institutions were key in giving Thaksin's government the stability necessary to implement his ambitious policy platform.

CONSOLIDATING POWER AND CREATING A MASS CONSTITUENCY

After its victory in January, TRT soon formed a coalition government with the Chart Thai and New Aspiration Parties, and Thaksin took the helm as Prime Minister. The TRT-led coalition was the first democratically elected government ever to finish a full four-year term. Institutionalists have emphasized the importance of a different set of constitutional reforms that enhanced the power of the prime minister in explaining Thaksin's ability to tighten his grip. I agree that these institutions were important, but I emphasize their indirect long-term impact rather than their direct short-term importance between 2001 and 2005. The PM's power to hold the government together was important in the long-run because it allowed Thaksin to implement his party's policy promises and to build a mass constituency. By keeping its campaign promises, TRT revealed ex post that its promises in 2001 were credible, which made its future campaign pledges believable to voters and more valuable to candidates. Thus, while TRT's programmatic appeals played at most a supporting role in TRT's rise to power in 2001, they played an important but overlooked role in its consolidation of power. Once TRT had cultivated a mass constituency, it could depend on its popularity and party brand, not institutional levers, to deter future MP defections.

Let us first discuss the institutional argument about TRT's consolidation of power. Scholars have highlighted the important role of a new party membership provision in the 1997 Constitution, which required candidates to be a member of a party for at least 90-days in order to run for election (Hicken 2006b; Kuhonta 2008). This rule was designed to deter the rampant party switching that had plagued Thai politics and precipitated the collapse of highly unstable coalition governments (Hicken 2006a).[5] If an MP defected from the coalition government and the prime minister called an early election, the MP would not be able to run in that election, as the constitution required that new elections be held in forty-five to sixty days, which was less than the 90-day membership requirement. While a comparatively small number of parties comprised Thaksin's government, he had to manage numerous factions within TRT, and this rule helped to hold together the coalition government (Hicken 2007b).

A second provision of the 1997 constitution, the requirement for MPs who took up cabinet posts to resign their parliamentary seats, also enhanced government stability because it made cabinet members more beholden to the prime minister (Kuhonta 2008; Hicken 2006b). In combination with the 90-day rule, this provision undermined an important element of the political economy of Thailand's parliament. Before 2001, cabinet positions were essential to holding factions together because they provided access to much-needed resources for maintaining political networks (Ockey 1994). Once a faction obtained cabinet posts, they could wield their influence with some impunity, as their faction also had the power to bring down the government. And if factions were dissatisfied with the amount of resources at their disposal, they could threaten to defect. But such threats no longer worked. Parliamentarians were held prisoner by the 90-day membership rule, so they could not credibly threaten to defect if they were dissatisfied with Thaksin's distribution of the spoils. Thaksin, no doubt recognizing this power, did not reward provincial bosses with cabinet seats (Prajak 2014, 395).[6] Those who were cabinet members, in turn, risked being cast out by Thaksin if they did not act in accord with his wishes, and he reshuffled his cabinet frequently (Kuhonta 2008; Selway 2011).[7]

TRT's ability to hold MPs prisoner allowed it to sustain a grand coalition government, which in turn made it impossible for any single faction to bring the government down (Ockey 2003). Before TRT's victory, governments had formed based on the logic of minimum winning coalitions, that is, governments were cobbled together with as few parties as necessary to reach a majority. This practice maximized each party's share of cabinet positions, whose allotment was based on a quota system that rewarded factions with a cabinet position if they controlled a certain number of seats (Ockey 2003, 670).[8] But this practice also made governments unstable, as the defection of a small number of MPs could result in government collapse. The more limited mobility of MPs, however, made the grand coalition strategy feasible. If a small number of MPs took their chances and defected, it would take a large number of them acting in concert to bring the government down.

In addition to these institutional levers, TRT continued to offer its MPs significant financial benefits in exchange for their loyalty. Having cut them out of cabinet spoils, their dependence on TRT's largesse increased. TRT sweetened the pot by increasing allowances for its MPs from 50,000 to 200,000 baht per month in December 2003, and also provided them with an 800,000 baht bonus for holiday festivities (Pasuk and Baker 2004, 192). MPs were hungry for these party resources because the 1997 Constitution had also eliminated their automatic constituency development funds (Nelson 2001, 31). "Legalized state patronage" that supplemented cabinet posts also became increasingly important (Ockey 2003, 676). The delivery of such patronage, however, depended on maintaining the prime minister's favor. With the balance of power shifted from factions to the prime minister, the incentive for parliamentarians to retain an affiliation to a party other than TRT diminished, and an increasing number of parties and parliamentarians joined TRT.

The importance of these institutional reforms is evident in the government's ability to hold together its coalition despite the growing dissatisfaction of some of its MPs, most notably those in the Wang Nam Yen faction led by Sanoh Thienthong. Under the pre-1997 institutions, Sanoh would have likely defected, but the cost of doing so under the new rules was prohibitive. Recognizing that the 90-day rule constrained him, he tried, and failed, to gain support for a constitutional amendment to eliminate the party-switching restrictions. Little wonder, then, that he described being in TRT as like being in prison (Hicken 2006b, 398). The 90-day rule, importantly, had an uneven effect. While defection from TRT to other parties was costly, defections from other parties to TRT was not. Those who defected to TRT could get a slice of the pie, those that did not would be starved (Kasian 2006). Over the course of TRT's first term, three parties in the governing coalition—Seritham, New Aspiration, and Chart Pattana—merged with TRT. A number of opposition MPS from Chart Thai and even the Democrat Party also defected to TRT. By the end of 2004, through party absorption and defections, TRT increased its number of parliamentary seats from 248 to 319 (Connors 2005, 371).

Institutions were therefore crucial in maintaining the government's stability during its first term and to preventing parliamentarians from jumping ship in the run-up to the 2005 election. But the rapid implementation of TRT's campaign promises were arguably the most important factor in its longer-term consolidation of power, as they cemented Thaksin's and TRT's popularity among rural voters (Hewison 2017; Kuhonta 2015). Whereas its policy platform in 2001 was just words, by 2005 TRT had shown that its promises were not empty campaign rhetoric. As a result of the rapid implementation of programs like the 30-baht health scheme, "TRT's policy credibility surged" (Selway 2011, 175). The long-term importance of the institutions, then, was not the short-term consolidation of power for power's sake; over the long term, government stability and a stronger prime ministership were important because they allowed Thaksin to implement the policies that created a mass constituency.

TRT's healthcare and village development policies not only offered some solace to Thailand's most vulnerable citizens, but also contributed to the weakening of old style money politics and the strengthening of partisan identification among voters. Whereas previously individual parliamentarians delivered targeted goods such as roads and schools to their constituents in exchange for their votes, TRT now delivered broad-based programs to voters, thereby attenuating the grip of provincial bosses (Prajak 2014; Pasuk and Baker 2004). Pasuk and Baker (2004, 196) characterize this transformation as a movement from "money politics" to "big money politics," but perhaps the most decisive effect was that by implementing its campaign promises, TRT had built a mass constituency. The policies, once implemented, proved to be so popular that vote canvassers, the most critical actors in a campaign's ground operation, became increasingly reluctant to throw in their lot with other parties (Nelson 2007). As a consequence of the party's popularity, few TRT politicians would defect to other parties. The importance of this direct connection to voters was evident in the run-up to the October 2006 election. Few TRT politicians took advantage of the opportunity to switch parties, even though they could have defected before the 90-day cut-off for party membership (Nelson 2007; Kuhonta 2008). "Though there were factions within TRT, the incentive to remain with a party that had such a strong policy platform was too great to jump ship" (Selway 2011, 187). While TRT politicians were reluctant to leave, many politicians from other parties hopped on the TRT bandwagon and were key in securing this astounding victory in 2005. In the Northeast, for example, TRT improved its performance from 71 to 126 seats, and the newly elected TRT MPs were mostly former MPs from political parties that had been gobbled up by TRT or defectors from other parties (Somchai 2008). In 2005, TRT won by an even larger margin than in 2001, taking 377 out of 500 seats (309 out of 400 constituency seats and 67 out of 100 party-list seats).

To puzzle through how institutions and TRT's direct appeals to voters combined to produce a landslide in 2005, we can use counterfactuals to disentangle how the absence of one or the other might have altered the political landscape. If TRT had not implemented its campaign promises, TRT's programmatic pledges in 2005 would have had little credibility with voters, and the party would have depended almost entirely on the power of local political machines to win in 2005. But under such circumstances, an alliance with TRT would have been less attractive than in 2001. In the context of a stronger economy, new parties would have likely emerged in the run-up to 2005, bankrolled by Thaksin's foes, who had increased in number as a result of the government's controversial "war on drugs," spiraling violence in the South, Thaksin's attack on governmental bodies designed to strengthen checks and balances, and mounting antagonism from old elites, most importantly the Palace, Privy Council, and the military (Kasian 2006). Voters would have written TRT off as no different than other political parties. But because TRT implemented its promises to poor and rural voters quickly and effectively, the party's popularity increased. Despite some disillusionment with TRT, then, candidates in many constituencies concluded that the best chance to win was to stick with TRT. Another counterfactual is what might have happened if Thaksin had tried to implement the policies in a context in which parliamentarians could have switched parties easily and cabinet members could have returned to parliament. Under these conditions, the government might have collapsed before the end of its term, just as many previous governments had, and therefore been unable to carry out its policies. But the most transformative effect of the institutions was their indirect longer-term effect. Government stability was essential to carry out the policies that resulted in the formation of a mass constituency.

But does this argument about policies undercut the argument made in the previous section about the party list? Without the party-list prize, would TRT have had a sufficiently strong incentive to implement its campaign promises? Would TRT have simply continued to employ traditional campaigning in 2005? Perhaps. But this line of argument once again places huge causal weight on a comparatively small number of seats. It also overlooks the potential payoff of programmatic policies in the constituency seats. The best reason for implementing the policy promises was not to win the party-list prize but rather to defend and strengthen its performance in the constituency seats, where there were far more seats to defend and win. If TRT had not implemented its policies, it would have risked losing not only party-list seats but also its constituency seats in competitive districts.

In sum, institutions were important in the consolidation of TRT's power between 2001 and 2005, but it was their indirect effect on the creation of a mass constituency rather than their direct effect on government stability that were the key to its long-term disruptive impact on Thai politics. TRT's landslide victory in 2005 proved its invincibility at the polls, which further heightened inter-elite tensions and invited a backlash that set Thailand down a path of extreme polarization and escalating conflict that culminated in a coup in 2006. As the next section will demonstrate, efforts to thwart a Thaksin resurgence by rewriting the rules of the game were ineffective because tweaking institutional design failed to deal with the underlying problem that Thaksin's foes faced, that is, the mass constituency that was loyal to Thaksin and his parties (Hicken and Selway 2012).

THE LIMITS OF INSTITUTIONAL DESIGN

Although Thaksin was undefeatable at the polls, he made many enemies during his first term in office. Opposition to Thaksin coalesced in the last half of 2005 and picked up steam after the tax-free sale of Thaksin's Shin Corporation to Singapore's state holding company, Temasek, in late January 2006. Thaksin's response to escalating protests by his opponents was to dissolve parliament and call a snap election on April 2. The opposition, no doubt aware that TRT would beat them badly at the polls, boycotted the election. TRT won easily, but at the King's behest the Constitutional Court nullified the election. In July the King signed a royal decree scheduling elections in mid-October 2006. But these elections were never held. With royal backing, the military acted to prevent another TRT electoral triumph. While Thaksin was overseas attending the annual meeting of the United Nations General Assembly, the military carried out a coup on September 9, 2006.[9] Before returning power to civilians, the military endeavored to prevent a Thaksin resurgence through an act of institutional engineering. If Thaksin had won because of the 1997 Constitution, then, he could be thwarted by reviving some of the old rules.

The military regime therefore promptly drafted a new constitution in an attempt to "turn back the clock" (Hicken 2007a, 143) by making it more difficult for a single party to win a majority of seats and weakening the prime minister's ability to rein in unruly coalition members.[10] The block-vote system was resurrected, and while the party-list seats were retained, they were reduced in number from 100 to 80 seats and were allocated based on a party's share of the vote in eight regions (10 seats for each region), not on their share of the national vote. MPs no longer had to give up their seats to join the cabinet. Although the 90-day membership rule remained, this was shortened to just 30 days if parliament was dissolved early, which was less than the 45 to 60 day window for holding new elections. Parliamentarians could therefore switch parties and still vie for a seat in the next elections. The new constitution also prohibited mergers between parties with members in the House of Representatives during the parliamentary term. In short, it was an effort to prevent a Thaksin-linked party from re-emerging as the dominant party in Thailand and to deter a further consolidation of power should it win and succeed in forming another coalition government.

The first elections under the new constitution were held in December 2007, but TRT did not have the opportunity to contest them because the Constitutional Court dissolved the party in May 2007 for violating electoral laws. One hundred and eleven former party members, including Thaksin, were also banned from politics for five years. TRT was reincarnated as the People Power Party (PPP), which openly contested the December 2007 election as a Thaksin-linked party. Despite efforts by the military and the bureaucracy to hamper the efforts of PPP vote canvassers in former TRT strongholds, the PPP performed strongly, winning 233 out of 480 seats. The Democrat Party placed a distant second with 165 seats, and five parties claimed the remaining 82 seats. Thaksin's allies were soon back in power at the helm of a coalition government, led by Samak Sundaravej (Askew 2010). Thwarting the expectations of institutional designers, PPP proceeded to form a grand coalition government that included all parties in parliament except the Democrats.

The abject failure of the new rules in undercutting Thaksin's support can be seen in the resort to extra-parliamentary means to dislodge the PPP government. The Constitutional Court put the nail in the government's coffin by dissolving PPP and two of its coalition partners in December 2008. The majority of PPP's MPs coalesced under a new Thaksin-inspired electoral vehicle, the Pheu Thai Party (PTP). PTP, however, was unable to form a new government as PPP's coalition partners and a group of defecting PPP MPs switched their support to the Democrats, who successfully formed a government with the Democrats' Abhisit Vejjajiva as prime minister. With the judicial ousting of the PPP government, pro-Thaksin red shirt protestors hit the streets to show their outrage for the "coup in disguise" that had dislodged a popularly elected government.[11]

Despite the intensifying political polarization in the ensuing years, the Democrat-led government held on until the next election, but as the election approached, it tried to strengthen its hand by engaging in more institutional engineering to diminish the number of seats won by Thaksin-linked parties. Parliament amended the 2007 Constitution, returning Thailand to an electoral system similar to that put in place in 1997. The block vote system was out, and single-member constituencies (375 seats) and a national party list (125 seats) were back in (Nelson 2011).[12] The Democrats calculated, based on their performance in 2007, that they could increase their share of seats by reviving and expanding the national party list and reducing the number of constituency seats. Of the 25 constituency seats eliminated, PPP had won 13 of them in 2007 while only seven were in Democrat party strongholds (Pasuk and Baker 2013, 614). Thai voters, however, delivered a landslide victory to PTP, which won 265 out of 500 seats, and Thaksin's sister, Yingluck Shinawatra, became prime minister. Institutional engineering, it seemed, would be insufficient to dislodge the spawn of TRT.

The failure of the new electoral rules to significantly erode the electoral power of Thaksin-linked parties reflected the strengthening of partisan identity among Thai voters (Hicken and Selway 2012; Hicken 2013). Political polarization in the wake of the 2005 elections had cemented the loyalty of pro-Thaksin voters to parties connected to him, and anti-Thaksin voters to the Democrats. One sign of this strengthened partisan identification is that fewer voters split their tickets when the block vote system was re-introduced in 2007. Prior to 1997, outside of the South, Thai voters commonly voted for candidates from multiple parties, so most constituencies had split returns.[13] But in 2007, most voters cast all of their votes for a single party. Nearly two-thirds of districts had single party returns, and straight ticket voting was especially strong for PPP voters (Hicken 2013, 207–209). In the absence of those identities, i.e. in a polity dominated by clientelism, the return to a block vote system would have had a stronger effect on eroding the support of Thaksin-linked parties. But by 2007, the old pre-1997 rules were operating in a dramatically different context than before 1997 and therefore did not have the effect anticipated by the drafters of the 2007 Constitution.[14]

Having proven its indomitability yet again in the 2011 polls, anti-Thaksin protestors returned to the streets in an effort to overthrow a popularly elected government. Taking a page out of her brother's playbook, Yingluck dissolved Parliament in December 2013 and called a snap general election for February. Anti-Thaksin forces sowed chaos during the election, "which turned out to be the messiest in Thai history" (Kitti 2015, 202; see also Prajak 2016). The Constitutional Court later annulled the elections, and Thailand once again faced a confrontation between a government with an electoral mandate and anti-government protestors determined to unseat it. As before, the military intervened, but in contrast to 2006, this time it was not eager to return power to civilians, and it would leave nothing to chance when it did.

CONCLUSION

The military junta that took power in 2014 had learned from past efforts to rein in Thaksin's electoral vehicles. With 52 percent of eligible voters living in the Thaksin strongholds of the North and Northeast (Hicken 2013, 210), a free and fair election would likely return a Thaksin-backed party to power. Given this, the military was reluctant to let another coup go to waste by holding elections prematurely. With the promulgation of a new constitution in 2017, the military government took the initial step in the direction of returning power to civilians. As with the 2007 Constitution, the new constitution is a transparent effort to redesign institutions to diminish the scale of a victory by Thaksin-linked parties (McCargo, Alexander, and Desatova 2017, 68). The 2017 Constitution put in place a mixed member apportionment system with 350 single-member districts and 150 party-list seats. In this system, voters cast just one vote that counts twice, once for the constituency candidate and a second time for the constituency candidate's party. But the allocation of seats on the party list depends on how well a party performs in the constituency seats. If a party wins a large share of the constituency seats, then it is unlikely to receive many party-list seats, as the formula does not reward them, and arguably penalizes them, for their strong performance in constituencies.[15] This new system was designed to undercut PTP, which had historically performed well in both constituency seats and on the party list. Under this system, it would likely not receive a party-list bonus.

Still, even this electoral engineering would not have been enough to vanquish PTP if its popularity had remained at 2011 levels. According to Hicken and Bangkok Pundit (2016), if the 2011 election had been run under the rules of the 2017 Constitution, PTP's seat yield would have been 15 percent lower (40 seats). Although short of a majority, it would have been enough to lead a new coalition government. Having learned its lesson about the perils of institutional design, the military government therefore also had a back-up plan for preventing a PTP victory, one that was profoundly anti-democratic. During the first five years after the first election, the Prime Minister would be selected through a joint session of the House and the Senate. Since the Senate's 250 members are hand-picked by the junta, even if PTP performed well in the elections, it would have difficulty in forming a government (Khemthong 2018).

As Hicken has observed, Thailand's "containment constitution" is a transparent effort by conservative elites to stop presumably ignorant voters from electing "bad people" (Hicken 2016). But did this effort at electoral redesign work? The evidence is mixed. On March 24, 2019, elections were held, and PTP once again won the most seats (136), even though it narrowly lost the popular vote to the junta-backed Palang Pracharat party, which won 116 seats. The institutional redesign succeeded in that PTP did not win a single party-list seat, but PTP still had a higher seat to vote yield than the junta's electoral vehicle. More important than the electoral redesign are two other factors. First, because PTP was concerned that a strong performance in constituency seats would deny it any party-list seats, it arranged for a sister party, Thai Raksa Chart, to compete in 100 constituencies (Selway and Hicken 2019b). But the Constitutional Court dissolved Thai Raksa Chart shortly before the elections. If PTP or one of its allied parties had contested these seats, Selway and Hicken (2019b) estimate that PTP would have won about 1.6 million more votes—a 4.6 percent increase in its share of the popular vote. Second, and most important, is the remarkable decline in PTP's share of the popular vote as compared to 2011, from 44.3 percent to 22.3 percent. As a result of this plunge in support, even if 2019 had been run under the old rules, PTP would have only won about 34 percent of the seats as compared to the 53 percent it won in 2011 (Selway and Hicken 2019a). If PTP had sustained its 2011 levels of popularity at the polls, the new rules would have cut into the seat yield, but the party's strong mass base would have nevertheless delivered the lion's share of the seats to it on election day.

But the junta averted this possibility with its Senate insurance policy. When the joint parliamentary session met on June 5, 2019, it voted overwhelmingly to select the sitting prime minister, General Prayut, to lead the nation, 500 to 244, with none of the 250 senators voting against him. In the coming years, scholars will no doubt be sifting through the evidence to determine the extent to which fraud and intimidation are responsible for the nosedive in PTP's votes. What is clear is that the junta stacked the deck in its favor by empowering a hand-picked Senate to jointly elect the prime minister and by exercising its executive authority to undermine the opposition. Such hardball tactics are a strong indicator that the junta has not succeeded in de-Thaksinizing Thailand. Despite the playing field being tilted heavily against it, PTP still won a substantial proportion of the vote, and it will lead the opposition in parliament. Whether PTP will be able to sustain its mass constituency while in opposition and without the power to deliver policies to its supporters remains to be seen. And it is only by severing this connection to its base that Thaksin's foes will succeed in de-Thaksinizing Thailand.

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CONFLICTS OF INTEREST

The author declares none.

NOTES

1. The health insurance program was the idea of former leftists in the Thai Ministry of Health. Former student radicals from the 1970s who advised Thaksin crafted the elements of TRT's platform that targeted poor and rural voters (Glassman 2004; Pasuk and Baker 2004).

2. TRT also drew support from wealthy financiers who had suffered significant losses (Ockey 2003, 675).

3. The large gap between the share of the vote and the share of the seats indicates that TRT won many of the constituency seats by narrow margins. The difference was much smaller for the second-place finisher, the Democrat Party, which won 24.3 percent of the constituency seats and 25.9 percent of the constituency vote (Pasuk and Baker 2004, 89).

4. The Democrats won 97 constituency seats. Even if they had won all 100 party-list seats, this is three seats less than TRT's 200 constituency seats.

5. Between 1986 and 1996 there were on average 5.3 parties in government coalitions (Hicken 2006b). In addition, most parties are also composed of a fluid set of factions (Ockey 1994), and the effective number of parliamentary factions between 1979 and 2001 was approximately 21.17 (Chambers 2005, 500). Because so many parties and factions were in each governing coalition, the defection of even a small group of parliamentarians could result in government collapse.

6. Most of Thaksin's cabinet members were parliamentarians elected from the party list, as their appointment did not trigger a by-election (Kuhonta 2008, 383).

7. The constitution had also reduced the number of cabinet positions dramatically from forty-eight to thirty-six, so TRT would have faced significant challenges in maintaining its own members much less their coalition partners without the increased powers granted to the prime minster by the 1997 Constitution.

8. Parties also tended not to grow very large, because as parties increased in size it became more difficult to satisfy all of the factions (Chambers 2005; Ockey 2003).

9. For insightful analyses of the factors leading to the coup, see Kasian (2006) and Montesano (2007).

10. Also see Dressel (2009) for a detailed discussion of the 2007 Constitution.

11. See Askew (2010) and Aim and Kuhonta (2012) for overviews of these protests.

12. The 2011 amendments came about after a protracted series of discussions. After winning the 2007 election, the PPP had sought to amend the 2007 Constitution, which invited strong opposition from anti-Thaksin forces. After the Democrat-led coalition took charge in December 2008, discussions about constitutional reform continued but at a slow pace, with proposed changes to six articles. PTP wanted a return to the 1997 Constitution and withdrew from the discussions. After extended discussions, only two articles were changed, and one of them revived the SMDs and the national party list. See Askew (2010) for a discussion of the maneuvering around the constitutional reform.

13. For an illuminating analysis of the longer history of voter attachment to the Democrat Party in the south, see Askew (2008).

14. As Hicken observes, the changes in the electoral rules in 2007 provide a quasi-experimental context for assessing the importance of party attachment in electoral outcomes. The strengthening of partisan identification is also revealed by the evolution in the percentage difference between the constituency and party-list votes of the two major parties. Between 2001 and 2011, this difference declined from .25 to .02 for Thaksin-linked parties, and from .14 to .03 for the Democrats (Hicken 2013, 210).

15. The determination of party-list seat allotments is complex. First, the number of votes a party must win to get a seat—the quota—must be calculated. This quota is determined by dividing the total number of valid ballots nationwide by the number of seats in parliament (500). In 2019, this quota was approximately 71,000 votes. Second, the party's total votes are divided by the quota. In the case of PT, it won almost 8 million votes, and its votes/quota ratio was 111. The PTP won 137 constituency seats. Because the number of constituency seats won was greater than 111, it received no party-list seats. See Hicken (2019) for a discussion of the complexities of determining the party-list seats.

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