

“SONG PHRA CHAROEN” AND “PEOPLE POWER”: NEED FOR RATIONAL-LEGAL LEGITIMACY AND IMPROVED DEMOCRACY IN THAILAND AND THE PHILIPPINES

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Abstract

Authority, institutions and social forces can be grounded either on charismatic-traditional or legal-rational legitimacy. Modern democracy, understood as a system that consists of equality, the respect for freedoms and the rule of law, is closely related to legal-rational legitimacy. Therefore, while more ‘consolidated’ democracies are grounded almost exclusively on rational legitimacy, transitional democracies recur more often to the charismatic-traditional type. In transitional democracies such as Thailand and the Philippines, since democracy present deficits in its liberal² and republican³ components, charismatic-traditional movements and figures such as the King and People Power movements enjoy legitimacy⁴. This legitimacy stems from the yearning for more rationality/legality in politics itself. In these democracies when crisis emerge, and since the institutional building is flawed or not yet complete, people search for other alternatives to improve their political system. In ‘consolidated’ democracies, however, shortcomings are resolved through institutions and the law (legal-rational legitimacy).

Keywords

Democracy, legitimacy, democratic consolidation, Philippines, Thailand (democracia, legitimidad, consolidación democrática, Filipinas, Tailandia)

“Song Phra Charoen⁵” and “People Power”: Need for rational-legal legitimacy and improved democracy in Thailand and the Philippines.

“The process of democratic transition and consolidation can be best understood as a battle over what constitutes legitimate government”
(Potter, 1997:260)

Legitimacy consists in the belief and acceptance of the authority of regimes, institutions and people. Authority, institutions and social forces can be grounded either on charismatic-traditional or legal-rational legitimacy. Modern democracy, understood as a system that consists of equality, the respect for freedoms and the rule of law, is closely related to legal-rational legitimacy. Therefore, while more ‘consolidated’ democracies are grounded almost exclusively on rational legitimacy, transitional democracies recur more often to the charismatic-traditional type. In transitional democracies such as Thailand and the Philippines, since democracy present deficits in its liberal⁶ and republican⁷ components, charismatic-traditional movements and figures such as the King and People Power movements enjoy legitimacy⁸. This legitimacy stems from the yearning for more rationality/legality in politics itself. In these democracies when crisis emerge, and since the institutional building is flawed or not yet complete, people search for other alternatives to improve their political system. In ‘consolidated’ democracies, however, shortcomings are resolved through institutions and the law (legal-rational legitimacy).

The support in the Philippines and Thailand of charismatic-traditional movements and figures is a clear example of the yearning for better and effective procedures, rules and institutions in democracy. However, these type of movements can also weaken democracy. “People Power” movements in the Philippines have become a form of charismatic-traditional legitimacy that bypasses institutions and legality; an example of this is President Estrada’s unconstitutional ousting in 2001. The King in Thailand, also a source of charismatic-traditional legitimacy, has intervened uncounted times in politics as a balance for crisis resolution, overriding rules and institutions; an example of this is his backing of the military coup that toppled Thaksin Shinawatra. Therefore, in order to limit their influence⁹ and thus improve democracy, a solid and effective institutional framework must come into being. If the Philippines and Thailand had fair, impartial and effective democratic institutions there would be no need for appealing to the King or

People Power. Then, legitimacy would shift towards the rational-legal type and the two political systems would move from 'transition' to 'consolidation'.

Legitimacy

Legitimacy is understood as the degree to which a political system and a government's authority are generally accepted by its citizens (Lipset, 1963, Held, 2006). However, it is also 'the core' or 'organizational principle' of a society; that is 'those societal relations which determine the scope of and limits to change for, among other things, political (...) activity' (Held, 2006: 190). Legitimacy is a belief which 'involves a moral claim and a justification of a right to do specific and distinct things' (Barker, 1990:23). Stemming from this, and in line with the more practical issues of this essay, legitimacy can be understood as the belief and acceptance of the authority of regimes, institutions, movements and people.

According to Max Weber, legitimacy can stem from rational-legal, traditional or charismatic sources (Weber, 1978:215). Rational-legal legitimacy rests upon impersonal rules that are rationally established (e.g. a constitution), (Gertz & Mills, 1946: 294-5). Traditional legitimacy is based on the belief in the sanctity of powers of rule which have existed since time immemorial...'the lord is obeyed on account of the particular worthiness of his person that is sanctified through tradition' (Weber, 2004: 135). Finally, charismatic legitimacy rests on the basis of emotional surrender to the person of the lord and gifts of grace (Weber, 2004: 138).

Although the Weberian classification consists of three types, this essay will take charismatic and traditional legitimacy as one, ending up with two ideal types. This reduction is done since tradition and charisma are related concepts, at least in the Southeast Asian region¹⁰. For charisma, Weber 'was inclined to show the extraordinary qualities attributed to these leaders, without being able to define what these qualities were. (...) These discrete qualities can be reduced to a common denominator: the belief on part of the followers that their leader has Power' (Anderson, 1990:75). Also, 'charisma(...) precedes rational-legal domination' (Anderson, 1990:76). Finally, charisma comes from an older conception of power were it was the 'permanent, routine, organizing principle of the state' (Anderson, 1990:76). All this could also be said for tradition, therefore one could say that 'traditional domination is subsumed under

charismatic domination' (Anderson, 1990:76). In sum, charismatic-traditional legitimacy, as opposed to the rational-legal type, doesn't rely on impersonal and rationally established rules, but on emotional and subjective qualities and beliefs about power attributed to persons and institutions.

Democracy and Legitimacy

Modern democracy is closely related to rational-legal legitimacy. Modern democracy is not only a procedure for electing governments; it also entails the idea of political liberalism, that is, the existence of some rights and freedoms (Dahl, 2000: 85-86) that must be respected. In order to do this, these freedoms need to be protected by rules which must be impartial and applied to and respected by everyone: the republican concept of the rule of law. This concept relies on rational-legal legitimacy. In an advanced liberal-republican democracy no one can be above the law and everyone is equal under it. Here, 'the superior is himself subject to an impersonal order' (Weber, 1978:217-8), whereas on other systems the leaders can be above the law. Charismatic-traditional systems are subjective and personal, whereas democracy (rational legitimacy) must be objective and impersonal in order to achieve equality and the respect of freedoms. Therefore, movements or governments based on personalistic and biased rule are by definition contrary to democracy. Emotions and tradition can, and they do, lead institutions, governments and people to bypass rules and freedoms.

On the other hand, transitional democracies are still in a process where legitimacy not only derives from rationally established rules, but from charismatic-traditional sources. In the Philippines and Thailand legitimacy derives from both rational-legal (The Constitution, executive decrees, the judiciary, etc.) and, equally important, charismatic-traditional sources (Respectively, People Power and the King).

Deficits, Crisis and Shifts of Legitimacy

Why does legitimacy in Thailand and the Philippines also stem from this different source? This happens because in these political systems the institutions of liberal-republican democracy have deficits or are incomplete. These deficits entail weak mechanisms of accountability, the failure to uphold and respect the rule of law, the lack of channels of participation for citizens for influencing policy and the ineffectiveness of governments to respond to citizen's concerns. Also, this type of legitimacy can surface

when rational-legal legitimacy and an effective rule of law are yet incomplete. Advanced democracies do not need charismatic-traditional leaders for overcoming obstacles¹¹, transitional democracies do since the legal building that would otherwise replace tradition is ineffective or not yet finished. Therefore, legitimacy can come from sources other than the Constitution, legislation or government decrees. The Thai and Philippine cases prove that when there are deficits in politics and formal institutions and rules (rational legitimacy), people turn, as compensation, to other sources of legitimacy for overcoming their problems.

While advanced democracies resolve their problems and crisis through legal institutions, transitional democracies deal with them through extra-institutional means. When institutions for reforming the imperfect system or correcting its deficiencies are flawed or inexistent, certain moral forces perceived as legitimate come into being. Specifically these forces are 'likely to emerge into prominence under conditions of severe stress' (Anderson, 1990:77). Examples of this are People Power in the Philippines and the King in Thailand. In fact, 'if impersonal institutions are less than fully authoritative, then more personal forms of authority and leadership are likely to fill the resulting policy space' (Whitehead, 2003: 159). The institutional deficit mentioned above can push citizens to support other alternatives for crisis resolution and improvement of their political system. This deficit shifts legitimacy from rational-legal authority to charismatic-traditional figures. This legitimacy, paradoxically, stems from the yearning for more rationality/legality in politics itself. However, these methods not necessarily complement democracy but weaken it.

The Philippines

"People Power movements emerge when governments fail to give real democracy to the people"

Corazon Aquino

In the Philippines, People Power movements¹² have been an important source of charismatic-traditional legitimacy and have played an important role for resolving political crisis. In the early 50's, business, Catholic Church and veteran's groups combined to create the National Movement for Free Elections (NAMFREL) (Hedman,

2006:1). Because of this, the incumbent President Elpidio Quirino was unable to steal the elections in 1953 and the reformist Ramon Magsaysay was elected to the presidency. Also, in 1986 business, church and professional associations went out to the streets to demand the resignation of the dictator Ferdinand Marcos. This display of 'People Power' forced Marcos into exile and brought the opposition candidate Corazon Aquino to the presidency (Hedman, 2006:1), thus restoring a liberal democratic regime (Potter, 2007: 257). The 'people power revolution' that ousted Marcos and catapulted Aquino to power (...) allegedly drew much of its strength from participant's faith in their command of sacral power, as the prominence of crucifixes and images of the Blessed Virgin (...) made clear (Alagappa, 1995:164). These movements are legitimized on charismatic- traditional (Corazón Aquino, Cardinal Sin, the Catholic Church) grounds and have played an important role for achieving democracy in the Philippines. However, these have occurred in authoritarian contexts. Now we face the same movements but in a different context and although they still claim they are struggling for democracy, the 2001 ousting of President Joseph Estrada during his constitutionally mandated term was far from it.

Joseph Estrada won the Presidency in 1998 'with the largest vote margin in Philippine history' (Hedman, 2001: 7) His presidency was one marked by cronyism, patronage and corruption. As president, Estrada brought many old Marcos friends and followers back to power (Landé, 2001: 90), managed the economy favoring his friends and was known for his impulsiveness and drinking (Landé, 2001: 89). On 2000 he was accused for having received cash payments from an illegal lotto game. Investigations were started and then stopped, generating public pressure which led to an impeachment process. The corruption revelations provoked an anti-Estrada activism integrated by catholic, student and business groups that urged him to resign. 'Former President Corazon Aquino and Cardinal Sin played leading roles in the demonstrations' (Landé, 2001: 93). However, the President had also support of his own, also integrated by religious groups, even a 'large prayer rally' was held for him (Landé, 2001: 93). In the meantime, other corruption scandal emerged and two of the president's most fierce Senate supporters, 'moved that the decision to open evidence 'should not be made (as normally it would be) by the chief justice, but should be put to a vote instead' (Landé, 2001: 94). Estrada won the vote but after this, People Power exploded in outrage and started massive demonstrations to force the president from office. Finally he was removed by a

'constitutionally dubious method' (Landé, 2001: 99). Proves of this are the inauguration of Arroyo happening before Estrada's resignation and 'the hasty action earlier taken by the House of Representatives in voting to send impeachment charges to the Senate without any hearings' (Landé, 2001: 99). By this, People Power achieved what it hadn't before, which is denting democracy. Whereas before People Power helped to topple dictators and have cleaner elections, now the story was different. Here, the outbreak of a crisis in the political system shifted legitimacy from the government, its rules and institutions to People Power. This was done in search for more rationality/legality in politics. However, at the same time, the procedures of this charismatic-traditional movement hurt democracy by unconstitutionally ousting a President that won in the ballots.

Thailand

'The only person who can tell me to quit is His Majesty the King. If His Majesty whispers to me "Thaksin, please leave", 'I'll go'

Thaksin Shinawatra

In Thailand the monarchy, one of the three key pillars of Thai society (Alagappa, 1995:196) has been a strong source of charismatic-traditional legitimacy from a long time ago and its King has consistently played an 'elighted balancing role' in the state and in the government. Examples of these abound in Thailand's recent history. The 1932 coup promoters legitimized by using the monarchical figure; also, they actually looked for royal pardon and the King's appraisal of the new Constitution, which they got (Alagappa, 1995:196). Then in 1957 army Chief Sarit's seizure of power had royal approval. In 1958 Sarit did another successful coup and justified it on the basis that the communists were threatening to undermine monarchy, amongst other things (Alagappa, 1995:201). In general, the King became the focus of loyalty and cohesion as well as a key source of legitimacy for Sarit's government (Alagappa, 1995:203). During the 1973 student demonstrations, the withdrawal of royal support was the crucial final act in the delegitimation of the military government. Furthermore, the King's alliance with the conservatives was decisive for the military's seizure of power in 1976 (Alagappa, 1995:212). After that, in the 1991-92 crisis, the brief return to military rule wasn't sustained...again on account of the King (Alagappa, 1995:218). Therefore the

monarchy is an important source of legitimacy, and its King, as we can see, hasn't been merely a Head of State, but an episodic interventionist in Thai politics. These interventions, sometimes supporting students, sometimes the military, etc. most of the time go against the written and formal rules of the regime and against democratic formulas; a more recent example of this is the King's backing of Thaksin's toppling.

Thaksin Shinawatra won the 2001 elections for Prime Minister with an unprecedented electoral victory, with his party conquering the Parliament as well. Then in 2006 he was reelected with 56 per cent of the ballot (Tejapira, 2006:5). However this overwhelming victory didn't count much when the 'whisper from heaven'¹³ asked him to go. As soon as Thaksin assumed the presidency he tried to transform the existing patterns of power relationships and elite resource allocation (Tejapira, 2006:8). Also he manipulated the media and independent regulatory bodies and encouraged crony capitalism and corruption. These actions aroused extensive criticism and opposition, including that of the Palace. This opposition grouped under the leadership of Sondhi Limthongkul (a former Thaksin crony that got his TV show cancelled) and formed the People's Alliance for Democracy. This alliance alleged that Thaksin wanted to establish a presidency, that he had usurped the monarch's role and that his corruption was unsustainable. Therefore the opposition wanted to remove the Prime Minister and dismantle the Thaksin regime through a new constitutional reform, 'by petitioning the King Bhumibol for the application of his Royal Prerogative' (Tejapira, 2006:7). This opposition organized huge rallies and pressured for Thaksin's removal, and then, with the King's support, the military gave a peaceful coup and Thaksin resigned. King Bhumibol's backing of the military coup is an example of a movement that, legitimizing itself on charismatic-traditional grounds, bypasses institutions and rules and hurts democracy. In spite of the objective to remove a corrupt leader and thus have more rationality-legality in politics, this movement unconstitutionally ousted a President that won with 56% of the ballot.

Threats to democracy

These two episodic movements have come into being due to the flaws and weaknesses of democratic institutions and its liberal and republican components. In these cases since there's a dearth of an effective institutional framework to prosecute and punish misdeeds, corruption, clientelism and the like, other extra institutional forces come at work. The cases of Thailand and the Philippines show that when there are important

democratic flaws, other types of legitimacy are used. As Armando Doronila said in the *Philippine Daily Inquirer* (Landé, 2001: 99):

“Filipinos have a high threshold of patience to take abuse of power and appalling corruption. But when they are denied the last resort to democratic due process—as in the impeachment trial—they assert their sovereign right to replace their leaders by taking to the streets. The triggering spark of people power was the blasting of the people’s confidence in their institutions.”

Since the rule of law in the Philippine and Thai states is ineffective, then other forces act as equilibrium. Here, the role of the people and of the monarch is related to the weakness of the political system (Alagappa, 1995:222).

These methods for dealing with crisis are not good for democracy and stability. First of all, these methods undermine the legitimacy and credibility in democratic institutions. Since they bypass institutions and the rule of law, these methods send the message that they are the only means possible for correcting certain situations. Democracy, nurtured by rational-legal legitimacy, is a system whose main feature is a collective attitude that enables it to ‘become the only game when, even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameter of democratic procedures’ (Dahl, 1997: 38). Therefore, these movements send the message that there are games in town other than democracy. ‘ESDA I and ESDA II can become precedents for overthrowing any future president against whom enough intense public opposition can be aroused’ (Landé, 2001: 100). In second place, these movements create social and political instability that can’t always be managed, thus opening the way for disorder. Charismatic-traditional legitimacy is not bad *per se*, but in so far as that some of its expressions, when bypassing institutions, undermine democracy and open windows of opportunity for instability.

Legitimacy, Institutions and Democratic Consolidation

Only regimes that can solve their problems and crises through institutional and formal democratic channels can be considered as ‘consolidated’ democracies. In this model, democracy is more ‘consolidated’ when, for example, corrupt politicians can be removed by impartial judicial impeachment and not by peaceful coups or heavenly

whispers. On the other hand, transitional democracies, such as the ones studied in this essay, recur to charismatic-traditional means to overcome their problems and crisis. This is the case of the Philippines and Thailand.

In order to advance the democratic transition in these two countries, rational legitimacy has to take the place now occupied by charisma and tradition. Institutions and rules must substitute the 'whisper from heaven' and People Power, legal-democratic forms must replace extralegal-undemocratic forms. However, this is no easy task. Political elitism, corruption, state-bias, clientelism, cronyism, lack of trust in institutions and under representation in government bodies all contribute to shifting legitimacy from rational-legal to other expressions. The possibilities for the consolidation of democracy on these two countries are contingent on whether the institutions of democracy are improved and can become incorporated in the collective idea of legitimacy. If not, the King will be continued to be regarded as the guardian of the state and People Power as the only way to bring about real change. In order to limit the influence of these forces, which are not necessarily democratic, an adequate institutional framework must come into being. If the Philippines and Thailand had fair, impartial and effective democratic institutions there would be no need for appealing to the 'enlightened balance' or people power. Evils in the political system can also be corrected through institutional means and not only by charismatic-traditional figures and movements.

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- ² 'The liberal component embodies the idea that there are rights which no power, prominently including the state, should violate' (O'Donnell, 1998:113)
- ³ 'The exacting subjection to the law' (O'Donnell, 1998:113)
- ⁴ As opposed to impersonal rules such as the Constitution.
- ⁵ 'Long Live Your Majesty'

⁶ 'The liberal component embodies the idea that there are rights which no power, prominently including the state, should violate' (O'Donnell, 1998:113)

⁷ 'The exacting subjection to the law' (O'Donnell, 1998:113)

⁸ As opposed to impersonal rules such as the Constitution.

⁹ When I speak of limiting these forces I refer to those who override democratic rules and use extralegal methods. People Power movements can also have democratic goals and means, such as the 1986 mobilizations and demonstrations that ended Marcos' authoritarian regime. (Schock, 1999: 355)

¹⁰ Benedict Anderson in his essay "The Idea of Power in the Javanese Culture" implies, through the Javanese example, that in Southeast Asia both concepts are related. Actually he states that in Java, 'the charismatic leader has Power in much the same sense that the traditional rulers of Java had it' (Anderson, 1990:74) and that "'traditional domination", (...) is subsumed under charismatic domination'. (Anderson, 1990:76)

¹¹ Although other types of legitimacy (charismatic, traditional) may exist in democratic political systems, they are not used to resolve crisis or problems.

¹² Popular mobilizations.

¹³ The whisper of the King. 'Just 24 hours later (of his victory), after an unscheduled audience with King Bhumibol, an ashen-faced Thaksin, surrounded by his stunned and tearful entourage, announced from the front steps of Government House his decision to stand down as Prime Minister for the good of the nation.' (Tejapira, 2006:5)