



## CIVIL SOCIETY AND DEMOCRACY IN SOUTHEAST ASIA AND TURKEY

**Edited by**  
N. Ganesan  
Colin Dürkop

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## ACKNOWLEDGEMENTS

This book has been long in the making since the first workshop on state-society relations in Southeast Asia was first held in Kuala Lumpur in 2011. The project was initially conceived as a research project at the Hiroshima Peace Institute with a two-years funding cycle. The decision to hold the first workshop in Kuala Lumpur was mooted by the Secretary of the Asian Political and International Studies Association (APISA) Dr. Hari Singh who offered supplementary funding and administrative support. Consequently, the decision was an easy one since we would have then brought the meeting to the region that the project was focused on and it would have been much cheaper than hosting it in Japan. APISA's contribution came in the form of a conference package that included tea breaks and opening and closing dinners. APISA that was in turn supported by the Swedish International Development Cooperation Agency (Sida) also defrayed the costs of the two discussants who were invited to the meeting. This arrangement led in turn to a much more robust discussion at the workshop and challenged the paper presenters conceptually. Prof. Johan Saravanamuttu from Universiti Sains in Penang and Dr. Benjamin Wong from the National Institute of Education in Singapore served as the two discussants. I am grateful to Dr. Hari Singh and APISA for their co-sponsorship of the first workshop as well as the two discussants.

The second workshop that leveraged on the first and included more case studies was held in Istanbul in March 2013. Dr. Colin Dürkop from the

Konrad-Adenauer-Stiftung (KAS) in Ankara kindly agreed to co-sponsor the second meeting. He in turn arranged the conference facilities, arranged for the discussants and a paper presenter from Turkey and also graciously sponsored the local hospitality and opening and closing dinners. Finally, Dr. Dürkop agreed to sponsor the publication and launch of this book in Istanbul in November 2015. Hence I am also deeply indebted to Dr. Colin Dürkop and the German Konrad-Adenauer-Stiftung for seeing this project to its completion.

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Finally, I am deeply indebted to all the paper writers who had to work with a very difficult and fluid topic. The situation was especially exaggerated in the case of Malaysia and Thailand where there were major challenges and changes in state-society relations at the time of writing. Nonetheless, all the paper writers delivered under quite trying conditions and made this book possible.

# INTRODUCTION

This book has taken a long time to assemble from when the idea for it was first mooted. In fact the first workshop on the topic was held in Kuala Lumpur, Malaysia in 2011. The second follow up workshop was subsequently held in Istanbul, Turkey the following year. Whereas we had originally envisaged having a total of six case studies for the Southeast Asia section, we were forced to omit the country studies on Myanmar and Vietnam. Although we had a paper presented on Vietnam at the second meeting in Istanbul, we were unable to add it on to the collection since the general consensus of the other participants was that the paper did not meet the scholarly expectations that were set out. The Myanmar situation was a little different. The nominee, Dr. Kyaw Yin Hlaing, became far too involved in the domestic political process and in particular the national peace process involving the Myanmar Peace Center on the one hand and the ethnic insurgent groups on the other. Consequently, we were forced to leave out Myanmar as a case study as well. In this regard whereas we began with a very broad and rich selection of case studies from Southeast Asia at the outset, we have been forced into much more modest circumstances. Nonetheless, we do think that the case studies represent a fair selection of countries from the region in terms of a representative sampling. There remains a skew in favour of maritime Southeast Asia though for the reasons mentioned earlier.

The inclusion of a chapter on Turkey was suggested by Dr. Colin Dürkop, the country representative for the German Konrad-Adenauer-Stiftung



in Ankara who also kindly agreed to co-sponsor the second meeting in 2012. We have had a lengthy and fruitful collaborative experience in the past spanning some ten countries in Northeast and Southeast Asia and I thought it to be a good idea. Accordingly, the book also has a country chapter on Turkey. The country itself that straddles both Europe and Asia is in the middle of important and interesting developments and a chapter on it is well worth the effort.

The central concern of this edited volume is on the concept of state-society relations and in particular the role of civil society organizations within that framework. There is a rich literature on the civic republican tradition where autonomous and spontaneously formed civic groups articulate common and mutually beneficial actions. Part of this tradition also regards civic action as superior to that which is state sponsored and in fact purists will explicitly require that the state not be involved in the formation of such groups. In other words, their traditional role was interpreted as that between the individual and the state. The recent writings of social scientists like Robert Putnam who speaks about social capital and its importance has helped to revive interest in this field. Yet, the concept of a civil society transcends the Western liberal tradition and is also to be found in other societies that are differently calibrated or inspired. Accordingly, Mark Thompson who wrote the theory chapter to introduce the concept and provide a guiding framework for the authors of the case studies has interpreted the situation within a broad mandate.

The second chapter then traces the involvement of civil society groups in democratic transitions. After all, Southeast Asia has witnessed many countries making the transition. Some of these cases fall within what Samuel Huntington described as the Third Wave of democratization that occurred in the 1990s following the collapse of the Soviet Union and the general collapse of communism as a political ideology internationally. This development in turn led to Francis Fukuyama's famous declaration regarding the end of history, referring to the triumph of liberal democracy as the organizing principle for states in general following the seeming defeat of communism. The evidence from this chapter that surveys four countries for a comparative case study does suggest the importance of civil society organizations in leading and driving the transition as major change agents.

The writers of the country chapters have faced a rather challenging and

difficult task. This situation is true on a number of counts. Firstly, they have had to deal with an extremely fluid situation in the last few years. There have been path breaking changes and trajectories in the case of Thailand that was subjected to a military coup against the democratically elected government of Yingluck Shinawatra in May 2014. This development not only rolled back many years of democratization but also effectively put an end to any activity that was not explicitly sanctioned by the military junta. While pledging to reconcile differences between an extremely polarized society the junta has placed significant curbs on many activities including academic gatherings. And the preliminary evidence appears to indicate a consolidation of interests by the traditional elite notwithstanding lip service to the process of national reconciliation and the junta's intention to bring happiness back to the country. This traditional elite combines the monarchy, the military, the bureaucracy and the entrenched business elite whose activities and interests were challenged by the red shirts that commanded an electoral majority in the rural and agricultural heartlands in the north and northeast. This development clearly displaced traditional elite interests and most observers view the 2014 coup as an attempt to return these elements back to power.

The situation in Malaysia has also deteriorated recently. Whereas there has been much convergence between the major civil society organizations in achieving better coordination and symmetry in their demands against the state, the state has also become much narrower in its support base and sought to dampen criticisms of it. Some such action has come in the form of police actions and initiating legal procedures against individuals and organizations that seem to challenge the state and its executives. The UMNO-led Barisan government has also allowed ethno-nationalist groups that challenge civil society organizations to do so quite arbitrarily. In this regard, the same space that civil society organizations claim for their inspiration and operations has been equally appropriated by other groups that seek to disrupt such activities against vested interests. In this regard there is no guarantee that civil society groups do not perform an adversarial role towards other such organizations that seemingly threaten their beliefs or priorities.

The Indonesian case study in fact provides much evidence of exactly such uncivil society organizations. Where the agenda of such groups seem to be convergent with that of the state or some members of its executive, such

actions appear to be tolerated. It then becomes convenient for the state and its enforcement agencies not to offer protection to the challenged groups. This practice, especially if violence is involved should not be condoned and reflects poorly on the state whose duty it is to offer protection to all its inhabitants. However, in the absence of a liberal or tolerant tradition, it becomes difficult to put an end to such practices that appear aimed at minority groups that are regarded as deviant.

The Philippines probably has the most vibrant civil society presence in all of Southeast Asia. Yet, this broad observation has to be tempered in turn by a number of additional caveats. The first of these is that many such organizations effectively replace the functions of what governments perform in other states. In other words, a vibrant civil society culture is actually a reflection of and response to the low capacity of the government to perform its traditional functions. Consequently, CSOs then step in to fill the void and act as a service provider. The fact that post-1986 governments have been liberal with regard to the entry and functioning of such organizations has allowed for their mushrooming. This liberal atmosphere of governance that was at least partly in response to the ending of martial law under President Marcos does not obtain in the rest of the region where governments are often suspicious about foreign organizations supporting the political opposition or constraining its activities. Then there is also the fear of the introduction of agenda items that are deemed inappropriate to the local context. The second caveat to be noted is the infiltration of such organizations by the Communist Party of the Philippines (CPP). Not only did the CPP set up its own front organizations to deal with the state but also infiltrated existing ones to further its reach. This development is however unsurprising since the Philippines has traditionally embraced a political culture that tends towards the left compared to many other democratic countries in the region. Perhaps this development is in turn a response to the manner in which elite interests have effectively captured both the political and economic domains in the country.

The emergence of civil society in Turkey is identified as owing to the confluence of three factors. The first of these was the withdrawal of the military from local politics in 1980 – a period that also coincided with similar developments in Europe and the seeming entrenchment of neo-liberalism. This development at the local level has also been attributed to the enlarged activities of the domestic Islamist and Kurdish groups that sought far greater space to further their agendas. The relevance of the enlarge-

ment of social and political space dictated by Turkish movements towards the European Union has also inspired civil society organizations. However, the Turkish civil society situation appears to be less focused and coordinated and in contradistinction to the state as theorized by liberal intellectuals. And like in the case of both Malaysia and Indonesia, some aspects of civil society is interwoven with the dominant religion of Islam, as well as specific aspects of the country's broader landscape and political culture.

The cross cutting cleavages, similarities and differences between the five case studies as well as their place within the broader theoretical literature in the field of state-society relations is brought together in the concluding chapter of the book. Suffice it to say at the outset then that there are many common factors in the case studies including the role of the domestic political culture, the strength and actual practice of democracy, the impact of the state, and the role of the military and religion among others. These factors have impacted on the growth and evolution of state-society relations in the countries examined in this book.

## **CIVIL SOCIETY AND DEMOCRACY: TOWARDS A TAXONOMY<sup>1</sup>**

Mark R. Thompson

In much recent discussion, civil society and democracy have become close conceptual companions (e.g., Warren 2001; 2011; Alagappa 2004, Stepan 2001, chps. 3-4; Keane 1998, and Putnam 1993). Civil society is often seen as the key variable explaining the recent "wave" of democratization and democratic consolidation. But such theoretical intimacy is viewed with suspicion by other commentators, particularly those dissatisfied with the supposed consensus about democracy as Schumpeterian proceduralism. Samuel Huntington (1991, 6) claimed that "by the 1970s the debate" between one side favoring a more substantive and another side a more procedural definition of democracy "was over, and Schumpeter had won." Benjamin Barber (1984) critiqued this view as mere "thin democracy," contrasting it with his own theory of "strong democracy" which stresses citizen participation. David Held (2006, chp. 5) dismissed Schumpeter's view as outdated "competitive elitism" which misses many more substantive elements in other models of democracy. For such critics, understanding the relationship between civil society and democracy requires going beyond a mere political/procedural definition to consider social/participatory dimensions at both the national and local levels.

There is another vexing problem with the close tie up between civil society and democracy. Although most scholars working on contemporary civil society make at least implicit assumptions about liberal democratic civility, this premise can be challenged. Civil society is often advertised as having hosted the Arab Spring of 2011 and the Eastern European democratic revolutions of 1989-91. But civil society was also strong in the interwar German Weimar Republic where support from many different societal groups enabled extremist groups to scuttle democracy and pave the way for Nazism (Berman, 1997). Nancy Bermeo has argued that "ordinary Germans" grouped into "antagonistic camps" from the far Left to the extreme Right "did battle in public spaces." Such polarization and extremism in Weimar civil society has "darkened" views about the role of "ordinary citizens" and "testified to the potential of anti-democratic movements everywhere" (Bermeo, 2003, 35-36). Recently, Robert Putnam (2007, 138) has conceded that Al Qaeda "is an excellent example of social capital, enabling its participants to accomplish goals they could not accomplish without that

network." In the U.S. context, civil society is not just composed of civil rights groups, bowling clubs and parent teacher associations, it also includes the Tea Party Movement, the Oklahoma bomber and his network, and the Ku Klux Klan. Alagappa (2004) has recently pointed to how often civil society has proved "uncivil" (also see Keane 1998, 114-156 and Thompson 2008). It can turn from a pro-democratic force against dictatorship to one which undermines electoral democracy. How "civil" civil society is, is an open question, not one to be defined away through assumptions about democratic civility.

Apart from the question about the nature of democracy and the extent of civility in society, the amount of autonomous organization there is, or can be, depends in large part on the nature of the political regime. In a fully totalitarian state there is no room for civil society at all. Individuals are atomized by the state's powerful ideological and terror apparatus, making autonomous societal organization impossible (Arendt 1951, part III). Under consolidated democratic rule, by contrast, it is much easier for civil society to flourish. Many cases fall between these extremes. Various forms of non-democratic rule experience a "resurgence" of civil society particularly when the regime's repressive apparatus weakens and its ideology is hallowed it. Long hidden from the regime's view in secretive spaces, civil society may suddenly burst out in loud public protest when the regime looks weakened or divided, as was the case, for example, in Burma in 1988 (Kyaw, 2004).

Assuming that there is some political "space" for civil society, its attitude toward the state remains uncertain, however, varying according to political context. Whether civil society takes an oppositional or cooperative attitude toward public authority is not predetermined but largely an outcome of the political context. In terms of its positioning in regards to the state, civil society is transgressive when it challenges public authority (while still being shaped by it).<sup>2</sup> There is a zero sum relationship between civil society and the state: the stronger civil society, the weaker the state. Civil society may directly challenge an authoritarian state (even when operating in secret). Transgressive civil society is usually led by a self-proclaimed vanguard. As most people at most times avoid the dangers and disadvantages of open confrontation with a non-democratic regime is likely to bring with it, activists in such a situation are usually few in number while at the same time claiming to speak for a larger civil society and/or which suffers from "false

consciousness.” Only when mass mobilization against the regime take place does “civil society” usually emerge in the public sphere.

It is useful to distinguish three kinds of transgressive civil society based on different understandings of democracy. Much recent literature has focused on liberal democratic view of civil societal efforts to push for democratic transition. While this may also be the most widespread challenge to states in the contemporary world, it is not the only possible kind of opposition. Much classical analysis of civil society focused on the need for it to reign in state despotism, a tradition recently revived by Eastern European dissidents and other democrats in democratizing civil society. But it should not be forgotten that in the mid-19th century the Marxist tradition turned this classical assumption on its head. Marxists argued the capitalist state was supported by bourgeois civil society to fend off the demands of the working class (a point which Gramsci elaborated upon and refined). Civil society may also offer a broader critique of the class system or secular values the state is seen to defend and underpin. It sees “formal” or “political” democracy as but the first step in a truly democratizing project of major socio-economic and/or cultural change.

Still another kind of opposition-based civil society which stresses an understanding of democracy-as-participation identifies the chief problem as ethno-religious (including gender) exclusion and clientelist ties that cause discrimination and foster dependency. Here NGO-led civil societal activists pursue, often at the local level, what can be termed “citizenship” strategies in order to teach the oppressed their rights and help them break out of exploitative ties.

On the other hand, however, the relationship between civil society and the state may be symbiotic, when civil society cooperates with or is coopted by the state, although at the same time it often strives to constrain abusive public authority. The relationship analyzed here is a positive sum one, where both the state and civil society profit from mutually beneficial ties. This cooperative form of civil society may be found within a highly modernized liberal democracy in which civil societal social capital contributes to the effectiveness of the democratic system’s operation. Alternatively, however, particularly in democracies in less developed countries with strong class cleavages, an “elitist” civil society may side with a weak democratic state, or a weakened authoritarian one, when public authority is confront-

ed by pro-poor groups, parties or leaders demanding or promising social improvements for the disadvantaged. This paternalist form is close to Gramsci's vision of "bourgeois" civil society building trenches to surround state power to protect it from threatening social revolutionary groups. Finally, "neo-traditionalists" may call upon the state to defend older cultural norms against perceived threats of modernity.

I have spoken of "civil society" as if it were unitary, which it is not of course. Far less than the state, which many political analysts reify in order to treat as if it were a single actor, or even the economy, which is united in the "market," civil society is a site of disparate groups pursuing different agendas. One useful way of conceptualizing civil society is as a site of competing "strategic groups." These can be defined – in the tradition of the so called "Bielefeld approach" in developmental sociology – as "collective actors striving for a share of power in society" (Berner, 2001). These groups cannot be "read" off the social structure, nor are they the result of the arbitrary decisions of any particular individuals to join together to form a group. Rather, "strategic groups" as a mid-range theory analyses how certain organized networks of collective actors form within a particular societal context. In developing societies, subaltern groups are usually incapable of striving systematically for their interests because they often remain "quasi-groups" unable to act collectively in a long term, planned, and thus strategic sense. Subalterns tend to lack communication channels, media influence, and political connections necessary to get their "voices heard" more openly. They also do not possess a resource – material or ideal – which they can control/appropriate as the base for making power claims. When they are mobilized, it is usually by dominant strategic groups.

In the case of civil society, the "star" strategic group has long been non-government organizations (NGOs). They are considered prototypical of civil society because they are usually founded independently of the state and free of market influences (although, confusingly, there are NGOs started by governments and ones that are profit making). As foreign donor money has flowed into developing countries, many NGOs have become well-funded and able to decide what the key problems to be addressed are (McDuie-Ra, 2008, 75). Sometimes NGOs are involved in social movements and protests, in others in sub-contracting and provision of services. The internet and mobile phones which have eased social networking have created a "global civil society" (Keane, 2003), also termed "activists be-



yond borders" (Keck and Sikkink 1998). But despite much hyperbole about de-territorialization, most NGOs still operate in primarily in a national context in developing countries (McDuie-Ra, 2008, 17). Besides being a key strategic group in civil society, NGOs are also a chief advocate of this concept itself. Seeing themselves as "inclusive, vigilant, and progressive social forces in cooperative and oppositional relationships with the state and the market," civil society has become a popular way for them to frame their own activities (McDuie-Ra, 2008, 15). As part of the "professionalization" of civil society, much organizing and mobilizing has been undertaken (and taken over) by NGOs rather than more spontaneous organizations and protests of the past, on the one hand, and well-organized, highly ideological social movements, on the other.

But particularly the literature on civil society in India has stressed the limits of an NGO-centered understanding of civil society. It acknowledges that "the rise of NGOS has brought a qualitatively different way of doing things: campaigns rather than social movements, lobbying government officials rather than politicizing the population, working through networks rather than civic activism, and a high degree of reliance on the media and judiciary rather than on direct action" (Chandhoke, 2011, 175). However, it would be misleading to overlook other key "strategic groups," to use the terminology of this paper, operating in the intermediate sphere between the state and the market. Ethno-religious groups often have restricted and discriminatory bases for joining which violates the NGO-principle of open, secular, and non-discriminatory membership criteria. These exclusionary groups put forth group-specific demands. In Putnam's terms (1993, discussed in more detail below) they rely on in-group, "bonding" social capital, rather than cross-cutting, "bridging" forms. They often fan the flames of intolerance rather than dousing the fires of hatred.

Yet Susanne Rudolph (2000, 1767 cited in Chandhoke 2011, 177) has argued that such groups can only be excluded from civil society at the cost of a broader understanding of the intermediary sphere as an arena of conflict and cooperation. It is misleading to brand them "involuntary organizations" as ethno-religious identities are constructed and selected, making them "the product of intention and cultural construction as much as birth." While many groups have agendas that are "modified and brought into line with other agendas that strive for democratization of the general social and economic order," other groups single-mindedly pursue projects

at the expense of others, such as Hindu nationalist religious right groups like the Rashtriya Swayam Sevak Sangh (RSS, the National Self-Service Alliance) in India. Though rightly termed “bad civil society” (Chambers and Kopstein 2001), they should still not be excluded from the concept of civil society altogether. Because such groups claim to represent particularly cultural identities and often provide social services (such as in moments of national disaster), they may earn a great deal of trust among the population. Therefore, “the only way in which uncivil organizations and their undemocratic agendas can be neutralized is through contestation in civil society itself” (Chandhoke, 2011, 178-79).

### **“Arendtian” democratizing civil society**

This is the category of civil society most celebrated in many recent discussions (Keane 1988; Cohen and Arato 1992; Keane 1998, and, more critically, Ehrenberg 1999, chp. 7). Articulated by Eastern European dissidents in the 1970s and 1980s, the “revolt of civil society against the state” became the rallying cry the 1989-91 anti-communist revolutions (Ehrenberg 1999, 173). This was civil society at its most transgressive. Reacting against an intrusive state that monopolized not just politics but also the economy while trespassing into private life, oppositionists in Eastern Europe strove for what the West already had: political freedom, free markets, and personal autonomy. Civil liberties would protect against arbitrary state interference in citizens’ lives by a despotic communist state. The only legitimate role of the state “was to defend the institutional bases of a depoliticized, independent, pluralist, and self-organizing civil society” (Ehrenberg 1999, 193).

Hannah Arendt’s theory of political revolution helps elucidate the philosophical foundations of democratizing civil society in Eastern Europe, Latin America and elsewhere. Arendt saw a “republican” moment in revolutions that “re-creates the classical model of the public” (Cohen and Arato, 183). In *On Revolution* (1963/1990) Arendt contended that political revolutions that strive for liberty against tyranny foster the rise of citizen participation, political pluralism, and democratic rule (Arendt 1990). Invoking Thomas Jefferson’s republican ideals, she argues that one cannot “be called happy without his share of public happiness, that no one could be called free without his experience in public freedom, and that no one could be called happy or free without participating, and having a share, in public power” (Arendt 1990, 225).

The “social question” (discussed more below) was largely absent from Eastern European dissidents’ democratizing narrative in part because they rejected it as a socialist utopia but also due to the relative equality of Eastern European societies – including a virtually equal decline in all people’s living standards as economic performance lagged. The combination of relatively egalitarian wealth distribution and political oppression had a “homogenization” effect: an undifferentiated society directed its anger at the top leaders of the party-state seen to be repressive and responsible for uniformly declining living standards (Bunce 1999).

Although hostile to communist parties with their vanguardist claims of leading society towards socialism, Eastern Europe dissidents constituted a kind of vanguard themselves, albeit of a different type. Instead of creating a Leninist-style organization, they preferred more laid back forms of leadership. (It is telling that Eastern European dissidents such as Czechoslovakia’s Vaclav Havel and the East German civil society leaders had to rush back from vacation to lead rebellions that had already begun!) Havel spoke of dissidents “living within the truth” while much of society, fearful of regime repression, “lived a lie” (Havel 1985). Western journalists, who scoffed at the small number of oppositionists in most Eastern European countries, were upbraided by dissidents who claimed to merely saying out loud what all others were thinking in secret (Garton Ash 1993). These claims proved to be prophetic as millions turned out for mass protests in 1989 that had seemed unthinkable even a few months earlier. In Latin America, military regimes faced similar legitimacy crises. This helps explain why democratizing civil society often emerged suddenly, largely spontaneously, cutting across class and sometimes even ethnic lines to overthrow despotic regimes in largely non-violent “democratic revolutions” in Eastern Europe and Asia (Thompson 2004) as well as Africa (Schraeder 1995).

The character of democratizing civil society also helps elucidate why it has often involved broad alliances, sometimes between otherwise ideologically opposed groups. In the Arab Spring, largely secular and social well-networked NGO’s opposed aging dictators alongside Islamist groups. In Indonesia, there was a similar secular-nationalist, Islamist alliance against the Suharto regime. Social revolutionary groups played a key part in democratic movements in many recent transitions such as Nepal where Maoists recently formed a government after parliamentary elections. In Latin

America, civil society became the “political celebrity” of anti-authoritarian movements by emphasizing societal opposition to the state and unity among otherwise disparate opposition groups (Stepan 2001, 101-102). These alliances are in many cases temporary, with civil society groups going separate ways in the post-transition situation, from secular to traditionalist, from participatory to more elitist.

The link between civil society and liberal democratic transitions is not necessarily economic modernization – Eastern Europe and much of Latin America were relatively advanced economically but many countries in democratizing Asia and Africa were much less so. The middle class played a role in democratic transitions in many countries, but so did other social groups. What was crucial was the character of non-democratic regimes. While in theory thoroughly totalitarian regimes leave no room for societal autonomy, in practice Eastern European dissidents were aware that after Stalin’s death totalitarianism had thawed somewhat (Havel 1985, chp. 1, called such regimes “post-totalitarian”, a classification Linz and Stepan 1995 also adopted). At first anti-government dissidents strove to create the equivalent of “liberated zones” free of state control; later they were at the forefront of anti-regime movements that toppled communist rule throughout Eastern Europe. In Latin America and much of Asia, authoritarian regimes began to liberalize to a limited extent (known as the “*abertura*” or “opening” in Latin America) allowing civil society to emerge from hiding.

Given the economic failures, ideological hallowing out, and faltering repressive apparatuses, non-democratic rule proved particularly vulnerable to anti-despotic civil society during the “third wave” of democratization (Huntington 1991). The most recent addition to the long list of regions that have undergone substantial democratization is North Africa and much of the Middle East during the (ongoing) Arab “Spring” of 2011. Here too it was less the rise of a middle class demanding democracy, than it was authoritarian Arab regimes’ arbitrary repression, financial crises, and loss of legitimacy that was crucial in explaining popular uprisings. Goldstone (2011, also see Chehabi and Linz 1998) argues that it was the primarily “sultanistic character” of the regimes in Tunisia and Egypt - extreme personalism, arbitrary rule and irresponsible economic management - that are the key to explaining why revolutions succeeded there.

### **"Leninist" social revolutionary and "Peronist" populist civil society**

Hannah Arendt has influentially argued that the dominant model of revolution since Marx (who in turn claimed to be interpreting the "inevitable" course of the French revolution) has been a preliminary political stage followed by culminating social one. As revolutions have generally occurred in poor countries, the achievement of political equality has led the spotlight to be turned on the existence of widespread poverty. Civil liberties seemed to pale into insignificance as the "Rights of Men" were transformed into the "rights of the Sans-Culottes" with freedom being abdicated in the "face of necessity" (Arendt 1963/90, 61). If in a condition of regime tyranny, political rights came to the forefront, the overthrow of a tyrant merely uncovered another, graver injustice: the exploitation of the workers by the capitalists (be this within a liberal democratic framework or not). This, Arendt argues, is why "social question" has often become the dominant concern of "professional revolutionaries" and the masses they have mobilized by the hundreds of millions in the Russian, Mexican, Chinese, Cuban, and Nicaraguan revolutions. But the civil society literature has generally ignored social revolutions. Because social revolutionaries often employed violence in the course of their revolutionary struggles and as they later founded regimes that were highly totalitarian or at least had totalitarian tendencies - largely destroying autonomous civil society in the attempt to turn societal groups into "transmission belts" as Stalin termed it - they have been seen to place themselves outside the realm of civil society. Moreover, social revolutionaries often propagated anti-individualist, collectivist ideologies, challenging liberal democracy in the name of a higher socialist good. Even with the collapse of Soviet communism and the rise of "market-Leninism" in China, this social revolutionary trajectory persists. Major Maoist movements can be found in Nepal, India, the Philippines and, until recently, in Peru (Marks 1996).

It has also been plausibly argued that in recent times many social revolutionaries have been Islamists. Although an insult to by Marxists who consider their movement universalist and enlightened, supposedly "medieval" fundamentalist movements are actually modern ones strongly influenced by Western models committed to extensive social revolutionary change (Berman 2003; Gray 2003). The Iranian revolution of 1979 is generally considered the last great social revolution to date (Skocpol 1994; Parsa, 1989).

To what extent do social revolutionary movements involve civil society? Since Maoist and Islamist movements commonly rely on violence and terror to achieve their aims, they are of course ruled out categorically by authors who define civil society in terms of non-violence (for example Keane 1998 and Pearce 2011). But is this definition by slight-of-hand reasonable? Social revolutions are the products of “mass movements”. Maoist and Islamist parties, though sometimes resorting to terror to keep their own followers in line, often enjoy genuine and enthusiastic support from the masses. These movements involve not just tens of thousands of revolutionary soldiers, but millions of civilians organized in “front organizations” of various sorts (peasants, women’s groups, student activists, etc.) supporting the insurgency mostly out of conviction. From a liberal democratic perspective their goals may not be admirable, resulting as they often have in new forms of tyranny, in the Soviet Union or China, on the one hand, or in Iran and Afghanistan under the Taliban, on the other. But mobilizing civil society has been the key to the success of their revolutionary effort.

Gramsci articulated a theory of “counter hegemony” in civil society to aid socialist revolution. But Gramsci was a famous theorist, not a successful revolutionary. In this sense, social revolutionary civil society is better characterized as “Leninist”. Lenin famously articulated his theory of vanguardism in his 1901/02 tract “What is to be Done”. He questioned whether the masses would spontaneously seek revolution. Instead, unions would be confined to “trade union consciousness”, reformism involving efforts to improve the wages and working conditions of the workers without fundamentally transforming society. For Lenin, the revolution could only be led by a disciplined party properly schooled in Marxism. With its higher level of consciousness, it could lead a social revolution. The greatest Islamist theorist Sayyid Qutb articulated a similar vision for a small, dedicated group needed to bring about a rebirth of Islam. As Berman (2004, 93) writes:

“Islam’s champions seem to be few, but numbers were nothing to worry about. The few had to gather themselves together into what Qutb in *Milestones* called a ‘vanguard,’ by which he meant a tiny group animated by the valiant spirit of Muhammad and his Companions at the dawn of Islam. The vanguard had to undertake the renovation of Islam and of civilization all over the world. The way to begin was to live an Islamic life themselves – by following the precepts of Islam and by holding themselves aloof from the wider society and its heathen customs. The vanguard had to form a

kind of Islamic counterculture – a mini-society where true Muslims could be themselves” (cited in Berman 2003, 93).

Whether Marxist or Islamist vanguards, revolutionary activists aimed to mobilize the masses in the cause of social justice and/or religious purity. Civil society may have been reduced to the object of the revolution by the revolutionaries, but it was still decisive for them to find the “proper” ways to mobilize it. Although the heyday of social revolution – both Maoist and Islamist – appears to have passed, it was once one of the most significant forms of civil society.

In much of the contemporary world, however, social revolutionaries have been displaced by “business” or “left” populists. The decline of leftwing Marxist movements worldwide since the fall of communism in Eastern Europe meant that would-be populist politicians enjoyed a large political space in which to launch bids to woo the “unorganized masses.” Despite being an inexact, slippery and impressionistic political narrative, one common feature of populism is that “the people” — simple but good — are contrasted with the elite — privileged and greedy (Canovan 1999 and Taggart 2000). This does not mean, however, that “populism” actually involves the rule of the people. Leading “populist” politicians have often been elites, albeit political outsiders and “black sheep” in terms of social habitus in the Bourdieuan sense. Populist politicians once relied upon organized labour (for example, Peron in Argentina in the 1940s and 1950s). But “labour” populism has been in decline, with more recent populists drawing support from large informal sectors of the urban poor and marginalized rural populations. Recently, there have been “business” populists in Peru (Fujimori) or Thailand (Thaksin) but also “leftist” populists such as in Venezuela (Chavez) or Bolivia (Morales) (Roberts 1995; Weyland 1996; and Pasuk and Baker 2005). While the latter have undertaken transformative economic programmes that have made major changes to the economy, business populists usually made only perfunctory alliances with NGO-activists while their more important allies were their business cronies. But while often pursuing neo-liberal economic programmes they have still enjoyed large followings in the “informal sector” of the urban poor and marginalized rural population.

Despite important differences between “labour”, “leftist”, and “business” populism, they share a common attitude toward civil society which can, in

a potted version, be referred to as "Peronist". Populist civil society in this sense is about the inclusion of previously excluded "popular" sectors. But this inclusionary stance does not stop at liberal notions of citizenship that focus on political rights. Populism redefines citizenship to include social identities usually based on class, but also including ethnic, regional and even religious identification (a combination one sees in current Bolivian populism, for example). As Daniel James (1994, cited in Barros and Castagnola, 2000, 29) argues, Peron was able to "recast the whole notion of citizenship within a new social context ... Citizenship was not defined simply in terms of individual rights and relations within political society any longer, but was now defined in terms of the economic and social realms of civil society." This put the project of "social justice" at the forefront of the effort to mobilize the down and out "popular sectors" of civil society. Political identities were enlarged by giving them social scope (Barros and Castagnola, 2000, 29). Metaphors of war were employed to dramatize social divisions (a strategy which Gramsci has also used in his metaphor of the "war of position" progressives needed to wage against the "bourgeois" state and its societal supporters). This turned politics into a battlefield between supporters of "the people" and defenders of the established order (I return to this point with the discussion of "elitist" civil society below). This explained the extreme polarization that even "business" populists who did not challenge prevailing macroeconomic policies (such as Thailand's Thaksin or the Philippines' Estrada) but nonetheless have provoked harsh reactions from traditional elites and their often "progressive" civil society supporters. Populist civil society, like its "Leninist" predecessor, assumes that the masses require a vanguard, albeit elected politicians rather than secretive revolutionaries. The "civil society" they mobilize is transgressive not just against the political regime, but also the social structures that underpin it. Like revolutionaries of the past, populists mobilize around class and other social cleavages in their battle against "corrupt elites".

### **"Rousseauian" citizenship-based civil society**

Jean-Jacques Rousseau believed classical liberalism could not explain how human beings become fully human in civil society (Ehrenberg 1999, 153). Liberal theories of John Locke or Adam Smith were not up to the task as civil society is much more than merely the sum of the advantages it offers to individuals. Civil society is a moral association of people who together participate in the political life of the community. An "updated" Rousseauian perspective might suggest that liberal democracy is not a sufficient condi-



tion for the flourishing of civil society, as it only ensures the protection of individual rights and interests, not a universalist orientation of what is best for the community. Rousseau's critique of political factions and personal dependence is taken up by his contemporary followers in their attacks on clientelist networks and ethno-religious discrimination. But just as Rousseau argued that such a community can best be realized on a small scale, so his contemporary followers tend to focus on the local level.

What relevance is this to our understanding of civil society? NGO groups promoting economic and social development often take what can be considered a "Rousseauian" orientation. They pursue what can be called citizenship strategies, weaning the poor and oppressed from clientelist ties and ethno-religious identities that reinforce such backwardness (Fox 1994). A recent study of local civil society in India points to the difficulties that "NGOs, social movements, community groups, religious organizations, and advocacy networks" seen as "inclusive, vigilant, and progressive social forces" confront in their efforts to foster citizenship (McDuaie-Ra, 2009, 16). They face a complex reality,

"Not all actors involved in civil society share a particular normative vision, nor do they all follow progressive ideologies or methods. The organisations investigated in this study range from well-funded formal organisations, to part-time collectives, to ethnonationalist organisations with close ties to insurgent groups. Many of these organisations do not appear in analytical frameworks...Yet these organisations all have an impact on which issues are contested and politicized in civil society and who participates in politics, and thus a more complex understanding of the aims and types of organisations existing in local contexts is vital" (ibid.).

Exclusionary aspects of local civil society must be recognized. These can constrain and marginalize the underprivileged. This form of exclusion is usually hidden not just behind dominant ideologies but away from national politics in localities where there is little political transparency or social justice (ibid., 23). Such constraints lead Fox (1994, 151-152) to argue that limiting one's view of democracy to "classic procedural terms" misses "another necessary condition for democratization: respect for associational autonomy, which allows citizens to organize in defence of their own interests and identities without fear of external intervention or punishment." Fox argues further that

"While most analysis of the emergence of electoral competition concentrates quite appropriately on high politics - on the pacts that define the rules of contestation and the founding elections that shape much of national politics. But to analyze the effective extension of the full range of citizenship rights throughout a society involves studying how most people are actually represented and governed - before, during, and after the historic turning points of high politics. In this process, intermediate associations are crucial complements to political parties because they are potentially more responsive to the inherent diversity of societal interests..." (ibid., 152).

Fox asks "how regimes begin to accept the right of citizens to pursue their goals autonomously" which will allow "subordinated people make the transition from clients to citizens?" (ibid., 152-153). The key is that that "representative societal organizations" come to be accepted "as legitimate interlocutors." The result is that "poor people gain access to whatever material resources the state has to offer without having to forfeit their right to articulate their interests autonomously" as is the case with clientelism. Clientelism relies on "material inducements" by local elites supported by national politicians in interlocking networks to "enforce compliance" and "punish noncompliance" among subaltern clients to maintain their dependency of local "strongmen" patrons. This is particularly obvious in places where "violent electoral machines" reign in the backward areas of a society, such as in Mexico, the Philippines, Colombia, and Brazil in the 1980s. But it is even, at least partially, the case in "semi-clientelist" contexts in which there is much less reliance on force and much more on material inducements to maintain clientelist networks that stretch from the local to national levels. But even here the ideals of pluralism based on organizational autonomy go unfilled (ibid., 157-158). This "citizenship" project of breaking clientelist stranglehold on poor voters has moved to the centre of NGO agendas in Mexico and, Fox suggest, in many other developing countries as well. Citizenship can be achieved when clientelist chains have been thrown off, with local elites forced to accept the organizational autonomy of their once subordinated clients.

In the case of Northeast India, despite national-level electoral democracy, the Meghalay regional government "has continually harassed, denounced, and banned" NGO-organizations striving to increase political participation and local autonomous organization in the area. Though recently the

Meghalay government has proved more cooperative with NGOs (though also cooptive, including efforts to found NGOs of its own liking), nominating them for government boards, the “political space” for NGOs in the area remains “very small” (McDuie-Ra 2009, 75). In India, a major obstacle to the NGO goal of enhancing citizenship has been discriminatory and inflammatory ethno-religious groups. Thus, while “democratizing civil society” may have succeeded at the national level, the deepening of democracy to include real citizenship for the disadvantaged has often been defeated locally due to a combination of clientelist networks and “bad” ethno-religious civil societal groups. Thus, the “Rousseauian” efforts of many NGOs in developing countries face significant obstacles. Successful NGO “citizenship” projects can thus be seen as highly transgressive against formally democratic states still dependent on discriminatory religious categories and widespread clientelist networks to maintain political control.

### **“Putnamian” civic minded civil society**

Robert Putnam’s influential book *Making Democracy Work* stresses “civ-icness,” or a sense of civic community, which is based on a “dense network of secondary associations” (1993, 376). Such a civic mindedness is distinguished by its “active, public-spirited citizenry, by egalitarian social relations, by a fabric of trust and cooperation” (ibid., 15). By offering an invidious (and stereotypical) comparison of northern and southern Italy based on 1970 reforms which devolved substantial power to newly created regional governing bodies, he claims to show that “social capital” is stronger in the north than in the south of Italy. This *longue durée* argument is about the impact of varied political cultures in different parts of Italy. Northern Italians are involved in civil associations, read newspapers, actively participate in public affairs, and vote regularly according to issues that concern them. Southern Italians, by contrast, tend to be distrustful of politicians and politics generally, are caught up in a web of patron-client ties, which fragment society and contribute to political apathy. Whereas the evolution of commercial republics in the north contributed mightily to the development of a vibrant civil society there, in the south the legacy of centralizing monarch and the undue influence of the Catholic Church contributed to traditions of inequality and dependency to the present. Putnam’s argument can also be interpreted as a comparison of “modern”, civil societally strong northern Italy versus the “backward” society of southern Italy, a kind of Banfieldian “amoral familism” (Banfield 1958) redux. Modern civil society “bridges” social cleavages, building strong ties that “make de-

mocracy work." Backward civil societies build up at most clientelist bonds within ascriptive groups, weakening democratic governance.

Putnam's argument bears a certain resemblance to "Rousseauian" civil society. As we have seen above, clientelist pyramids extending from a corrupted national state down to localities have been used to cow the poor, subordinating them to the wills of local strongmen. Putnam's "social capital" represents the happy ending that results from the decline of clientelism and emergent citizenship in a cooperative relationship with the state. If clientelism primarily involves "bonding"-social capital, citizenship is an expression of its "bridging" capabilities. In this context, Putnam's argument has also been adapted to explain why sectarian violence does or does not occur in different parts of India. Ashutosh Varshney has argued (2002) that where contacts have been made and ties established across ethno-religious communities, tensions have moderated and violence pre-empted. By contrast, where such "bridging"-social capital is lacking, communal violence has been much more frequent. As plausible as the argument appears, it understates the importance of right wing religious extremists in fomenting violence. Recent research suggests the RSS, the National Self-Service Alliance has worked tirelessly to instil hatred among majority Hindus toward the Muslim minority (Chandhoke 2009; 2011). Yet, the goal of inclusive and tolerant citizenship remains a key one for "progressive," Putnamian civil society.

Although Putnam himself has been accused of ignoring issues of social injustice (a charge made against de Tocqueville's analysis of early 19<sup>th</sup> century America as well), his theory of civil society is not logically opposed to efforts to increase equality. For example, in South Korea, the student-led radical minjung movement in South Korea in the first half of the 1980s enjoyed strong support from labour groups and, in its final phase, successfully mobilized broad support from among professionals. It played a major role in forcing authoritarian elites to undertake a transition to democracy beginning in 1987. Students also backed unions demanding (and for the most part receiving) large pay increases in the immediate post-authoritarian period. While more recently student groups have declined, being replaced by citizens groups dominated by professionals more concerned about issues of governance and economic growth, civil society has helped address major sources of social inequality. As a whole, civil society's transition from being "confrontational" - taking a transgressive

stance toward the state – towards being more cooperative (contributing to the deepening and stabilization of democracy) was a relatively smooth one in South Korea (Kim 2004).

One final point about Putnam's "civic minded"-civil society argument needs to be considered. What is the relationship between the grassroots where social capital is incubated and the organizational level where civil society is said to be hatched. Some authors (most recently Woolcock 2011) attempt to distinguish Putnam's "social capital" (which actually draws on Coleman, 1988) from "civil society" itself. The latter is a "higher unit" of analysis that "comprises those organizations that complement (and contextualize) states and markets" while social capital involves the "norms and networks" that allow people to act collectively. Besides unnecessarily complicating the idea of an "intermediary" or "third" sphere between the state and the marketplace, such a distinction obscures the fact that the very social capital people at the "grass roots" are said to acquire is done so within "civil society" organizations and not as isolated individuals.

Nonetheless, the relationship between the "grassroots" and organizational level of civil society has run through much of the discussion of the supposed decline of social capital in the West (and particularly in the U.S.) and its previously unrecognized strength outside the West (a commonly cited example is Japan). While in the U.S. policy-oriented advocacy groups have proliferated, Putnam (2000) claims civic engagement itself is in decline. Membership of special interest groups may be high on paper (such as of gun ownership associations or environmental groups), but the extent of actual citizen involvement in these causes has generally fallen precipitously. One adverse impact of this trend, aside from a general decline in the quality of "citizen engagement", has been that debates about national policy in the U.S. have been largely handed over to representatives of (unrepresentative) political interest groups. The proliferation of advocacy groups has not made civil society healthier, but more anemic. Putnam (2000, 342, cited in Pekkanen 2004, 245) worried that while "Americans at the political poles are more engaged in civil life...moderates have tended to drop out." Such "civil disengagement" in the U.S. by the political centre is a "frightening price to pay and could (!) lead to highly polarized debates without compromise" (Pekkanen 2004, 245; question mark and exclamation point added). Japan, by contrast, once seen as a place where civil society is obscured behind by the long shadow of a strong state, now looks

like a promising alternative. Robert Pekkanen (2004, 224) argues that it has “an abundance of small local groups and a striking dearth of large independent advocacy groups”. This allows social capital to be generated locally without unnecessarily polarizing the national debate. Brad Williams, in a study of irredentist movements in northern Japan, adds a cautionary note, however. He finds that even at the local level Japanese civic groups “designed to aggregate and articulate local interests” are increasingly “finding themselves less representative of public opinion” as they become “bureaucratized and closely linked to the state” (Williams 2010, 242-3). This suggests Pekkanen’s argument about “grassroots without advocacy” in Japan may be too simplistic, as the grassroots continues to lack even a voice locally with civic groups there also coopted by the state. A compromise (if bland) position would be to say that a well-functioning civil society requires both policy-based advocacy (holding national politicians accountable beyond elections) and grassroots civic mindedness (without which “bridging” of extreme positions is less likely). Reality is, as usual messy, with deficits in both advocacy and local civic groups all too evident even in two of the richest countries in the world, the U.S. and Japan. It shows that even in “advanced” societies, civil society and civic-mindedness remain a goal rather than an accomplishment. Nonetheless, with all its flaws, both policy advocates and grass roots activists do in many ways help make democracy work better, if still not particularly well.

### **Gramscian “elitist” civil society**

Gramsci famously shifted Marxism’s primary focus on the “bourgeois” state to the societal norms and institutions as the key supports of the capitalist system. Bourgeois political rule was not merely based on force, but also relied on the manipulation of culture justified by a hegemonic ideology ensuring that capitalism was accepted across the class lines. Gramsci argued that the:

“massive structures of the modern democracies, both as State organizations, and as complexes of associations in civil society, constitute for the art of politics as it were the ‘trenches’ and the permanent fortifications of the front in the war of position...” (Gramsci, 1971, cited in Ehrenberg, 1999, 209).

With his emphasis on civil society, Gramsci could plausibly explain the failure of social revolution in Italy and most of Western and Eastern Europe despite World War, financial crisis, working class rebellions, and the defec-

tions of many intellectuals to the socialist side (Ehrenberg, 1999, 208). But like theories of "social revolutionary" civil society discussed above, the decline of anti-capitalist Marxist insurgencies - as well as Islamist movements trying to topple secular governments in Muslim countries - seems to have diminished the relevance of Gramsci's analysis. But Gramsci's thoughts on civil society have recently enjoyed a renaissance in explaining elite reactions to electoral populist movements (also discussed above). Although no longer facing an armed challenge, elite groups have reacted not just with coups and other forms of violence against such populist challengers, but have also tried to mobilize "civil society" in defence of the status quo.

Somchai Phatharathananunth (2006, chp. 1) has coined the term "elitist civil society" to characterize ideas that emerged from a reformist movement in Thailand in the 1990s.<sup>3</sup> It was based on a paternalist ideology espoused by Prawase Wasi and other prominent public intellectuals in Thailand who were at the heart of the "royal liberalism" in Thailand: a moderate wing among the key elites in the Thai establishment made up of the King, the military and leading businessmen with close ties to both (Connors 2008). In the Thai context, "the elite civil society concept emphasizes cooperation between the state and social organizations" claiming that both "are components of 'civil society'" (Somchai 2006, 7). Tellingly, such an "elitist" symbiotic view downplayed the importance of "civic mindedness" at the grass roots level. On the contrary, Prawase "believed that building civil society from below had no future in Thailand" (ibid). In part this was due to the defeat of the Thai communist party in the late 1970s (Marks 1996, chp. 1). But it was also because of an ideology of "partnership" in which, in order to avoid confrontation, Prawase proposed between the state, business, NGOs, local elite and intellectuals. In an effort to achieve "good governance," civil society should be led by "good" and "capable" elites in order to carry out necessary reforms. Problematically, this idea of an "enlightened" elite was assumed rather than proved. Conceived of paternalistically, civil society would make sure reforms of the status quo were gradual and done in cooperation with the state - despite the fact that the latter was plagued by overcentralism, clientelist networks, and bureaucratic corruption! (Somchai 2006, 7-9).

To understand the character of the confrontation between "elite civil society" and populists, it is necessary to look briefly at populism's rise. In

the case of the Philippines and Thailand, the corrosion of the party system through money politics gave “business populists” (Pasuk and Baker 2005) there a window of opportunity to overturn existing political structures. Though very different “characters” (Thaksin Shinawatra was his country’s leading entrepreneur, Joseph Estrada was a famous tough-guy actor), these populists shared much in common. They had both been encouraged by “civil society”-oriented NGO activists to make appeals to poor, particularly rural voters disadvantaged by highly unequal development between cities and the countryside. This strategy was wildly successful, with both candidates winning landslide electoral victories against old-style politicians, thereby dramatically changing the political landscape. The key to their success was both circumventing traditional clientelist networks (through direct, media-made populist appeals) and centralizing them (attracting politicians to join them both based on their charismatic hold on voters as well as the money they could contribute to politicians’ election campaigns). They were rent-seeking populists who themselves had become rich through state connections (Thaksin’s cosy telecommunication contracts) or whose closest associates had done so (Estrada’s chief financier Eduardo Cojuangco had made his fortune as a Marcos crony). Although Thaksin did help the poor (particularly through cheap credit and health care) and both remained popular among the impoverished (although Estrada had done little for them), they tarnished their reputations by using state power for financial gain (Thompson 2008).

Disillusioned, many NGO activists turned against these populist regimes (Reid, 2008). They were supported by capitalists who felt disadvantaged by the regime’s self-interested “entrepreneurship”. Revelations by close friends turned enemies and major financial scandals were triggers that led to renewed mobilization by student and NGO activists backed by much of the big business community and by religious-moral figures such as Corazon C. Aquino or Chamlong Srimuang, respectively. Once employed against dictators, the elitist discourse of “good governance” now came to be directed against democratically elected leaders by big business, elite moral guardians, and their middle class supporters (Thompson 2008). In Thailand, the military overthrow of Thaksin, backed by “tank” intellectual supporters, was criticized for being a “coup for the rich” (Ungpakorn 2007). Military rule was weak and incompetent, leaving new elections as the only way out. After a pro-Thaksin successor party won at the polls (after his earlier populist party had been banned), “civil society” protests



against Thaksin and his supporters were revived. In late May 2008, the People's Alliance for Democracy (PAD) began daily protests broadcast 24/7 live on satellite TV, radio and the internet, a "grotesque mix of reality show and a political campaign" as Kasian Tejapira has aptly described it (2008). But when PAD protests failed to remove the PPP government during the summer of 2008, the group resorted to more radical action at the end of August, seizing the main government compound and the international airport. But it was not only the PAD's tactics which had radicalized. It abandoned any pretense of protesting to "save" democracy as it had claimed to do in its earlier campaign against Thaksin. They now called for a sweeping "new politics" which would involve an undemocratic restructuring of the political order, with 70% of the seats in parliament to be appointed. PAP leaders said openly and repeatedly said that "representative democracy is not suitable for Thailand" (Thompson 2008).

Eva-Lotta E. Hedman (2006) has argued that such counter-mobilization can best be understood in Gramscian terms as an attempt by a threatened elite to restore its hegemony. Challenged by elite but "outsider" populist politicians representing poor voters, royalists, the military, the urban elite and NGO activists in Thailand resorted to extra-constitutional measures to regain their predominance in the political system. Unable to win in the electoral arena, this elite used insurrectionary tactics instead.

### **"Burkean" neo-traditional civil society**

In "elitist civil society" in the Philippine and Thai context as well as in other developing countries (particularly in Latin America) where populist threats to an established national order emerged, the predominant cleavage dividing the camps was "class" (although also sometimes regionalism and ethnic differences, particularly between native Americans and the descendants of white settlers in South American countries such as Bolivia). "Burkean" civil society, by contrast is in large part a reaction to efforts to "modernize" society, particular at the local level. By attacking clientelist forms of political authority and religious forms of legitimation, "citizenship"-oriented civil society makes enemies of those who back those authorities and appeal to these traditions.

Burke took Rousseau's ideas and the results of the French revolution as his foil. In particular, Burke targeted well-intentioned but ultimately disastrous plans to "save humanity" in the name of universal citizenship. He saw

democratic levellers of centuries of social and religious tradition as assaulting the very notion of civilization itself, which was something that slowly grew over the years like tree rings of customs, institutions, and practices (Ehrenberg 1999, 157). Unlike the French, whose revolution caused untold damage in a short period to that country's long history of civilization, the British had been wise enough to understand the value of history and custom, preserving them through the turmoil of the English Civil War and the "Glorious Revolution" which restored the monarchy, albeit with some evolutionary changes. Gradual transformation which preserved the best aspects of a country's history and cultural traditions was also to be preferred over reckless revolutionary blueprints based on abstract principles.

Current examples of "Burkean" civil society are largely to be found in the democratizing Muslim world. In Turkey moderate Islamists won decisive battles against secularists, with the Justice and Development Party (JDP) under Prime Minister Recep Tayyip Erdogan seemingly carving out space for a new "civic minded" civil society by shaking off "military tutelage" and authoritarian practices commonplace in the old Kemalist order. Yet the victory of Islamic-led, transgressive democratizing civil society did not so much result in the strengthening of bridging institutions (those that cut across religious and class cleavages) as Putman would have hoped, than in the attempt to increase "bonding" within Muslim traditions. With the decline of countervailing institutions in Turkey (particularly the courts), overwhelming electoral victories by the JDP which have weakened the secular opposition, and worrying non-democratic practices by government elites, it has become obvious that building social capital through cross-cutting ties is not the Islamist party's chief priority, however "moderate" it claims to be. After years of having to appease its military tormentors (who like the elitist opponents of populist leaders in Southeast Asia launched a kind of "soft coup" against the Islamists in the mid-1990s), JDP leaders have gradually unveiled a political agenda in support of religious-traditional values while tilting foreign policy towards other predominantly Muslim states (while turning abandoning friendly ties with Israel in favour of open hostile), and encouraging an increasing "Islamization" of the public sphere (Karadag 2011). Without doubt, as part of "democratizing civil society", the JDP played a vital role in consolidating Turkish democracy. The very act of bringing some religious practice back to the public sphere had democratic implications as secularist authoritarianism was long based on its repression of the country's Muslim traditions. In the name of modernization,

religious and cultural traditions were repressed and driven underground by the Kemalists. Yet once the Kemalists were forced on the defensive by the ascendant “moderate” JDP, the new political space was used more to revive Muslim traditions than to deepen civil liberties, as liberal allies of the Islamists had once hoped (Gurbey 2006).

A religious-based traditionalist civil societal groups also emerged in Indonesia. Muslim leaders played a vital role in the country’s democratization. Different from Malaysia where the some factions of the Islamist PAS opposition party had radicalized, key Islamic groups in Indonesia were characterized by their advocacy of “civil Islam” (Hefner 2000 and Uhlin 1997; for a more optimistic view of PAS see Case and Liew 2006). John Sidel (2001) has offered a critique of this optimistic view of Muslim “reformers-as-democrats” in Indonesia:

“In the Indonesia of the 1990s, after all, the struggle of ‘reformist’ Muslims was a struggle fought largely through, within, and for the New Order state...In this struggle, the enemy was not so much Suharto himself but rather the ageing dictator’s children, whose advantages in the contest over power, wealth, and the impending presidential succession were increasingly experienced – and resented – as a glass ceiling confining urban Muslim middle-class interests and aspirations. In the end, the call for Reformasi was indeed a call by modernist Muslims for the removal of Suharto, precisely when members of his family were poised to seize control of the armed forces, Golkar, and the cabinet, and, not coincidentally, when ICMI chief Habibie was installed as vice-president...The call for Reformasi should thus not be mistaken for a struggle for democracy or support for the broader process of democratization. Many urban middle-class modernist Muslims, including some of the ‘Muslim democrats’ lionized by Hefner, saw this as an opportunity to create a new regime of more Islamic but still authoritarian foundations.”

Sidel’s critique may seem harsh, particularly a decade later when Indonesian democracy appears to have consolidated, albeit at the price of its “quality” which is considered by many analysts to be low (Webber 2006), or even “defective” (Hadiwanata and Schuck 2007). This is due to the persistence of clientelist networks and systematic government corruption, which offends those hoping for a deepening of citizenship in the “Rousseauian” sense discussed above. But it also falls short of Putnam’s notion

of “bridging” social capital. Many observers have commented upon the implementation of Sharia law in many regions of Indonesia. Muslim “democrats” in Hefner’s telling of the tale of transition have, in many cases, become advocates of restoring traditions neglected or even suppressed under Suharto’s military rule.<sup>4</sup> As this regionally-based legislation related to religious teaching - which “in some instances curtails the democratic freedoms of citizens” - has spread across the Indonesian archipelago, scholars have pondered whether it is “an anomaly” or an exception in Indonesia’s otherwise remarkable process of democratic consolidation (Bush 2008). While the formalization of Islamic law has been rejected on a number of occasions at the national level, local initiatives have pushed through such legislation in local politics. Interestingly, the debate at the level of civil society was less often between Muslims and non-Muslims but among Muslims themselves. Robin Bush (2008) has written:

“The range of opinion on this issue stretched from Abu Bakar Baasyir, head of MMI (Indonesian Mujahiddin Council) who calls for the establishment of an Islamic state in Indonesia, to Abdurrahman Wahid and Dawam Rahardjo, who insist that Islam not be regulated by the state. Proponents of ‘perda sharia’ often do so on the grounds that Indonesia is threatened by moral deterioration, and its citizens must be protected from vices like gambling and prostitution. Another argument frequently heard is that ‘secular’ democratic institutions, like the legal and judicial systems, are corrupt and ineffective, and a better alternative is Islamic law. Meanwhile, those Muslims who oppose ‘perda sharia’ most often do so on the grounds that they are discriminatory. Women’s groups especially find that the anti-prostitution laws often contain language that is restrictive of women and tends to penalize women while ignoring the male clients and brokers involved in the transaction.”

A transgressive civil society movement that removed the Suharto regime is now (roughly speaking) divided between “nationalist”, secular-oriented parties hoping to keep the state out of religion (including a traditionalist Muslim party, Nahdlatul Ulama) and their “Islamist” opponents who want to use state power to legislate Muslim law, if not on the national at least the local level. This Burkean defense of Muslim tradition in the face of perceived secularist “threats” to Islam in Indonesia is a classic example of civil societies in conflict.<sup>5</sup>

## Conclusion

Gramsci understood civil society as a site of contestation. This preliminary effort to distinguish various forms of civil society based on differing models of democracy underlines his point. While democratizing civil society focuses on liberal political change, social revolutionary or populist interpretations instead put the "social question" at the centre of concern. Eastern European dissidents rejected the ideology of egalitarian socialism that in practice had led to collective downward mobility and robbed peoples of their freedom. But (the few remaining) social revolutionaries and (the more numerous) populists asked what was the use of political freedom in the midst of profound social equality that characterize life in so many "developing" countries in the world. Often ignored in analyses of civil society, this social movement-oriented kind of civil society is as much based on the intermediate sphere between the state and market as is its liberal counterpart.

Socially-oriented civil society is, however, taken seriously by its "elitist" opponents. They do their utmost to mobilize against populists in a "Gramscian fashion," as capitalist states had once moved to crush their communist (or Islamist) opponents. Elitist society tries to counter the efforts of populists who use electoral victories to at least promise (if not actually bring about) significant social reform.

Another kind of civil society which focuses on local power structures tries in a "Rousseauian" fashion to break through patterns of clientelism and traditional authority in order to create "citizenship" finds its counterpart in "Burkean" civil society in which traditionalists use their proximity to the state in an effort to roll back secular policies and implement more religiously oriented ones. Even Putnam's argument about social capital creating civic mindedness and thus helping to support and deepen democracy has its critics: on the one hand, those who believe civil society needs to be deepened through radical social reform and, on the other, those who aim reinforce in-group identities rather than "bridging" across ethnicity, class and other cleavages.

In moving from "transgressive" to more "symbiotic" relationship with the state, both the character of, and the alliances within, civil society may change. "Democratizing civil society" is likely to form broad coalitions among very different kinds of "strategic groups," from secularist to tra-

dionalist, from political reformist to social revolutionary. After transition occurs, however, civil society may fragment into these different ideological components. Differentiating types of “democratic” civil society thus helps us understand why civil society may on some occasions appear part of the classic liberal democratic agenda of introducing civil liberties and then “making them work” in a consolidated democracy. In other contexts, however, particularly in developing countries facing grave social inequalities, such formal democratic institutions may seem superficial compared to deep social divides in society. While secularist NGOs attempt to modernize society - targeting clientelist networks and religious-based discrimination - traditionalists may try to defend both. Rather than conceptualizing a single, normatively homogenous civil society, differentiating ideological streams within it based on varying views about the nature of democracy enhances the analytical usefulness of this important concept.

## Notes

- 1| *I would like to thank my colleagues at the Department of Asian and International Studies, City University of Hong Kong, Federico Ferrara, Kyaw Yin Hlaing, and Brad Williams for their helpful suggestions and comments on this draft. However helpful their collegiality, all errors, misjudgments, and oversimplifications are my own.*
- 2| *I borrow this term from the social movement literature (McAdam, Tarrow, and Tilly, 2001) which speaks of “transgressive contention”. I am grateful to Kyaw Yin Hlaing for introducing me to this term.*
- 3| *My thanks go to Federico Ferrara for suggesting the relevance of Somchai’s concept in this context.*
- 4| *A qualification to this argument is that some “secular” politicians have also attempted to instrumentalize the issue of Muslim law, particularly to beef up their credentials with local constituents at elections time (Bush, 2008). This, in turn, reveals the support such legislation seems to enjoy in large swathes of “civil society” in Indonesia.*
- 5| *Another important potential case of this phenomenon is the Arab world after its democratic spring. As of this writing, well organized Islamist parties with broad support in civil society in Egypt and elsewhere are posed to do well in elections scheduled to be held soon. Given their ideological pronouncements, they also appear likely to use the new democratic framework to implement Muslim law in a similar “neo-Burkean” spirit.*

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## **CIVIL SOCIETY AND DEMOCRATIC EVOLUTION IN SOUTHEAST ASIA**

N. Ganesan

Southeast Asia as a region with developing countries has generally benefited from what Samuel Huntington called the Third Wave of Democratization that occurred in the 1990s in the aftermath of the collapse of communist regimes in Eastern Europe. In fact so euphoric was the feeling among American social scientists then that Francis Fukuyama (1992) harkened to the end of history suggesting that humankind had finally discovered the ideal form of socio-political organization in liberal democracy. Developments in the Philippines, Thailand and Indonesia have generally been favourable for democracy albeit Thailand suffered a major setback in the 2006 and 2014 military coups against the Thaksin and Yingluck governments. Similarly, the Philippines appears to suffer from structural capture of the state's political economy by an entrenched elite. Recent resort to "people power" changes to domestic politics also leaves much to be desired.

This paper examines the conditions that have spawned democratic developments in three Southeast Asian countries. The central argument of the paper is that civil society groups, often referred to as Non-Governmental Organizations (NGOs) in the social science literature, have played an important role in the transition from authoritarian to democratic rule. This article is broadly divided into three sections. The first section identifies the conceptual underpinnings of democracy, including the argument for fundamental liberties, group rights, and the importance of social capital for the proper functioning of democracy. The second section identifies the manner in which civil society organizations have been at the forefront of democratization in the Philippines, Thailand and Indonesia. Although there are a large number of such organizations, attention will be paid to the most important ones that have impacted on the process of democratization. The third section looks at how certain types of civil society groups have the potential to damage the democratization process. It also looks at the deleterious impact of clientelism and corruption, two important features of Southeast Asian political culture, on democratization. The fourth and final section draws the article to a close and appraises the future prospects for democracy in the three countries examined.

### **Theoretical and conceptual underpinnings of democracy**

Democracy is the generally preferred regime type in the world today. The reasons for its widespread acceptance and corresponding legitimacy are manifold. These include the idea that state sovereignty is vested in the citizens of a country who then transfer the power of public decision-making to elected executives with limited terms in office as stipulated in the constitution. The second attractive idea is the notion that all eligible citizens are regarded as having "equal intrinsic worth" in choosing the political executive (Dahl 1989). The minimalist definition of a democracy according to Robert Dahl is inclusion and contestation (Dahl 1975, 4). Inclusion is a reference to universal suffrage or franchise and contestation is a reference to what is generally termed free and fair elections.

The terms of political contestation typically derive from common norms of political culture although most countries have a constitution that identifies the exact terms of reference for holding an election. Contained within this document are the important parameters of the exercise. These are likely to include term limits on a constituted and incumbent government and the minimum number of days that must be allocated for registration and campaigning so that actual contestation can occur. Such contestation must also abide by regular laws that disallow incitement, agitation and violence. These norms are meant to ensure that an incumbent government does not arbitrarily change the rules of the game to be in its favour.

Where there are disputes on such procedural matters, they are typically referred to the courts for impartial resolution. In this regard, the practice of democracy is contingent on relative peace and observance of the established rules.

A number of other considerations and practices are also regarded as important in democratic theory. The first of these is what the English political philosopher John Stuart Mill refers to as the "tyranny of the majority" (Mill 1989, 7-11). In other words, since democracies typically employ majoritarian decision-making, there is the potential that the rights of individuals and small groups may be transgressed by the majority. In order to avoid such a situation, liberal democracies typically guarantee individual rights as well. More recently, the literature in the field has moved in the direction of offering not just protection but rather selective promotion for minority groups and communities as well (Taylor 1992; Kymlicka 1992; Walzer

1993; Kymlicka and Norman 1994; Glazer 1997). The promotion of such group rights is to move away from liberal democracy's traditional emphasis on the individual as the recipient of rights and take into account different cultural traditions that regard group rights as equally important. Additionally, this development is meant to recognize the intrinsic right of small and endangered communities to survive and cohere. It is a truism however that the guarantee of such rights have typically obtained after the onset of political democracy and market economies (Kymlicka and He 2005, 9). In fact, democratic theorists have long acknowledged the need to offer some form of proportional representation within government to ethno-cultural communities that inhabit what Arendt Lijphart calls deeply segmented societies like Belgium and Switzerland (1977, 25; 1984). And proportional representation is generally regarded as a fairer way to apportion seats in parliament after elections rather than utilizing a simple majority system merely for administrative efficiency.

Another major consideration for democratic theorists is the distinction between procedural and substantive democracy. Whereas procedural democracy involves citizen participation and contestation between political parties, substantive democracy is aimed at invoking the notion of equal intrinsic worth as the end outcome of governance. The latter interpretation would actually approximate some form of socialism that the state provides minimal guarantees to uphold a basic standard of living for its inhabitants. Such a notion of democracy, sometimes dubbed social or welfare democracy is meant to be redistributive in its impact. The Canadian political philosopher C B Macpherson (1963) argued along such lines and even went further to argue that communist countries as well as those that underwent national revolutions at the time of independence harnessed the equivalent of a Rousseauian national will that constitutes a democratic franchise. Accordingly, he argues, such societies can stake a legitimate claim to democratic credentials. The problem with such an argument is determining when such a will expires and whether it is intrinsic to the leadership of such movements alone. On the basis of Macpherson's argument, national leaders like Mao Zedong, Kim Jong Ill, Fidel Castro and Ho Chi Minh can claim democratic credentials.

Lastly, all democratic theorists acknowledge the importance of observing fundamental human liberties. These liberties are typically identified as freedom of speech, movement and association. Inherent within this notion

of freedom is the importance of allowing for the existence of civic organizations at the community level. Such civic association is thought to be an important intermediary between the individual and the state, a forum for the gathering of like-minded people, and importantly, a means of enriching the stock of social capital in a community. This social capital in turn strengthens and nurtures democracy through a web of dense transactions. It also provides an important communal structure that preserves the interest and well-being of the community. Theorists like Robert Putnam have alluded to the importance of social capital in making democracy work in his recent writings (1993, 2000).

### **The role of civil society in Southeast Asia's democratic transition**

Civil society groups have been instrumental in the political transformation of Southeast Asia towards democracy. The evidence from the Philippines, Thailand and Indonesia clearly indicate that civil society groups placed sustained pressure on authoritarian governments and weakened them in the transition towards democracy. In fact the exertion of such pressures continued into the democratic consolidation phase. Importantly however, this pressure from below must be brought to bear at a time when there exists a window of opportunity for regime change. Such windows, typically referred to as junctures or conjunctures in comparative politics and the comparative historical method, is a reference to an occasion when specific actions create disproportionate reactions (Collier and Collier 1991; Mahoney 2000; Pierson 2000, 2004; Capoccia and Keleman 2007). Over time, such actions then create path dependent trajectories and effectively block off other possibilities. Additionally, these actions generate increasing returns in that the effect of these actions is disproportionate to the action and creates its own volition. In the longer term such changes then obtain structures and practices that become embedded onto the political landscape while displacing previous practices.

Beginning with the Philippines in 1986, the People Power movement that ousted Ferdinand Marcos from power benefitted immensely from the fact that Defence Secretary Juan Ponce Enrile defected from the government and sought an alliance with the Reformed the Armed Forces Movement (RAM), a small but influential rebellious faction that was committed to high ideals. Their occupation of a building and ensuing challenge to Marcos subsequently paved the way for the rebellion to metamorphose into a mass movement that eventually led to regime change and the installation of



Corazon Aquino into power following an election. The United States merely sealed the fate of the Marcos government and prevented an outbreak of political violence by arranging for his political exile in Hawaii. Corazon Aquino was able to capitalize on the public sympathy for her assassinated husband, Benigno Aquino and was also supported by the United States where she had lived in exile. Nonetheless, all of these developments would not have been possible were it not for the civil society groups that mobilized to overthrow the Marcos government. Special credit should be given to the Roman Catholic Church that supported the uprising and the nuns who formed a defensive perimeter around the renegade soldiers thereby preventing an assault by Marcos loyalists.

The decision by the Catholic Church to support the rebel group and prevent an assault led in turn to civilian and clerical support for the coup. Cardinal Jaime Sin who was previously allied with the Marcos government declared support for the rebel group. Subsequently, there was a groundswell of support for the rebels from student groups and intellectuals. Important civic groups that had undermined the Marcos government from the onset of martial law in 1972 included the "social democrats", a group of moderate student leaders from the 1960s and politicians from the same period who had not benefitted from the largesse afforded by the Marcos government. Additionally, there were a number of NGO groups that had been infiltrated by the communists and coordinated their policies with the latter (Abinales and Amoroso 2005, 220). These included the League of Filipino Students and the corporate labour union federation Kilusang Mayo Uno (May First Movement). Similarly, the communists infiltrated the church and in particular members of the clergy who were tasked to work with the poor. Sympathetic priests and nuns were then recruited into the Christians for National Liberation, an underground organization that sought private funding for social action programmes. The formation of this splinter group within the Catholic Church resulted in a serious schism within the organization itself (Abinales and Amoroso 2005, 220).

Of the three countries examined in this comparative study, the Philippine case is unique to the extent that the country had an ongoing insurgency movement that was committed to overthrowing the Marcos government. Part of this insurgency was inspired by ethno-religious sentiments in the southern part of the country and especially in the large island of Mindanao and the surrounding Sulu Archipelago. For centuries, the natives in this

area were predominantly Muslim and part of the Sulu sultanate that extended into the island of Borneo. They had in the past fought against the Spanish colonizers who referred to them as Moors, reflecting their own dealings with Muslims in their homeland. Over time, they became known in the local language as Moros and they campaigned vigorously against Spanish and Filipino Catholic settlement and exploitation of their ancestral lands. In 1972, the Moros achieved some coordination through the Moro National Liberation Front (MNLF) and began a military campaign against the Marcos government. After approximately five years of open fighting, it adopted a guerrilla strategy. Leadership problems within the organization and the formation of splinter groups later on sapped the energies of the MNLF.

Apart from coordinating its activities with urban NGOs, the Communist Party of the Philippines (CPP) also fielded its own armed militia that was predominantly deployed in the southern Philippines and especially in Mindanao. Numbering some 8,000 troops this New People's Army (NPA) also fought the Marcos government. Both the MNLF and the NPA achieved a measure of accommodation and tactical and ideological unity in opposing the government and operating in the same geographical area. Although both these groups do not fall under the traditional category of civic organizations and NGOs, they sapped the strength of the Marcos government and left it that much weaker. Fighting this united front led to tremendous expenditure for the state and committed the country's armed forces to large scale deployments and military operations. And the CPP had the added advantage of utilizing its cadres to anoint new recruits to the cause like sympathetic members of the clergy and wage a hidden war as well. Finally, the excesses of the Marcos regime and the country's generally left-of-centre political culture worked in favour of the CPP and against the government.

Fortunately, political violence was avoided and the country began a slow return to democratic norms. Important structural changes entered into the constitution to prevent a return to Marcos-styled politics was the insertion of a six-year term limit on the office of the President. The first person to win the term was Corazon Aquino. Notwithstanding her democratic credentials, there were many coup attempts during her term in office and the 1989 December attempt almost succeeded were it not for U.S. intervention in preventing rebel aircraft from strafing Malacanang Palace. In this

regard, RAM continued to challenge the government even after the Marcos government had collapsed. Fortunately, over time, this threat was defused through a policy of clemency and absorption of RAM leaders into the Senate. Additionally, senior military commanders linked to coup attempts and political adventurism have been detained and their threats deflected over time. The popularity and association of the Aquino name with democracy is reflected in the fact that the recent victor in the 2010 Philippine elections, Noynoy Aquino, is Corazon's son with little political experience.

In the case of Thailand in 1992 when the military led by General Suchinda attempted to wrest power from an elected government, it was Major General Chamlong Srimuang, ex-Bangkok Governor and leader of the austere Santi Asoke sect and Dharma Army that thwarted Suchinda's plans. There were also droves of civilians who took to the streets to express support for the civic action against the coup. Following the outbreak of violence, the King intervened to resolve the impasse and nominated ex-bureaucrat Anand Panyarachun to head a caretaker government. Similarly, when military authoritarianism was first challenged in Thailand in 1973, it was led by the National Student Council of Thailand (NSCT) that was allied with farm workers and unions.

The semi-democratic character of the Prem government (Neher 1988) from 1980 to 1988 allowed for the return of a much more liberal mass media. Additionally, Prem was secure in his appointment and had the blessings of the King and allowed for the development of political parties. Although such parties led to broad and unwieldy coalitions, they had little impact on the distribution of power and resources that were negotiated through a pork-policy compact (Hicken 2009). This general development of civil and political liberties was in turn undergirded by major changes to the political economy of the state. The bureaucratic polity (Riggs 1966) that catered to the interests of the traditional elite was undergoing radical transformation and a new business elite that circumvented state levers of power began to take root in the country (Laothamatas 1992). This combination of developments in turn empowered an urban middle class that sought to fashion the country's political order away from the military authoritarianism of the past. Its willingness to engage in political activities and change in turn empowered civil society and conversely weakened the military (Ganesan 2001, 2004a).

A number of civil society groups were at the forefront of challenging the military establishment and the coup. Thai NGOs sought to refashion the public sphere away from the traditional triumvirate of King, Nation and Buddhism towards a new configuration that comprised community, citizenship and nationhood. And in order to achieve this aim they sought to coalesce and work together with like-minded intellectuals and activists (Connors 2003, 212). The liberal environment of the 1980s allowed for the introduction of a rights-based discourse rather than the traditional focus on development activities. The Union of Civil Liberties (UCL) was at the forefront of fashioning this new dialogue and identity. Throughout the 1980s the UCL became a launch pad for the discourse on civil society, human rights and a more communitarian vision of the state that blunted the impact of neoliberal reforms on the poor and marginalized communities. It maintained linkages with most NGOs and the most famous leaders in the Thai NGO community are associated with the UCL (Connors 2003, 215).

From some 30 or 40 organizations in the early 1980s, there were in excess of 300 NGO organizations by the late 1990s. Although many of these organizations differed in size and scope, there was a "generic united front" which was critical of mainstream development and authoritarianism. This alliance building strategy was supplemented by an important initiative to centralize funding for local NGOs. The Thai Foundation was created to raise the profile of local NGOs and promote philanthropy among Thai businesses and the growing middle class. Additionally, as part of a strategy to better coordinate its activities with government agencies, both parties agreed to set up a collaborative body. The state National Economic and Social Development Board assisted in setting up NGO-CORD as the central coordinating body for NGOs (Connors 2003, 216-8).

Another major organization that sought to assist the poor and displaced and coordinates its activities with NGOs is the Assembly of the Poor. This organization performs the unique function of trying to represent those from marginal communities as well as the rural poor. Within the Thai socio-economic structural context, there exists a wide gulf between the rural and urban communities and electoral constituencies. The latter has always exercised disproportionate power and privilege in determining the calibration of the domestic political economy. Not only does the Assembly assist the poor from slum and rural areas obtain state recognition and services, it also coordinates its activities with other NGOs, just like the UCL. Ac-

cordingly, on a number of occasions it has fielded large groups in protest movements in Bangkok against authoritarian practices. In this regard, it is acknowledged as a mass organization that has actively involved itself in the promotion of democracy in the country (Ockey 2004, 176-180).

The Indonesian case is a little more complicated since Suharto's relationship with the military waxed and waned in the course of his tenure in office. The military was eager to reappropriate its role as an independent centre of power by the late 1980s. This action was to deflect Suharto's own attempts to create a presidency that was independently powerful and sovereign. However, following his realization of the military's attempts to regain its pride of place in domestic politics, he ushered in an era of openness (*keterbukaan*) in domestic politics to empower other constituencies in order to stave off pressures from the military, a policy that was continued by Habibie (Mietzner 2009). A similar tactic had been employed by his predecessor, Sukarno, in the 1960s when he sought to balance the competing pressures from the nationalists, religious groups and communists by coining the acronym NASAKOM (Nasionalis, Agama, Komunis).

The period of openness that Suharto inaugurated in the 1990s to deflect challenges from the military spawned in turn a number of civil society groups that were active in undermining the government and exposing the excesses of the state. The major groups included *Petisi Lima Puluh* (Petition of Fifty), *Demokrasi Forum* and an independent labour union. In 1992 the Suharto government that previously suppressed organized labour in all its forms in order to rapidly propel the country's development along corporatist lines allowed the formation of the *Serikat Buruh Sejahtera Indonesia* (SBSI – Indonesian Labour Welfare Union). Subsequently, organized labour was very much at the forefront of nudging the government for political change that included greater rights and welfare for employees. The intellectual leadership for the NGOs in general was however provided by the *Petisi Lima Puluh* that brought together prominent and retired military commanders and *Forum Demokrasi*.

Suharto also cultivated the Muslim constituency and gave his blessings for the formation of *Ikatan Cendhiawan Muslim Indonesia* (ICMI – Indonesian Muslim Intellectuals Association) with Habibie at its head. Islamic civic organizations like *Nahdlatul Ulama* (NU – Renaissance of Scholars) and *Muhammadiyah* were also at the forefront of agitating for change after

having been gradually pushed out of the political arena following their involvement and complicity in the political violence against the Indonesian Communist Party (PKI) from 1965 to 1968. Muslim civic organizations in Indonesia had traditionally played an important educational role in the country's rural religious schooling system. Additionally, they were also active in the provision of welfare services to the poor and needy and assisted in the management of donations and endowed lands and properties from which they extracted rent. And religious leaders were typically charismatic in the Weberian sense and were capable of summoning large crowds at short notice to mobilize opinion on an issue.

Importantly, leading opposition figures Amien Rais and Abdurrahman Wahid representing the Muslim constituency, Megawati Sukarnoputri representing the secular Partai Demokrasi Indonesia – Perjuangan (PDI-P - Indonesian Democratic Party – Struggle) and Sultan Hamengkubuwono X representing the Javanese traditional elite met in November 1997 in Ciganjur to prepare for a post-Suharto political transition (Abdul Kadir 1999). All of these efforts by this group termed the central axis (*poros tengah*) in turn hastened the downfall of the Suharto government. They were able to mobilize public opinion and capitalize on the political situation when the collapse of the Suharto government appeared imminent (Ganesan 2001). Interestingly, the leader of Nahdlatul Ulama, Abdurrahman Wahid, popularly referred to as Gus Dur, would become Indonesia's first compromise president who was not linked to the Suharto regime. As the leader of NU, Wahid came from a tolerant variant of Javanese syncretic Islam and was generally liberal in his worldview. He also headed the Forum Demokrasi and therefore wore two hats. Wahid's accommodative approach in turn allowed for the distillation of a much more plural society that provided ample space for the country's significant non-Muslim minority population (Aspinall and Mietzner 2010, 12). Consequently, Indonesian politics veered away from the political extremism and violence that had historically characterized previous regime changes. However, owing to allegations of corruption, he was impeached after a short two-year term and replaced by Megawati Sukarnoputri.

The opening up of public space for civic groups and NGOs was continued during the short tenure of president Habibie. The reason for the continuation was exactly the same as Suharto – to deflect potential threats from the military and in particular from Suhartos's son-in-law Prabowo Subianto

who then headed the army's special forces, Kopassus. Consequently, as Harold Crouch reminds us, the opening up of public space for civil society groups in Indonesia was an entirely chance occurrence and one undertaken to serve specific political interests rather than liberal norms (Crouch 2010, 24).

### **Uncivil society and the limits of organized civic action**

If the active participation of civil society can contribute positively towards the process of democratization, there are an equal number of factors that impede such developments and conversely, lead to the entrenchment of authoritarian practices. At the most basic level governments can simply outlaw the formation of certain organizations or impose onerous terms and limits on such organizations like in Malaysia and Singapore. As a result of such legislation the scope of civil society organizations becomes very limited and such groups are easily intimidated by the government. The negative factors identified in this section are by no means the only ones that thwart the practice of democracy. Rather, they are some of the more common ones that impinge on civil society that are readily discernible on the regional landscape. Additionally, these factors do not necessarily occur in isolation and are often conflated and interactive with each other.

Oddly enough, recent evidence drawn from the three countries examined in this article indicates that civil society groups and NGOs do not always utilize civil methods to achieve their goals. In fact, in all three countries, there is a strong tradition of politically powerful persons, both in the rural and urban areas that are part of the political spectrum and machinery. Whereas some such persons also hold real political power on the basis of elections, many of them are simply underworld godfather type figures who are able to deliver block votes to their preferred patrons and politicians. This is a very common phenomenon in Southeast Asia that is in turn tied to clientelism and corruption.

At the individual level in the Philippines such persons are likely to come from powerful families or clans. Such influential persons are able to recruit and maintain their own private armies to enforce their preferences and aggregate votes from rural areas. Similarly in Thailand, the notorious *jaopho* or provincial strongmen are equally capable of such practices and often serve as an intermediary in the political process in harnessing votes for established political parties. Likewise, the Indonesian *preman* (thugs)

are equally capable of involvement in intimidation and violence and serving political elites.

Beyond the individual level, the possibility of violence is also present at the group level. In other words, there are local organizations in all three countries that resort to violent means in order to achieve their goals. Some of these groups also operate alongside NGOs during times of democratic transition. However, their agenda is not necessarily to further the process of democratization. Rather, they are interested in retaining leverage over specific issues or resources that they regard to fall within the purview of their jurisdiction and interest. A few examples will suffice to illustrate the point. The best example of such a group in Indonesia is the Defenders of Islam Front (Front Pembela Islam, FPI). This organization exists very much in the public domain and is committed to defending its perception of religious orthodoxy and purity (Aspinall and Meitzner 2010, 13). Front members are often in action in urban areas breaking up stalls that sell food during the Muslim fasting month of Ramadhan or attacking outlets that sell alcohol or suspected of being involved in vice-related activities. Recent violence against the Ahmadiya sect of Islam in Banten that led to the death of three persons has also been attributed to the FPI.

Similarly, in the aftermath of the military coup against the Thaksin government in 2006, a number of NGO groups have spawned social movements to champion their cause in Thailand. The most well-known of these are the People's Alliance for Democracy (PAD or Yellow Shirts) and the United Front for Democracy Against Dictatorship (UDD or Red Shirts). The former generally professes to be pro status quo and in particular the monarchy while the latter has traditionally claimed to represent the poor rural constituencies in the north and northeast of the country although it also commands support in the urban areas as well. The second group is also closely linked to ex-Prime Minister Thaksin Shinawatra. Both groups have their fair share of holding large public protests and occupying public buildings that has disrupted daily lives and commerce in urban Bangkok in the last four years. In recent times, colours like red, blue and yellow have come to represent different positions in the political spectrum in Thailand (Parsitsuk 2010). Such groups or splinter groups from them are sometimes involved in violence. Given the large and unwieldy nature of the organizations protest situations can easily deteriorate into violence. Alternatively, newer organizations like the Thai Patriots Network, a pressure group with



ties to the PAD was involved in agitating against the Abhisit-led government to revoke a Memorandum of Understanding signed with Cambodia to peacefully resolve the conflict over the Preah Vihear Temple Complex that straddles the border between both countries. These groups have been used by different political elites at different times for their own ends.

Corruption and clientelism are the two other factors that are deeply embedded within the political cultures of all the three countries. Both of these practices are undeniably deleterious to the process of civic action and democratic consolidation. Political culture, broadly speaking, is a reference to the unwritten rules of the game, so to speak. It includes what is regarded as proper and improper behaviour in political life but is also a reference to the norms that obtain at the popular level. So for example, it could be argued and substantiated that the Philippines, and sometimes Thailand as well as Indonesia have populist cultures that are prone to public protest and bouts of nationalism when dealing with foreign countries. In this regard, the political culture informs the political process and is turn influenced by it. Political culture is evolutionary in nature and can be tweaked and tempered to be more democratic if sufficient elite political will exists and the courts are prepared to rule certain actions unconstitutional or illegal. Democratic norms that confer and deny political legitimacy must be jealously guarded and enforced. Similarly, practices that disallow the provision of fundamental liberties for associational life that in turn creates a vibrant civil society must also be removed. To the extent that civil society has an important role in the democratic process and helps to build social capital that is in turn necessary for peaceful social and political life and change, it is to be encouraged (Putnam 1993).

Corruption is a regional problem and has worked against democratization in Southeast Asia. Whereas corruption typically implies receiving things in cash or kind through a contravention of the regular channels for the disbursement of such goods, it can also have a political form. Economic corruption is easy to identify and many countries in the region are regularly fingered by Transparency International as some of the worst culprits. Such countries include Cambodia, Indonesia, Thailand and Vietnam. Corruption, in so far as it constitutes an unjust or undeserving reward that is illegal, is deleterious both to the national fabric of society as well as the political culture of countries. Such practices can be utilized by economic and political elite to great effect to thwart the norms of democratic governance.

Common regional forms of corruption include the outright purchase of votes, especially from poor rural constituencies; utilizing gifts or money to secure administrative or political offices and utilizing public office to reap economic benefits through bribes or changing the policy agenda or procurement channels (Ockey 1994). All of these practices are deleterious to democratic governance since they subvert the political process and affect the dispersion of power and the distribution of resources. Additionally, it has a tendency to become entrenched over time if not properly dealt with and also has the tendency to demoralize those who seek genuine democratic norms and governance.

The final factor, clientelism, is also a pervasive feature of regional politics. Patron-client ties are common in Southeast Asia where they are often used to secure basic rights and freedoms to economic and political goods (Lande 1965, Scott 1977). Patrons and clients are essentially involved in a limited and reciprocal relationship that allows for goods and services to be exchanged. Such relationships cascade downwards into the entire society so that patrons of lesser individuals are themselves clients of bigger patrons. Clientelism is often used as an intervening variable in order to smoothen out daily difficulties or more urgent longer term problems. Such transactions lead in turn to a sense of indebtedness but also help navigate through difficult situations. The eventual outcome of clientelism is that it places power and resources within the reach of individuals with their own constituencies. Consequently, rational-legal bureaucratic and political norms are circumvented. This notion of indebtedness (*hutang budi* in bahasa, *utang na loob* in Tagalog, *bunkun* in Thai) have been used very successfully by unscrupulous politicians to amass wealth and power, bypassing the normal channels and controls.

### **Recent developments in Southeast Asia and their implications for democratic governance**

A review of post-authoritarian developments in the Philippines, Thailand and Indonesia reveals that regional developments have yielded some rather mixed results. The Philippines suffers from some serious structural problems and Thailand has reversed much of the gains that accrued in the 1990s. On balance, Indonesia has fared rather well though it is too early to be celebratory. The remainder of this section deals with these three countries individually and assesses their prospects for democracy in the near future.

The Philippine case is unique to the extent that although the country has successfully emerged from a military authoritarian regime for more than three decades now, meaningful changes have not obtained in the realm of socio-economic development. In fact the cynic might add that the same is true of political developments – the overthrow of the Marcos dictatorship has simply led to the reinstatement of the power of pre-existing elite. In this regard, although democracy obtains at the procedural level in the Philippines, it appears to have little impact on the appropriation and distribution of power and resources. Additionally, the existence of a populist political culture has in effect been a detriment to the institutionalization of democracy. The person who was most able to administer the country effectively after Marcos was actually retired army commander Fidel Ramos. Coup attempts became a thing of the past under his presidency. He was able to bring political calm and development to the country. Importantly, he also managed to bring the Islamic insurgency in Mindanao to a close by negotiating a truce with the Moro National Liberation Front (MNLF) in 1996.

The election of Joseph (Erap) Estrada revealed the populist side of Philippine politics. His impeachment for corruption and widespread public demonstrations led in turn to Gloria Arroyo replacing him just after two years. Later on in 2004, she went on to win her own term for another six years. All of these developments raise a number of important questions about the tone and texture of Philippine democracy. The first of these is the establishment of political protest as a legitimate way of replacing an elected government. Even if Marcos was overthrown in such a manner, it is important to realize that the demonstration was a prelude and precursor to democratic elections afterwards. In the case of Gloria Arroyo's ascension to power in 2000, it was simply a swearing-in ceremony by the Chief Justice on a podium in the middle of the demonstration. Secondly, since Gloria Arroyo stood for her own term of office afterwards, she was in power for a total of 10 years. This extended term of office is clearly in violation of the spirit of the new constitution and its six-year term limit on power.

There are a number of other important extraneous conditions that has affected the quality of Philippine democracy. The first of these is the fact that power and influence continues to be exercised by a relatively small elite that is unprepared to give up this monopoly any time soon. This elite that also controls the economy, has successfully legislated its own interests and

evolved protectionist policies that further its own corporate interests. The emasculated economy in turn provides little opportunity for a large and independent middle class to anchor democracy. Instead large numbers of locals regularly leave the country to search for employment abroad. This practice is so pervasive that the country is a major provider of domestic, medical and skilled labour to many parts of Asia and the Middle East. Consequently, it is arguable that the Philippines, despite being a democracy with civilian supremacy, has a political economy that is fundamentally feudal and captured by elite interests. The situation also appears as if it is unlikely to change in the near future.

In the case of Thailand, the 1997 Asian financial crisis had significantly undermined the domestic elite, including the King's Crown Property Bureau. This weakness provided an opportunity for a newcomer to make significant gains in national politics in 2001. Thaksin Shinawatra who had earlier registered the Thai Rak Thai (TRT - Thais Love Thais) Party in 1998 capitalized on the anti-international populist sentiments in the country. Importantly, his monopolies in the telecommunications industry allowed him to accumulate and field resources that were totally disproportionate to those of his competitors. When he formed the first government in 2001, Thaksin did not have a simple majority of seats and had to include smaller parties like Seritham and the New Aspiration Party. However, in order to fortify the TRT's position, Thaksin had these parties dissolved and merged within the larger identity of the TRT. He was also able with his enormous resources to woo members of the traditional elite, including elements within the military (Ganesan 2004b, 2006, 2010). And finally, with his populist policies, he was able to retain a large electoral support base in the north of the country where he hailed from and the poor and rural northeast of the country. Such policies included a three year moratorium on farm debt, hospital services pegged at 30 Baht per visit and million Baht loans to villages to promote cottage industries. These policies clearly endeared him to the rural poor where he still retains a large and powerful following.

Notwithstanding his electoral and policy successes, there were also a number of charges levelled against him at the popular and elite levels. His personalized style of ruling was often regarded authoritarian and his war against drugs that involved the extra-judicial killings of more than 2,000 persons attracted widespread criticism (Ganesan 2004a, 2006a). He was also accused of skewing public policies in order to enrich himself and stood

accused of what came to be called policy corruption (Phongpaichit and Baker 2004, McCargo and Pathmanand 2005). Finally, for all his wealth and power, he was unable to avoid the factionalism that characterized Thai politics. As a result of personality-based loyalties, his own party suffered from such factionalism with four dominant factions that often threatened the unity of the party (Ganesan 2006).

When he was re-elected for a second term into office in 2005, Thaksin's position was clearly unassailable. His party had a commanding lead with 377 seats in the 500-seat legislature and with the opposition holding less than 25 percent of the total seats, even a motion of censure was difficult to initiate without some TRT support. His stunning success in turn attracted much criticism from the traditional elite that had been marginalized by Thaksin. This unhappiness found its vent in a social movement – the People's Alliance for Democracy (PAD – Yellow Shirts) that was led by one time media mogul and business partner Sondhi Limthongkul. Over time, this movement expanded to include members of the urban middle classes, public sector and Thaksin's mentor Chamlong Srimuang. By now things were coming to a head and eventually, when he was out of the country and attending a United Nations conference in New York in September 2006, the military staged a coup against his government and over time a military interim caretaker government was announced.

The unfolding political drama did not end there. The courts that were tasked by the King to mediate the political impasse eventually disbanded TRT for electoral fraud and banned some 111 senior members of the party from holding office for a five year term. TRT supporters and members then quickly moved to register a new political party, the People Power Party (PPP) that then won the polls in 2008. However, the PAD again began its public demonstrations and forced the resignation of two incumbent Prime Ministers who led the PPP government – Samak Sundaravej and Somchai Wongsawat – Thaksin's brother-in-law. The courts again intervened and alleging electoral fraud, disbanded the PPP as well. Thaksin's followers and supporters then began their own social movement – the United Front for Democracy against Dictatorship (UDD- Red Shirts). A number of new political parties were spawned following the dissolution of the PPP essentially with Thaksin supporters. The minority government led by the Democrat Party was only able to form a government when a major pro-Thaksin faction leader, Newin Chidchob, broke ranks to support the Abhisit Vejjajiva

government. It is for this reason that the Abhisit government was often viewed as lacking in political legitimacy.

In the meantime, Thaksin continued his battles through proxies from afar and sometimes near, as was the case when he visited Cambodia and caused a diplomatic row between Thailand and Cambodia. The Thai government has sought Thaksin's extradition for a two-year jail term for corruption delivered in absentia and more recently for terrorism charges linked to the April and May 2010 political violence in Bangkok. Both the Red and Yellow Shirts continued with their social movements and protests and Thaksin skilfully manages to keep his constituency alive and nourished. The election of Yingluck Shinawatra, the youngest sister of Thaksin, as Prime Minister after leading the Pheu Thai Party (PTP) to victory in the 2011 elections led to renewed calls for the King to issue a royal pardon for Thaksin to permit his return to the country. The military that led the coup against Thaksin and then Yingluck in 2014 is believed to be supported by the Privy Council that advises the King. Many see the President of the Privy Council, Prem Tinsulanond's, hands in the manoeuvres of the military and the monarchy (McCargo 2005). The decorated ex-military commander and Prime Minister from 1980 to 1988 is known for his linkages with the monarchy and the Council itself is in any event tasked with advising the King. Hence, it is often thought that traditional centres of power in domestic politics are staging a behind the scenes attempt to return to power and influence. The King who is technically above politics in his role as constitutional monarch rarely displays his preferences in public except to broker disputes that threaten the political and social fabric of the country. At the present time however, at 86 years of age, he is frail and has been hospitalized for some time now. The second coup staged against the Yingluck government in May 2014 was clearly prompted by the Yellow Shirts and their disruptive behaviour in preventing the Yingluck government from functioning. Whereas the coup led by Prayuth has calmed the situation temporarily, the evidence thus far indicates that the Red Shirts are simply biding their time.

As for the democratic scorecard, it is clear that Thailand has regressed significantly from its attempts at democratic consolidation. In this regard, the Asian financial crisis had a significant and deleterious impact on Indonesia and Thailand. Whereas the former emerged from the crisis much more democratic, the latter lapsed in the direction of authoritarianism. A democratically elected government with a strong mandate and over-

whelming majority led by Pheu Thai leader Yingluck Shinawatra in Thailand was subjected to the vagaries of mass social movements from below and elite pressures from above. Given the high stakes at which the political endgame was being played, many watchers had expected another coup when the Yingluck government was unable to cope or function effectively. A power vacuum ensuing from untoward developments involving the King also has potential to rearrange the chess board. Hence, there are a truly large number of factors and forces that work against political accommodation and cohesion in Thailand at the present time notwithstanding the military's pronouncements. Order is simply being kept through coercive behaviour, threats of it and the suspension of parliament and political parties.

The Indonesian situation is currently the most enviable in the region. The previous President won a clear second term with a strong mandate of almost 60 percent of the vote. He is generally well regarded and has assembled a good team of technocrats to stabilize politics and stimulate the economy. SBY has also worked hard to eradicate corruption, build infrastructure and introduce administrative decentralization. Additionally, his regime has had a number of spectacular successes against the Islamic extremist/terrorist group Jemaah Islamiyah. Although there was an attempt in parliament to tarnish the image of his administration by linking his senior aides to the bailout of Bank Century, he successfully deflected the threat. Additionally, it may be remembered that attempts by those closely associated with the Suharto regime to form political parties and enter coalition agreements with larger parties as part of the political opposition came to naught. The election of Joko Widodo after SBY has also entrenched democracy procedurally. Consequently, the current trajectory of positive developments looks set to continue in the case of Indonesia and it is to be hoped that this country, as *primus inter pares* in ASEAN, will exude a strong demonstration effect on the other countries in the region. And in living up to this promise, Indonesia campaigned hard to include human rights and civil society issues within the new ASEAN Charter.

## **Conclusion**

The development of democracy in the Philippines, Thailand and Indonesia has certainly been complicated. Whereas there was some initial euphoria in the 1990s that the region was gradually moving away from authoritarianism and towards democracy, at least some of that euphoria has now abated. Among the three countries examined, Indonesia has surprised

most observers with its rapid and sustained transition towards democratic governance. The re-election of SBY for a second term suggested that there was overwhelming support for his policies and the election of Joko Widodo after him has confirmed democratic consolidation, particularly in the area of administrative decentralization and in the fight against corruption. A number of high profile corruption cases like the one involving immigration official Gayus Tambunan did hurt Yudhoyono's image towards the end. The Philippines, while it has shed its military authoritarian past, remains underdeveloped politically on account of its elite monopoly on power and the economy. Extra-constitutional populist politics also stand in the way of democratic consolidation. Fortunately, the ethno-religious and communist insurgency that was waged in Mindanao has abated quite a bit after the government's recent peace deal with the Moro Islamic Liberation Front (MILF) that was brokered by Malaysia.

Thailand presents the case where democratic governance has been compromised. The country is currently in the midst of a long and drawn out political crisis. The crisis will have to be resolved at some point simply on account of the high cost exacted by the current polarized situation and the need for political transition from the current rule by the military. In the process, it will help if the party system becomes better entrenched and factionalism and clientelism become diminished as well. The preliminary evidence is however disheartening as the military rolls back on democracy and moves in the direction of more appointed politicians. Nonetheless, on a more positive note, the literature on democratic development generally acknowledges the possibility of temporary reversals and back and forth movements between democracy and authoritarianism in the process of democratic consolidation.

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## **CIVIL SOCIETY, ISLAM AND DEMOCRACY IN INDONESIA: THE CONTRADICTIONARY ROLE OF NON-STATE ACTORS IN DEMOCRATIC TRANSITION**

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In the past decade, debates on civil society have regained currency in contemporary political studies. It is advocated across the globe as the "idea of the late twentieth century". Disillusion with the limits of parliamentary politics and the increasingly dilapidated processes of party politics have generated a renewed interest on civil society as a means of rejuvenating public life. In light of mounting animosity against the "high politics" of political parties, parliament, and constitution, civil society is perceived as the diagnosis as well as cure for current ills in politics. This led to glorification of civil society as an alternative to conventional practice of politics. However, experience from new democracies suggests that civil society has been increasingly tampered with cranks, extremists, rejectionists, and crooks. This chapter attempts to present two faces of civil society in a new democracy: the "civil" facet that contributes to democratization and the "uncivil" side which tend to hamper democratization. Drawing on the Indonesian experience, it argues that civil society can be both supportive and destructive to democracy.

### **Introduction**

Amidst the rigorous process of democratization across the globe, the concept of civil society has been intensively discussed and debated. Invoked as the diagnosis and the cure for current ills of state-led modernization, civil society is championed across the globe as "the idea of the late twentieth century".<sup>2</sup> However, theorists disagree on whether or not civil society can be treated as a distinct and specific site in the analysis. While recent popular movements to challenge authoritarian regimes in the Middle East have generated optimism about the power of civil society as a distinct space or the "third sphere" for non-state and non-market groups (located between state and family) to influence the structure and rules of the political game, others, however, remain skeptical by claiming that civil society is just part of the state as its existence depends on political-legal frameworks that can only be provided by the state.

When democracy is included in the debate, theorists have failed to reach agreement on the most plausible link between civil society and democ-

racy. A group of scholars, which we prefer to call liberal-normative theorists,<sup>3</sup> posit a positive link between civil society and democracy. Associated with scholars such as Putnam, Schmitter, Cohen and Arato, Diamond and Whitehead, the liberals believe that a strong and vibrant civil society is a prerequisite for effective democracy and vice-versa.<sup>4</sup> Defining civil society as the realm of organized social life that is open, voluntary and self-generating, they believe that civil society can increase the performance of representative governments and broaden political participation of citizens, thus, civil society would contribute significantly to the manifestation of "Human Security".<sup>5</sup> For them, civil society plays a crucial role in different phases of democratization.<sup>6</sup> In the liberalization phase, civil society may construct individual rights and public space. In the transition phase, it may oust authoritarian governments and draft a new constitution that guarantee a public sphere. In the consolidation phase, it may increase transparency and accountability of the government and ensure democracy as the "only game in town".<sup>7</sup>

Against these liberal-normative theorists, another group – which can be called the historical-empiricist theorists – argues that civil society may not necessarily be supportive towards democracy. Associated with critical thinkers such as Khaviraj and Khilnani, Chandhoke, Alagappa, Kopecky and Mudde, the historical-empiricists underline that associating civil society with liberal democracy is a problematic assumption. For them, civil society is both a solution and problem of representative democracy.<sup>8</sup> Defining civil society as space, site and agency<sup>9</sup> in the juncture of relations with other spheres which may get involved in the dynamics of power struggle, conflict of interests and the construction of counter-hegemonic narrative, the historical-empiricists believe that civil society may not be totally immune from contamination from the state as well as the "uncivil" elements in society such as ultra-nationalist groups, extreme religious groups, recalcitrant militias, thugs and mafias carrying predatory interests. Viewed in this context, civil society can potentially expand as well as contract democratic space. It expands democratic space insofar as it supplies the means to limit, resist and curb the excess of the state, cultivates civic virtues, establishes democratic norms, and spreads democracy to more domains of life.<sup>10</sup> It contracts democratic space when it is tainted with extremism, jingoistic exuberance, unruly behaviour and predatory interests that may deepen conflicts in society that generates social disorder.

This chapter tries to examine how civil society develops attitudes towards democracy in a Muslim society. Looking at Indonesia's experience in the transformation to democracy, this chapter shares common ground with the historical-empiricists, arguing that in the realm of civil society there are both desirable and undesirable elements which may affect the transition process towards democracy. While "good" civil society can contribute to a stable or consolidated democracy, less positive examples of civil society can diminish any previous achievement of democratic space.

The Indonesian context provides a perfect setting for this strain of argument. Forces which act in self-interest and come to play an important role in ousting an authoritarian regime do not automatically qualify as "good" civil society. Indonesia is a country faced with deep ethnic and religious tensions, where the "heroes" of earlier mass movements against authoritarian regimes have tended to turn into "troublemakers" during the transition period, adding to the difficulties involved in consolidating a fledgling democratic system. Their habitual use of violence and primordial sentiments to demoralize enemies has earned them notoriety as extremist, jingoistic and recalcitrant elements which threaten the democratic process. Their refusal to accept others and their firm conviction on majoritarianism has impeded their ability to accept democratic principles. In post-New Order Indonesia,<sup>11</sup> there are contrasting pictures of Islamic civil society organizations. On one hand, some Islamic organizations played a crucial role in the democratization process by toppling the authoritarian regime and cultivating the ideas of people's sovereignty, tolerance against minorities, and respect for pluralism. On the other hand, some radical Islamist groups are known to have been responsible for inciting religious hatred in the lead-up to violent inter-community conflicts in some parts of the country, indicating the bawdy and "uncivil" character of post-authoritarian civil society groups in the country. This situation has convinced us to argue that Islamic civil society organizations in Indonesia may have played a contradictory role in the transition process towards a consolidated democracy.

### **Civil Society, Islam and Democracy**

New democracies provide a range of examples of relationships between civil society and democracy which tend to generate an ambivalent standpoint. Although civil society organizations may be at the forefront of peoples' movements to overthrow authoritarian regimes, as were subsequently vindicated in several democratic transitions around the globe,<sup>12</sup> it is not

clear as to whether or not the resulting new governments will continue to commit to democratic norms and values or getting involved in vicious power struggles, exploiting ethnic and religious hatred within society, and using violence to eliminate rivals.

The revival of the concept of civil society has followed on from the “third wave of democratization”.<sup>13</sup> One may legitimately ask: Is it possible to trace the political underpinning of civil society? The rediscovery of civil society during the 1970s and 1980s led to promises to strive for a better life for all through greater democracy, prosperity and autonomy. As Hawthorn argues, “it can come conventionally to be said that economic liberalization is desirable, that its political corollary is liberal democracy, and that liberal democracy requires a flourishing civil society”.<sup>14</sup> Later, civil society came to be used by those who wish to sustain the project of “post-modern utopianism” – who try to reconcile socialism with democracy – to supplement the perceived illegitimacies of representative democracy.<sup>15</sup> For them, civil society can serve as an alternative to defective political representation of individual interests.

The tendency to perceive civil society as an ideal form of social interaction and transactions has rendered civil society a rigid concept with limited scope for manoeuvre. Schmitter, for example, explains that civil society must embody four conditions or norms: dual autonomy, collective action, non-usurpation, and civil or legal nature.<sup>16</sup> Seen in this context, the concept of civil society would seem to have no room for extreme ethno-religious groups or mafia-type organizations since they make efforts to appropriate political power, frequently use illegal means to achieve their ends, and typically display uncivil character. Although Schmitter does not deny the possibility of negative contribution to democracy by civil society, he insists that extreme and mafia-type organizations should not be included in concepts of civil society. This view is supported by Whitehead as he contends, “various forms of religious fundamentalism may have to be tolerated within a democracy, but cannot be regarded as part of a modern liberal civil society”.<sup>17</sup> Thus, civil society is confined to voluntary and autonomous groups which abide by the law and act within the constraints of generally accepted social norms and rules. Meanwhile, anti-social and extreme ethno-religious groups belong to a special category of what Whitehead terms “uncivil interstices between civil and political society”.<sup>18</sup>

This normative view of civil society seems to be problematic for those who want to detach civil society from its liberal ideological ties. Elliott, for example, stresses that in analysing civil society, emphasis on norms should not obstruct regard for the structural underpinnings of the concept of civil society, leading to the belief that modern Western society holds the ultimate model for the ideal civil society.<sup>19</sup> Writing in the context of post-communist Eastern Europe, Kopecky and Mudde argued that the separation of uncivil from civil groups in civil society is not only oversimplifying, but also leads to an exclusive perception of civil society that renders inconsistency. For example, the nationalist movement in Slovakia during 1990-92 was generally described as uncivil and therefore excluded from ideas of "real" civil society, but similar organizations and individuals were accepted as members of "good" civil society only slightly earlier, in 1989.<sup>20</sup> Moreover, the exclusion of radical, populist and extreme groups from civil society may obscure the fact that they also perform a role in serving their constituencies. In Eastern Europe, it can be argued that, unlike many prominent "civil" organizations which are elite-driven NGOs operating in environments detached from mainstream versions of society, many organizations considered "uncivil" have been the true social movements representing grassroots interests.<sup>21</sup> Writing on the Indian context, Chandhoke shares a similar concern pointing out that "if we confine our attention only to social associations that are beneficial to civic management, we not only engage in moral irresponsibility, we also achieve a distorted understanding of civil society. For if civil society consists of associational life per se, then we have to accept that associations of every stripe and hue exist in this space".<sup>22</sup>

Applying the concept of civil society to developing societies where a strong liberal tradition does not exist, should not see the label confined only to groups or organizations which are supportive towards liberal democracy. Mahajan observed that in India many associations and organizations that can be classified as comprising civil society are characteristically hierarchical and based on primordial ties, including caste, ethnicity, and religion, giving them a very different moral weight compared to those in "modern" societies with Western orientations.<sup>23</sup> Consequently, voluntary organizations carrying religious hatred, extreme ideologies, ethno-nationalist sentiments, and majoritarianism should still be included in civil society. However, the refusal by such groups to accept other identities and their tendency to use violence as a means to promote their agendas make them



fall into the category of “bad” civil society. So in analysing civil society and democratization in Indonesia, both “good” and “bad” elements of civil society must be accurately considered, for not only do both include voluntary, self-help organizations promoting the interests of their respective constituencies, but they also play their respective roles in expanding and contracting democracy.

How does Islam fit into debates about civil society? It is generally believed that the Islamic world in the Middle East and North Africa is depicted as an anathema to modern civil society. This pessimistic view derived from the fact that Islam does not allow the separation of the state from religion. Unlike Western society which acknowledges the separation of the state from the church that creates a certain degree of autonomy of citizenry, the Islamic world is thought to be the panacea of modern civil society, and anti-democratic in nature. Even Ernest Gellner, a widely respected scholar of Islamic society, argues that civil society is the ‘miracle’ of Western society that found its place in modern political thinking upholding individual autonomy, freedom of speech and substantial degree of public space and incompatible with Islam which puts emphasis on the strength and immutability of sacred law, the shariah, and communal leadership of ulamas (Islamic scholars). The success of Islamic mainstream conservative groups to appease the marginal enthusiasts that led to the retention of secularization-resistant nature of Islam, according to Gellner, has prevented Islam from adjusting to modern mode of social relations with some degree of Habermasian public space and David Hume’s civil liberty which signified the emergence of a modern civil society.<sup>24</sup>

Muslim writers, however, challenge such a pessimistic view by developing their own argument that Islam is facing a continuous struggle between rejection and adaptation to Western influences or modernity.<sup>25</sup> Writing in the context of social formations in the Islamic communities, Muslim writers such as Serif Mardin (1995), Sami Zubaida (2001) and Abdou Filali-Ansary (2005), for example, argued that although early on social formations in the Muslim world were uniformly patriarchal and authoritarian in which the positions of authority were in the hands of guild masters, ulamas (spiritual leaders), mufti, and naqib inherited within families of notables; but in the nineteenth century, the transformation of Islam where the traditional formations have been superseded or destroyed by traces of modernity in which shariah is replaced with positive laws, patriarchal associations

replaced with trade unions and political parties, and so forth.<sup>26</sup> This transformation has opened up for adaptation to Western concepts of social relations as can be seen in modern Islamic societies in Turkey, Egypt, and many other countries in the Middle East and North Africa. These scholars seem to agree that contemporary Islamic communities continuously split their political stance into two different directions: those who adapt to Western democratic notion and institutions as manifested in the adoption of people's representation, universal suffrage, general election, freedom of speech, etc.; and those who oppose Western democratic principles and insist on the imposition of caliphate (Islamic governance) in which social and political relations must be based on shariah.

Along the line with this argument, a number of scholars began to see Islam in different ways. Writing in the context of Indonesia's post-1998 political reform, Greg Barton, for example, argued that since the 1980s Islam in Indonesia has made a significant transformation through its reform-minded scholars proclaiming the contextualization of *ijtihad* (personal interpretation of the scriptures) that led to the rise of Indonesian Muslim's respect towards pluralism and democracy.<sup>27</sup> In a similar vein, Mitsuo Nakamura (2001) argues that Islam in Southeast Asia constitutes both "negative" and "positive" images. The negative image of Islam can be seen in the rise of the radical Islamic groups in some part of the region playing crucial role in various inter-religious strife and eventual Balkanization, i.e. disintegration of the nation-state along religio-ethnic lines. The positive image of Islam is manifested in the success of some Islamic organizations in inciting democratic civility crucial to speed up democratic transitions in the region.<sup>28</sup>

### **The "Civil" and "Uncivil" Elements of Society in Democracy**

Western-style pessimists and proponents of the unique features of Asian culture might wonder whether or not civil society, central to classical Western political theory, exists beyond the Western sphere – and, if it does, could it have a pro-democratic impact? Chan (1997), for example, maintains that there is no room for a Habermasian public sphere in a traditionally Confucian state such as China, where any attempt to find civil society is based on nothing more than wishful thinking.<sup>29</sup> Similarly, Calhahan (1998) argues that the concept of "new social movements" is more helpful than the notion of civil society in understanding popular politics in China and South Korea.<sup>30</sup> While Hawthorn compromises that one can only consider the "possibility" of civil society in these societies and even if they

do exist, they are irremediably local and depend on a narrow constituency,<sup>31</sup> Huntington subscribes to the assessment that, especially in countries with a Muslim majority (such as Indonesia), "Islamic groups brought into existence in Islamic 'civil society' which paralleled, surpassed, and often supplanted in scope and activity the frequently frail institutions of secular civil society". This contributed to a "process of political Islamization".<sup>32</sup> The Islamist civil society, according to Huntington, is the "functional substitute for the democratic opposition to authoritarianism in Christian Societies". For him, "the general failure of liberal democracy to take hold in Muslim Societies [...] has its source at least in part in the inhospitable nature of Islamic [...] society to Western liberal concepts".<sup>33</sup>

Other scholars, however, believe that civil society does exist in Asia and that it can contribute to democratic consolidation. Diamond argues that in a number of prominent cases, civil society has played a crucial role in generating a transition to democracy, as was evident in the Philippines, South Korea, Thailand and elsewhere in Asia.<sup>34</sup> In a similar vein, Alagappa concludes that organizations typifying civil society organizations not only exist in Asia but have achieved dramatic growth since the mid-1980s. In some cases, these organizations boast long historical roots, signs of their cultural relevance and endurance under different political systems.<sup>35</sup> Indeed, defining civil society as comprising voluntary, self-sustaining organizations not dependent on the state, and characterized by groups of citizens working to achieve some common goal within the public sphere, the argument weighs heavily in favour of saying that civil society does indeed have a long history in Asia.

Transition theorists believe that for democracy to have a chance at consolidation, the commitment of significant political actors is necessary at both the elite and mass levels. With their firm belief that democratic institutions make for the best political system and the only viable norm, opponents will also come to regard democracy – including its corresponding laws, institutions and procedures – as the "only game in town", the only realistically viable framework for governing and advancing the nation's various interests.<sup>36</sup> Any rejection of the legitimacy of the democratic system – what Linz called the manifestation of "disloyalty" – will result in fragility, instability, and non-consolidation, or "de-consolidation". An infant democracy might not be able to withstand instability caused by organizations or movements, which resort to force, fraud, violence, or other illegal means

to acquire power or influence government policies. In a consolidated democracy, extremists who have no tolerance towards others are typically relegated to society's fringes, where their ability to influence and gain input in mainstream processes is severely limited. As Diamond states, "any democracy will have its share of cranks, extremists, and rejectionists on the margins of political (and social) life. If democracy is to be consolidated, however, these anti-democrats must be truly marginal. There must be no 'politically significant' anti-system (disloyal) parties or organizations".<sup>37</sup>

In burgeoning new democracies, although civil society organizations may have played a crucial role in helping to oust an authoritarian regime, they tend to be weak in the immediate post-regime phase when their lack of organization becomes increasingly apparent and sees them tend to be dominated by minority elite groups.<sup>38</sup> Newly-established democratic institutions and procedures face serious challenges, especially when the new government, confronted with a legacy of social and economic problems as well as new demands from different sectors in society, is not effective in designing and enforcing needed laws, achieving public security and order, or devising relevant policies. Societies sharply divided along ethno-religious lines tend to find their developing democratic institutions fall into jeopardy when extremist elements are able to dominate proceedings. Particularly poignant for Indonesia's case, Alagappa warned, "the rise of religious fundamentalism is of grave political concern in several Asian countries, especially those with a Muslim majority".<sup>39</sup>

In Indonesia, evidence of Linz-style "disloyalty" has come from religious extremist groups and ethno-nationalist organizations established in the 1990s against the backdrop of growing religious and ethnic tensions throughout the country. Although many extreme Islamic organizations were formed after the collapse of Suharto's government in 1998, it was during the early 1990s when religious extremism had started growing. The rise of Islamic extremism at that time can be linked to three factors: First was the ethno-religious conflict taking place in the former Yugoslavia: thousands of Bosnian Muslims were wiped out as "ethnic cleansing" was carried out by Christian Serbs during one of the bloodiest separatist conflicts of the post-Cold War era. Feelings of solidarity among Indonesians towards these, their Muslim brothers, quickly turned into anti-Christian sentiment, leading to several incidents of church burning taking place, as Muslim-Christian relations grew increasingly delicate. Second, a sense of

"majoritarianism" among Muslim leaders came to the fore. As a majority, Indonesian Muslims believed they deserved more of a say in political and economic arenas. Marking the formation of the ICMI (Association of Indonesian Muslim Intellectuals), a number of Islamic leaders and intellectuals started a campaign for Muslim control in social, economic and political spheres. Third, (before being finally toppled in 1998,) President Suharto's attempt to win Muslims' support for his re-election in 1997 led to a dramatic shift in his government's approach towards Muslim constituents. Suharto's pilgrimage to Mecca and subsequent rollback of controls over Islamic organizations allowed ultra-conservative Islamic organizations – previously suppressed under the New Order regime – to be revived and reorganized. During Suharto's "dangerous new policy on Islam",<sup>40</sup> adherents of an Islamist Indonesian civil society were led in "from the cold".<sup>41</sup>

It appears that Islam in Indonesia has manifested in two different faces. First, as part of Indonesian culture endorsing harmony of life, Islam in Indonesia developed a feeling of tolerance, moderation, respect towards pluralism, and conformity to democratic values as represented by the Nahdlatul Ulama (NU), the biggest Islamic group in the country. Second, as part of the extremist movement of Islam demanding a return to the fundamentalist teaching of Islam of the seventeenth century, Islam manifest itself as a counter-hegemonic force against modernity targeting those who attempted to spread modern values and lifestyle that may conflict with Islamic teachings as represented by the notorious extremist group, the Islamic Defence Front (Front Pembela Islam/FPI). The following sections will discuss the two Islamic organizations: the Nahdlatul Ulama (NU) representing the moderate and compromising feature of Islam and the Front Pembela Islam (FPI) which depicts the sinister character of Islam in Indonesia.

### **The Nahdlatul Ulama (NU) and Its Support of Democratic Values**

The Nahdlatul Ulama (NU) was formed in 1926 in Surabaya, East Java, by a group of eminent ulamas (religious scholars) most of whom were leaders of pesantren (Islamic boarding schools). Their aim was to represent the voices and interests of traditionalist Islam amid the rapid growth of Islamic modernism in the country. This organization managed to attract Indonesian Muslims and was able to direct them away from the traditionalist sphere of learning and practicing Islam. Although this organization represents the traditionalist Indonesian Muslims – mostly Javanese

– increasingly, however, NU managed to surpass its orthodoxy. Thanks to the reform-minded leaders such as Abdurrahman Wahid (Gus Dur), Wahab Chasbullah, Achmad Siddiq, Mustofa Bisri, and many others who succeeded in making NU more compatible with democracy, and denied the negative image of Islam of being exclusive and intolerant. Fajrul Falaakh, one progressive thinker of NU, maintains that, against all the odds, NU has managed to succeed in developing “a democratic civil society” in Indonesia which is basically more respectful towards pluralism, human rights, and tolerant against minorities.<sup>42</sup>

The history of NU was nevertheless tainted with a sinister episode that might ruin its reputation as a non-violent moderate Islamic organization in Indonesia. During the so-called 1965 massacres<sup>43</sup> in Indonesia, NU was allegedly believed to have been involved in the mass killings of Indonesian Communist Party (PKI) members and affiliates during 1965-1966. Kamen (2013) and Cribb (2007) argued that during the last quarter of 1965 NU, the nationalists, and other anti-Communist youth groups spearheaded in the most intensive violence against the PKI, its sympathizers, and the Sukarno loyalists in six provinces, namely Aceh, North Sumatra, West Java, Central Java, East Java, and Bali to eliminate Communism in Indonesia.<sup>44</sup> In East Java and Central Java, the involvement NU’s youth groups – the Multipurpose Group (Barisan Serbaguna or Banser) and Ansor Youth Movement (Gerakan Pemuda Ansor) – in the mass killings of PKI members can be seen as a retaliation against PKI’s peasants group, the Indonesian Peasants’ Front (Barisan Tani Indonesia, BTI) which a few years earlier spearheaded a unilateral action targeting land owners – mostly members or affiliates of NU – to distribute their lands to the landless peasants to implement president Sukarno’s land reform program.<sup>45</sup> But this dark episode of NU history did not seem to prevent this organization from growing as a representative of moderate and tolerant Islam in Indonesia. Some progressive leaders continued to flourish and began to secure strategic positions in the organization.

The realization of Indonesia as a pluralistic community with many different ethnicities, religions and other cultural identities has prompted NU leaders to search for a reinterpretation of Islamic teaching through what is commonly known as pribumisasi (nativization) of Islam, namely the implementation of Islamic teaching in Indonesian society that conform with the prevailing social and cultural conditions of the local people.<sup>46</sup> Inevitably,

NU must carry with it two important duties. On the one hand, this organization must adhere to shariah by ensuring all Indonesian Muslims abide by this law. On the other hand, as a non-sectarian organization NU is expected to promote the accomplishment of common good for the whole society. These duties are put together in the four basic principles of common good embraced by all NU followers, as summarized by Fajrul Falaakh:<sup>47</sup>

- (1) Hifzh al-din: the protection of religious consciousness and observance directed toward Indonesian Muslims.
- (2) Hifzh al-nafs: the protection of life which includes the right to maintain dignity, the right to enter into marriage, the protection of reproductive rights targeted at society as a whole.
- (3) Hifzh al-'aql: the protection of thoughts and freedom of opinion to cover whole society.
- (4) Hifzh al-amwal: the protection of properties of all society.

Operating on these basic principles NU has embarked on many aspects of Indonesian society by serving as a part of Islamic political parties, as an independent political party, or as a civil society organization focusing on social welfare (education, healthcare, and community development). In the years immediately following Indonesia's independence in 1945, NU became an important member of the biggest Islamic party at that time, Masyumi. In the first democratic election in the country in 1955, NU as an independent party secured a third place with 18.4 percent of national votes. In the early 1970s, following President Suharto's policy of fusi (merging), in which political parties – except the ruling party, Golkar – were forced to merge into two groupings: the PPP (United Development Party) representing Islamic parties and the PDI (Indonesian Democratic Party) representing the nationalist and Christian parties, NU had no other choice but joining the PPP.

Unhappy with President Suharto's repressive political rules, some progressive leaders of NU began to reiterate NU's basic principles discussed earlier. In his celebrated essay, Kyai Achmad Siddiq argued that NU must concentrate on the pursuit of people's social and political life by nurturing basic concepts, namely: (1) tawassuth: always maintaining moderation or keeping the middle way; (2) i'tidal and tawazun: preserving equity and balance); and (3) tasamuh: developing tolerant attitude and respecting differences and pluralism that would imply acceptance the variety of mankind, mutual understanding and respect for others.<sup>48</sup> This way of thinking,

according to Martin van Bruinessen, has signified the reconstruction of NU's traditionalist thinking that made them become more open towards modern ways of thinking.<sup>49</sup> In 1984 NU made a dramatic move by announcing its withdrawal from political activities. During the December 1984 national convention (muktamar) held in Situbondo, East Java, NU declared Khittah (return to the original orientation of its founder in 1926), which set out several important steps, among others: (1) the acceptance of state's ideology, Pancasila (five principles)<sup>50</sup>, as the sole foundation of NU; (2) the withdrawal of NU from "practical politics" by prohibiting NU officials from simultaneously holding official positions in a political party; and (3) the election of the new leadership with a new package of programs which placed heavy emphasis on non-political fields.<sup>51</sup>

Although it is relatively easy to understand NU's withdrawal from "practical politics", but it is hard to believe NU's acceptance of Pancasila as its sole foundation. Based on his interview with Kyai Achmad Siddiq, Greg Barton concluded that acceptance of Pancasila as NU's sole ideology is not only defensible, but also desirable for Pancasila is not antithetical to Islam; and more importantly its essential elements are congruent with the principles of Islam.<sup>52</sup> It can be added that the acceptance of Pancasila can be seen as a tactical move from NU to avoid government repression and to secure enough room for activities under Suharto's authoritarian rule.

The election of Abdurrahman Wahid (Gus Dur) as NU chairman in December 1984 added a more liberal and progressive tone within the organization. Educated in Cairo and Baghdad in Arabic literature and culture, Gus Dur developed a remarkable skill not only in his own field of study but also enthused with European philosophy and social theory. In early 1970s, concerned with the decline of pesantren (Islamic traditional boarding schools) education system in the country, Gus Dur decided to return to Indonesia to join the Tebuireng pesantren in Jombang, East Java, and served as a Dean of the Faculty of Theology (Ushuludin) at the small Hasyim Asy'ari University in Jombang, with the hope to develop a positive and flexible attitude among traditionalist Muslims in responding to modernity stressing on the need to respect the plural and multi-communal nature of modern Indonesian society and defend it against sectarian currents in the country.. Greg Barton argued that it was a combination of his personal qualities and a number of circumstantial factors (he is the grandson of Kyai Hashim Asy'ari, one of the founders of NU, outspoken defender of liberal-democratic



values, and a spiritual leader who opposed Suharto's authoritarian rule) that shaped Gus Dur's commitment to make NU more compatible with modernity and liberal-democratic values.<sup>53</sup>

Supported by other progressive thinkers such as Achmad Siddiq, Mustofa Bisri, Nurcholis Madjid, Djohan Effendi, and many others, Gus Dur was more determined in carrying out his campaign to defend pluralism, tolerance, human freedom, and other elements of liberal-democracy. In his provocative essay in *Tempo* magazine published on 12 August 1978 titled *Demokrasi Haruslah Diperjuangkan* (Democracy Must be Fought for), Abdurrahman Wahid wrote:

In our nation democracy is not yet firmly upheld; it is of more cosmetic adornment than a fundamental attitude undergirding the structures of life. In this sort of atmosphere, elements in society that wish to preserve the current social defectiveness are, of course, going to stem the democratic aspirations that exist in those circles [...] Its sincere efforts are not made to build up true democracy in this nation, it is certain that these aspirations will be stemmed by those anti-democratic forces [...] Because of that, what is now in fact required of us is that we are willing to work together to strive for freedom and the perfecting of a living democracy in our nation. This struggle must begin with a willingness to build up a new morality in the life of our people, that is, a morality that feels involved in the suffering of the masses.<sup>54</sup>

Being a respectable chairman of the organization, Abdurrahman Wahid, managed to transform NU to become an important component of pro-democracy forces together with various non-governmental organizations (NGOs), civil society organizations (CSOs), students' organizations, workers' associations, and many others posing a direct challenge to Suharto's authoritarian rule that contribute to its breakdown in 1998. Indeed, together with other pro-democracy elements of Indonesian society, the *Nahdlatul Ulama* has contributed to the cultivation of the idea of people's sovereignty, individual freedom, democratic representation, freedom of the press, freedom to form organization, freedom to pursue spiritual life, and respect for pluralism which are essential to liberal-democracy. It is therefore not surprising if many believe that the *Nahdlatul Ulama* is one of the prominent actors of the *reformasi* (political reform) that brought the thirty-three years of President Suharto's authoritarian rule to a total collapse in May 1998, marking the beginning of a new democracy in Indonesia.

Towards the end of Suharto era in the late 1980s, amid the rise of pro-democracy movements across the country, NU was tempted to make a re-entry into "practical politics". This temptation had a dramatic impact on this organization, in which members are divided over their attitudes toward Khittah (set forth in the Situbondo national convention of 1984). Anzar Abdullah (2011) categorized the division within NU into two groups: (1) the so-called "pure Khittah" group who demand NU's continuing detachment from "practical politics" and concentrate on pursuing social and economic activities; (2) the so-called "Khittah plus-minus" group consisting those who want to drag NU into the political territory either by joining an existing Islamic party, the PPP (United Development Party), or forming its own political party. The growing pressures from pro-democracy forces (activists, academia, workers, and students) and the decline of the regime's legitimacy had created a condition for the "Khittah plus-minus" group to swell. They started to disseminate the so-called post-Khittah NU orientation demanding all NU members (*nahdhiyin*) to adopt a flexible interpretation of Khittah by keeping a politically-neutral position and allowing members to join political parties as stipulated in the declaration at the Yogyakarta national convention in 1989.<sup>55</sup>

The fall of Suharto regime in May 1998 and the notable role of Gus Dur (then NU chairman) in the reformasi (political reform), had created a momentum for NU to set up its own political party. With support from the majority of NU members, on 23 July 1998 Gus Dur and a number of NU prominent figures formed a new party, Partai Kebangkitan Bangsa (the National Awakening Party or PKB). Although PKB failed to attract all NU members (*nahdhiyin*), in the 1999 election this party managed to become the fourth biggest party securing 11 percent of votes (51 seats), below the PDIP (Indonesian Democratic Party of Struggle) with 33.3 percent (153 seats), Golkar (Working Group) with 25.9 percent (120 seats), and PPP (United Development Party) with 12.7 percent (58 seats). During the presidential election in the parliament, a tactical move by a group of Muslim parties, the Poros Tengah (Central Axis) put Abdurrahman Wahid (Gus Dur) as Indonesia's elected president defeating Megawati Sukarnoputri (the strongest contender) by 60 votes – 373 against 313. Predictably, with just 11 percent of popular votes in the parliament, PKB was unable to prevent Gus Dur's impeachment in August 2001. This party suffered from another setback when internal conflict that prompted Gus Dur to leave the party had significantly reduced the electability of PKB which led to the poor results in the 2004 and 2009 general elections.

Despite the dismal picture of NU's involvement in "practical politics", this organization continues to exist. Amid the growing number of radical Islamic organizations spearheading anti-democratic, non-tolerant and exclusivist political values, NU is able to retain the legacy of its liberal, progressive leaders such as Abdurrahman Wahid, Achmad Siddiq, Mustofa Bisri, and a few others making it capable of adjusting itself to modern social relations. All in all, NU can be considered as an example of traditionalist Muslim organization that has played a considerable role in the construction of a vibrant civil society in Indonesia.

### **The Islamic Defence Front (FPI) and Islamist Violence**

The FPI, our second example, is a group of Islamists, striving to fight the "ills in society" (*penyakit masyarakat*)<sup>56</sup> and a "perceived immorality",<sup>57</sup> under the banner of Islam. Founded in the power vacuum after Suharto's fall, the FPI leaders are closely tied to Muslim settlers coming from the Arabian Peninsula. One of its founders, Habib Rizieq Shihab, a "Hadrami Arabian, as are one of its lieutenants", was trained in Saudi-Arabia.<sup>58</sup> During the student protests of November 1998 the FPI made their first public appearance, when they violently attacked pro-democratic students, who demanded interim president Habibie's resignation.<sup>59</sup> Kingsbury and Fernandes assume that Islamist officers of the Indonesian military, formerly sponsored by Suharto, were involved in building up FPI: "The purpose of the initial group, organised and paid for at the request of General Wiranto by the 'green' officer Major-General Kivlan Zen, was the intimidation of pro-democracy protesters".<sup>60</sup> Hefner concurs with this view when he refers to the origins of FPI as having an "elite backing".<sup>61</sup> As already sketched above in the context of Laskar Jihad, the FPI provides another example of the negative consequences of Suharto's "instrumentalized liberalization" for the Indonesian democratization process.<sup>62</sup> During the ensuing period the FPI has resorted – and still does – to three types of violence:

First FPI members are notorious for violence against Indonesians, who, according to their standards, develop a way of life that may not conform to the laws of Islam. This includes owners of restaurants and bars serving alcohol, of nightclubs, amusement halls etc. They also conducted a series of attack against street vendors, who keep selling food during Ramadhan, the month of fasting, as they tempted Muslims to prematurely break their fast. Repeatedly state officials have been pressurized to contribute to perpetuation of Islamic guide lines. Second the FPI has been performing violent acts against foreigners, whose home countries the FPI accuses of anti-

Islamic policy-making. In so-called sweeping-actions followers of FPI have been scouring different Indonesian cities for citizens whose states are for example involved in military action in Iraq or Afghanistan. Third the FPI is characterized by violence and vandalism against establishments, which, in their opinion, violate Islamic law or are symbolic of the infidels. In addition to the aforementioned gastronomies which serve alcohol, this includes the offices of human rights activists (e.g. of the NGO Komnas-HAM), company buildings of newspapers and magazines, Western embassies and houses of prayer of different denominations. Interestingly enough, the latter affects both Christian institutions and Muslim splinter groups (such as Ahmadiyah) – though for different reasons: While violence against Ahmadiyah property has been justified with reference to a fatwa issued by the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI), censuring their approach as un-Islamic, the barricading of Christian churches was vindicated with the assertion that they had not procured a building permit and were thus put up illegally as vindicated in several incidents in West Java.<sup>63</sup>

In this context the FPI exhibits a remarkable pattern in its communication strategy, very revealing for civil societal analyses: On the one hand militancy, agitation against minorities and criticism of democracy are systematically exerted for goal implementation. On the other hand FPI members attempt to legitimize their actions by referencing concepts of civil society (or occasionally even democratic values). The resulting argumentative and action-specific field of conflict indicates conceptual (admittedly intended) inconsistencies of FPI: Internal communication emphasizes the universal validity of Islamic law, while officially the abidance to the civil law is underlined. Emphasis is placed on the fact that campaigns against gambling or illegally built churches conform to the wishes of the majority of Indonesians, this is especially highlighted with regard to agitation against the Ahmadiyah, a group which is indeed seen critically by many, also non-Islamist, Indonesians. According to the International Crisis Group, the FPI's clever lobbying has managed to generate support for their goals, notwithstanding their minor public acknowledgement. The issuing of the fatwa against Ahmadiyah has illustrated "how radical elements, which lack strong political support in Indonesia, have been able to develop contacts in the bureaucracy and use classic civil society advocacy techniques to influence government policy".<sup>64</sup>

The issue of possibly anti-democratic forms of civil societal commitment broached in this essay may be discussed in view of a second case: the

FPI's plan to include the so-called Jakarta Charter (piagam Jakarta), an Islamist version of the Indonesian state, discussed during the process of state formation, into the modern Indonesian constitution. With this idea in mind Shihab explains:

"Let us take an analogy. If a wealthy person builds a big company with his personal capital, then we agree that he has the right to make the rules in that company while not neglecting the rights of his staff, and those rules have to be obeyed by all the company's staff. Then how about the Almighty God? He created humankind along with all the universe [...]. Doesn't He have the right to make the rules in this Great World which He possesses?! [...] That is why God's Law must be enforced on His Earth and humans must obey Him".<sup>65</sup>

Shihab's elaborations on the necessity of shariah for Indonesia's Muslim community equal a rejection of civic law and democratic structures even if we assume a minimalist model of democracy were taken as a conceptual basis. Nevertheless almost in the same breath he utilizes democratic reasoning to underline his request: First Shihab references formal aspects of the development of the Jakarta-Charter and points to the circumstances that ultimately got in the way of its inclusion into the Indonesian constitution – against a previously negotiated compromise. According to Shihab this was undemocratic and a "betrayal of democracy", which should be undone: "Correct history, uphold the constitution truly and cleanse our democracy of the strain of betrayal".<sup>66</sup> Second Shihab claims that with regards to practical aspects, the introduction of the Jakarta-Charter would strengthen Indonesian democracy: In his view the Jakarta-Charter is designed to solve the "ideological conflict that is so chronic" in Indonesia, since all problems root in the historical rejection of value and validity of the Jakarta-Charter. Over and above that he places emphasis on the fact that the Jakarta-Charter imposes no obligations on non-Muslims, thus respecting the rights of minorities. In order to make his point he poses a rhetorical question, which he immediately answers himself: "Is there any ban on other faiths practicing their beliefs and convictions? Are there any minority rights that would be lost? Clearly the discrimination argument is illogical".<sup>67</sup>

## Conclusion

Indonesia's recent history is a case in point that the study of civil society in non-Western societies needs to take into account the primordial character of civil society organizations. Although primordial ties may not necessar-

ily drag civil society organizations into what Whitehead calls the “uncivil interstices between civil and political society” that produce less-than-ideal civil society, there is the chance that extremists, who delight in stirring up religious hatred might be able to use civil society organizations as vehicles for their radical campaigns, seeing these organizations adopt anti-social agendas which could constrain democracy. The case of the Nahdlatul Ulama (NU) and the Front Pembela Islam (FPI) discussed above indicates two contradictory roles of Islamic societal organizations in influencing the democratization process in Indonesia.

It appears that NU is celebrated for its irrefutable role in developing values and norms – moderate ideology, respect for pluralism, and tolerance towards minorities – in Indonesian society which set a foundation for the democratization process. Despite its murky involvement in “practical politics”, through the vigorous activities of its liberal-progressive leaders NU has succeeded in nurturing the ideas of people’s sovereignty, freedom of expression, and freedom of organization among Indonesian society to make it easier for them to adopt democracy. Meanwhile our second example, the FPI has suggested that an Islamic civil society organization can be vulnerable to a jingoistic exuberance by advocating Islamic hegemony in mainstream Indonesian society. This seems to support Chandhoke’s argument that the enemies of democracy can exist within civil society itself.<sup>68</sup>

The Indonesian experience illustrates how a vibrant civil society may not necessarily be totally supportive of democracy. Our cases seem to vindicate the argument posed by Chandhoke, Alagappa, Khaviraj and Khilnani, and others who posit that some civil society organizations promote civic engagement that strengthens democracy, while other organizations weaken the domain of civil society, imposing ideas of hegemony over other senses of identity. Even some liberal theorists admit that civil society should not be associated with everything that is democratic, decent and good. To quote Diamond, “an association may be independent from the state, voluntary, self-generating, and respectful of the law and still be not only undemocratic, paternalistic, and particularistic in its internal structure and norms but also distrustful, unreliable, domineering, exploitative, and cynical in its dealings with other organizations, the state, and society”.<sup>69</sup> This view reflects a departure from the conventional understanding of civil society, saying that democracy needs civil society as much as civil society needs democracy. It may well be that a viable liberal democracy may not

be possible in the absence of civil society. But as the Indonesian case has made clear, democracy may also be put in danger within the context of a vibrant “uncivil” society.

This rethinking of what constitutes and promotes civil society certainly benefits the study of democracy and its consolidation. Treating the achievement of civil society as a desirable goal whereby civil society organizations are scrutinized and evaluated on the basis of their contribution to democracy may not help to identify potential threats to a consolidated democracy that might arise from “disloyal” elements within the same society, generating fragility, instability, and de-consolidation. But by adopting the concept of “bad” civil society, manifestations of “disloyalty”, as expressed by extreme and anti-social groups in the public sphere, which could challenge and undermine democracy, may be better detected and acted upon. Studying the activities of groups which lie on the other side of “civil” society boundaries, according to Whitehead, may contribute to a better quality and stability of democracy.<sup>70</sup> While the last decade has provided an overwhelming volume of studies on how civil society has contributed to democratization and democratic consolidation, more studies are needed on examples of how civil society, bearing what Diamond calls a “civic deficit”, can threaten democracy to the extent that a de-consolidation of the democratic process results.

## Notes

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- 2| Sunil Khilnani, “The Development of Civil Society,” in *Civil Society: Histories and Possibilities*, eds. Sudipta Kaviraj and Sunil Khilnani (Cambridge: Cambridge University Press, 2001), 11.
- 3| Some would call this group as neo-Tocquevillean, for they share Tocqueville’s idea that such voluntary associations perform several key

functions: meeting unmet social needs, intermediating between personal need and the national common good, and preventing the tyranny of the majority.

- 4| See for example: Robert Putnam, "Bowling Alone: America's Declining Social Capital," In *The Global Resurgence of Democracy*, eds. Larry Diamond and Marc F. Plattner (Baltimore, MD: The Johns Hopkins University Press, 1996), 290-306; Philippe Schmitter, *On Civil Society and the Consolidation of Democracy: Ten Propositions* (Unpublished paper. Department of Political Science, Stanford University, 1995); Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1992); Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore, MD: The Johns Hopkins University Press, 1999); and Laurence Whitehead, "Bowling in the Bronx: The Uncivil Interstices between Civil and Political Society." In *Civil Society and Democratization*, eds. Peter Burnell and Peter Calvert (London: Frank Cass, 2004), 22-43.
- 5| "Human Security" is a new breed in security studies moving away from the traditional focus on state security this new thinking puts emphasis on the security of individuals in three basic areas: freedom from fear, freedom from want, and freedom to live in dignity. For a critical analysis of "Human Security" see, for example, Christoph Schuck, "The Concept of Human Security Revisited: Theoretical and Empirical Problems of a Post-Cold War Security Approach," In *Security in a Changing Global Environment. Challenging the Human Security Approach*, ed. Christoph Schuck, (Baden-Baden: Nomos, 2011), 51-81.
- 6| For a discussion of sequences of transitions from autocratic rules see Bob S. Hadiwinata and Christoph Schuck, *Democracy in Indonesia. The Challenge of Consolidation*. Foreword by Former Indonesian President Abdurrahman Wahid (Baden-Baden: Nomos, 2007), 17.
- 7| Juan J. Linz and Alfred Stephan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996), 5.
- 8| See Neera Chandhoke, "The Civil and the Political in Civil Society," In *Civil Society and Democracy: A Reader*, ed. Carolyn M. Elliott (Oxford: Oxford University Press, 2003); Muthiah Alagappa, "Introduction," In *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space*, ed. Muthiah Alagappa (Stanford: Stanford Univer-



- sity Press, 2004), 1-23; Petr Kopecký and Cas Mudde, "Rethinking Civil Society," *Democratization*, 10, no.3 (2003): 1-14.
- 9| For a comprehensive definition of civil society as space, site and agency, see Muthiah Alagappa, "Civil Society and Political Change," in ed. Muthiah Alagappa, *op. cit.*, 33-34.
  - 10| *Ibid.*, 41.
  - 11| For an analysis of current developments of the Indonesian Democratization process see Matthias Heise and Kathrin Rucktäschel, *Indonesia's Search for Democracy: Political, Security, and Economic Reforms* (Baden-Baden: Nomos, 2013).
  - 12| In the so-called "Third wave of democratization" countries spread across Latin America, Eastern Europe, Africa and Asia, the initial impetus for democratic change emanated from various autonomous actors in civil society, from which then stemmed the "popular upsurge": students, churches, professional associations, trade unions, religious organizations, women's groups, human rights organizations, intellectuals, journalists, and many informal networks.
  - 13| See Samuel P. Huntington, *The Third Wave. Democracy in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991)
  - 14| Geoffrey Hawthorn, "The Promise of Civil Society in the South," in eds. Sudipta Kaviraj and Sunil Khilnani, *op. cit.*, 269.
  - 15| Sunil Khilnani, *op. cit.*, 16.
  - 16| Philippe Schmitter, *op. cit.*
  - 17| Laurence Whitehead, *op. cit.*, 35.
  - 18| *Ibid.*, 34-35.
  - 19| Carolyn M. Elliott, "Civil Society and Democracy: a Comparative Review Essay," in *Civil Society and Democracy: A Reader*, ed. Carolyn M. Elliott (Oxford: Oxford University Press, 2003), 21.
  - 20| Kopecky and Mudde, *op. cit.*, 3.
  - 21| *Ibid.*, 4.
  - 22| Neera Chandhoke, *op. cit.*, 255.
  - 23| Gurpreet Mahajan, "Civil Society and Its Avatars," in ed. Carolyn M. Elliott, *op. cit.*, 188.
  - 24| Ernest Gellner, "The Importance of Being Modular," in *Civil Society: Theory, History, Comparison*, ed. John A. Hall (Cambridge: Polity Press, 1995), 35-39.
  - 25| For a general overview see Charles Kurzman, ed., *Liberal Islam: A Sourcebook* (Oxford: Oxford University Press, 1998).

- 26| For further discussion about Islam's engagement with modernity that led to compatibility between Civil Society and Islam see for example Serif Mardin, "Civil Society and Islam," in *Civil Society: Theory, History and Comparison*, ed. John A. Hall (Cambridge: Polity Press, 1995), 290-292; Sami Zubaida, "Civil Society, Community, and Democracy in the Middle East," in eds. Sudipta Kaviraj and Sunil, *op. cit.*, 232-234; and Abdou Filali-Ansary, "Muslims and Democracy," in *World Religions and Democracy*, eds. Larry Diamond, Marc F. Platner, and Philip J. Costopoulos (Baltimore, MD: The Johns Hopkins University Press, 2005), 157-159.
- 27| Greg Barton, "The Impact of Neo-Modernism on Indonesian Islamic Thought: the Emergence of New Pluralism," in *Democracy in Indonesia 1950s and 1990s*, eds. David Bouchier and John D. Legge (Clayton, VIC: Monash Asia Institute, 1994), 147-149.
- 28| Mitsuo Nakamura, "Introduction," in *Islam and Civil Society in South-east Asia*, eds. Mitsuo Nakamura, Sharon Siddique, Omar Farouk Bajunid (Singapore: Institute for Southeast Asian Studies, 2001), 13-14.
- 29| Adrian Chan, "In Search of Civil Society in China," *Journal of Contemporary Asia*, 27, no.2 (1997): 242-251.
- 30| William Callahan, "Comparing the Discourse of Popular Politics in Korea and China: From Civil Society to Social Movements," *Korea Journal*, 38, no.1 (1998): 277-322.
- 31| Geoffrey Hawthorn, *op cit.*, 272.
- 32| Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996), 111-112.
- 33| *Ibid.*, 114.
- 34| Larry Diamond, *op cit.*, 237.
- 35| Muthiah Alagappa, "Introduction," in ed. Muthiah Alagappa, *op cit.*, 10.
- 36| Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore, MD: The Johns Hopkins University Press, 1996) 5.
- 37| Larry Diamond, *op cit.*, 67.
- 38| Muthiah Alagappa, "Civil Society and Political Change," in ed. Muthiah Alagappa, *op cit.*, 39.
- 39| Muthiah Alagappa, "Introduction," in ed. Muthiah Alagappa, *op cit.*, 7.
- 40| Robert Hefner, *Civil Islam...*, *op cit.*, 167.
- 41| Adam Schwarz, *A Nation in Waiting. Indonesia's Search for Stability* (Oxford: Westview Press, 2000), 162. For details on this Islamiza-

- tion period see Christoph Schuck, "The Breakdown of Autocratic Rule: Selected Aspects of Transition-Theories as Reflected in Indonesia's Democratization-Process," in eds. Bob S. Hadiwinata and Christoph Schuck, *op cit.*, 151-177.
- 42| Mohammad Fajrul Falaakh, "Nahdlatul Ulama and Civil Society in Indonesia," in eds. Mitsuo Nakamura, Sharon Shiddique, Omar Farouk Bajunid, *op. cit.*, 33.
  - 43| The 1965 Massacres in Indonesia refers to the human tragedy in Indonesia's modern history in which rivalries between Indonesian Army, the Communist Party, and Islamic groups culminated in September 30, 1965. At that time seven Army generals were kidnapped and assassinated. Rumors circled suggesting that Indonesian Communist Party (PKI) was behind this attack. This soon generated anti-Communist campaign that led to the mass killings of hundreds of thousand of PKI members and sympathizers during 1965-1966.
  - 44| Douglas Kamen, "Counterrevolutionary Violence in Indonesia," in *State Violence in East Asia*, eds. N. Ganesan and Sung Chull Kim (Lexington: University Press of Kentucky, 2013), 164-165; and Robert Cribb, "The 1965 Massacres in Indonesia: Issues Still Unresolved." In *Indonesia: the Presence of the Past*, eds. Eva Streifeneder and Antje Missbach (Berlin: Regiospectra, 2007), 47-48.
  - 45| Douglas Kamen, *op.cit.*, 146.
  - 46| Mohammad Fajrul Falaakh, *op.cit.*, 35-36.
  - 47| *Ibid.*, 36.
  - 48| Achmad Siddiq, Khittah Nahdliyah (Surabaya: Balai Buku, 1980), 51.
  - 49| Martin van Bruinessen, "Traditions for the Future: the Reconstruction of Traditionalist Discourse within NU," in *Nahdlatul Ulama, Traditional Islam, and Modernity in Indonesia*, eds. Greg Fealy and Greg Barton (Clayton, VIC: Monash Asia Institute, 1996), 177-179.
  - 50| Pancasila (five principles) is Indonesia's national ideology set forth by the country's founding fathers, especially Sukarno, which includes: (1) belief in almighty God; (2) humanity and dignity; (3) unity; (4) consultation and deliberation; and (5) social justice.
  - 51| Mitsuo Nakamura, "NU's Leadership Crisis and Search for Identity in the Early 1980s: From the 1979 Semarang Congress to the 1984 Situbondo Congress," in eds. Greg Fealy and Greg Barton, *op.cit.*, 105-106.
  - 52| Greg Barton, "Islam, Pancasila and the Middle Path of Tawassuth: The Thought of Achmad Siddiq," in eds. Greg Fealy and Greg Barton, *op.cit.*, 123-124.

- 53| Greg Barton, "The Liberal, Progressive Roots of Abdurrahman Wahid's Thought," in eds. Greg Fealy and Greg Barton, *op.cit.*, 190-193.
- 54| Aburrahman Wahid, "Demokrasi Haruslah Diperjuangkan," *Tempo*, 12 August, as quoted in Greg Barton, *op.cit.*, 222.
- 55| Anzar Abdullah, "Nahdlatul Ulama and Khittah Revitalization: A Futuristic Critical Reflection for the Largest Islamic Organization in Indonesia," *Tawarikh International Journal for Historical Studies*, 3, no.1 (2011): 100-101.
- 56| Bob S. Hadiwinata, "Civil or Uncivil Society? Islamic Extremism and Democratization in Indonesia," in Bob S. Hadiwinata and Christoph Schuck, *op. cit.*, 353.
- 57| Greg Fealy and Virginia Hooker, eds., *Voices of Islam in Southeast Asia. A Contemporary Sourcebook* (Singapore: Institute for South-east Asian Studies, 2006), 50.
- 58| Robert W. Hefner, "Muslim Democrats and Islamist Violence in Post-Suharto Indonesia," in *Remaking Muslim Politics. Pluralism, Contestation, Democratization*, ed. Robert W. Hefner (Princeton, NJ: Princeton University Press, 2005), 285.
- 59| See S.Yunanto, *Militant Islamic Movements in Indonesia and South-east Asia* (Jakarta: Friedrich Ebert Stiftung and the RIDEP Institute, 2003), 51.
- 60| Damien Kingsbury and Clinton Fernandez, "Terrorism in Archipelagic Southeast Asia," in *Violence In Between. Conflict and Security in Archipelagic Southeast Asia*, ed. Damien Kingsbury (Clayton, VIC: Monash Asia Institute, 2005), 29; and Azyumardi Azra, *Indonesia, Islam, and Democracy. Dynamics in a Global Context* (Jakarta: Solstice Publishing, 2006), 127.
- 61| Robert W. Hefner. *op. cit.*, 285.
- 62| See Christoph Schuck, *op. cit.*, 159-163.
- 63| Franz Magnis-Suseno (2007). 'Inter-Religious Relations and the Future of Democracy in Indonesia'. In Hadiwinata/Schuck, *op. cit.*, 363.
- 64| International Crisis Group (2008). *Indonesia: Implications of the Ahmadiyah Decree*, Asia Briefing No. 78, 1.
- 65| Shihab, as cited in Fealy/Hooker, *op. cit.*, 235.
- 66| *Ibid.*, 236.
- 67| *Ibid.*
- 68| Neera Chandhoke, *op cit.*, 255.
- 69| Larry Diamond, *op cit.*, 227.
- 70| Laurence Whitehead, *op cit.*, 36.

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## **MALAYSIA: CROSS-COMMUNAL COALITION-BUILDING TO DENOUNCE POLITICAL VIOLENCE**

Chin-Huat Wong

### **Introduction: Civil Society and State in Plural Society**

"Society is produced by our wants, and government by wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher. Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one." – Thomas Paine (1776/2008: Chapter 2)

There are various definitions of civil society (see Mark R. Thompson's chapter in this volume) but we shall define it by only two attributes: not-for-profit, non-violence, autonomy from state, on top of being a human grouping larger than family.

This choice is more empirical than ideological as we start from the basic premise that collective actions amongst humans can only be driven by three dynamics: coercion, profit and volunteerism.

Respectively the driving force of state and of market, coercion and profit both have their own shortcomings. Coercion is by definition the denial of free will and hence it undermines human agency. Even if the collective action benefits everyone involved, the coercive mean reduces their benefit in the process as the actors may passively resist participation or actively undermine the collective action as they are not convinced of its benefits. On the other end of the spectrum, profit or self-interest is self-motivating and hence may be superior than the state as an organising means. Unfortunately, often what is collectively rational may be individually irrational, resulting in the free-rider problem and externalities. When market fails, the state would be the natural alternative at the opposite end.

However, between state and market, civil society may exist as a site of cooperation between individuals which depends on neither coercion nor profit. Here people are driven by volunteerism which may be based on positive inter-personal bonding or enlightened and long-term self-interests

which may emerge from deliberations in the public sphere. As collective actions can be made possible without suppressing personal autonomy and in the absence of private benefit for all parties needed, volunteerism then makes civil society superior than both state and market. Civil society's superiority over the state is well articulated by Thomas Paine who sees government as but a "necessary evil" in humans' collective living.

This understanding then naturally leads to its operational definition in non-violence, not profit and autonomy from the state. Naturally, it cannot be operating on profits or it would become part of the market. Meanwhile, if violence becomes the currency of interpersonal interactions or when social groups are controlled by the state, the actors will act by the logic of the state. The more violent or the less autonomy from state, the less a social group can be considered a part of civil society.

It is noteworthy that we do not define it ideologically more than the little normative basis needed to construct our conceptual framework above. Groups that constitute civil society need not believe in liberal democracy or universal human rights. They need not -- and in fact, should not - be broad-based in representing all segments of society to be some micro-cosms of the state. They need not be political in outlook aiming to change some public policies or even transform the state. In this definition, insofar as their collective actions are non-profit, non-violent and autonomous from the state, civil society groups can range from sport clubs to religious organisations, from debate societies to singers' fan clubs and from trade unions to commerce chambers. Our definition is clearly leaning towards the notion of social capital popularised by Robert Putnam (1993). While we certainly believe that a "dense network of secondary associations" may promote civic-mindedness, we do not define away "bad" or "uncivil" civil society groups. Our analysis hence includes any groups that are no-for-profit, non-violent and autonomous.

With such an encompassing definition, we then set out to investigate at the next level how such a broadly-defined civil society interacts with the authoritarian state in a plural society, as in the case of Malaysia.

Thompson demonstrates that state-society relations may be "transgressive" or "symbiotic" informed by different notions or models. In a transgressive relationship, civil society may pressure the state to democra-

tise the political system (Arendtian), to deepen citizenship (Rousseauian) or even to revolutionalise the society (Leninist). Civil society may also choose to be more cooperative with the state to make democracy work (Putmanian), to support populist regimes (Peronist), to protect their class interests (Gramscian) or to defend the country's tradition and identity (Burkean).

While no country would have a homogenous ideological landscape in civil society, plural societies are explicitly diverse that we need to recognise the existence of different civil society factions, which may take different attitudes towards the state. Even these attitudes may be fluid as groups change their position over time and issues.

Plural society has long been seen as unfriendly soil to democracy. For example, the 19th Century British liberal thinker John Stuart Mill (1861/2004: Chapter 16) held a very pessimistic view: "Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist." A century later, this was echoed by John S. Furnivall (1956, 313), a Fabian socialist colonial scholar in his analysis of plural society in colonial states: "In Burma, as in Java, probably the first thing that strikes the visitor is the medley of people – European, Chinese, Indian and native. It is in the strictest sense a medley, for they mix but do not combine. Each group holds to its own religion, its own culture and language, its own ideas and ways. As individuals they meet, but only in the market place, in buying and selling. There is a plural society, with different sections of the community living side by side, but separately, within the same political unit. Even in the economic sphere there is a division along racial lines."

Both the analyses of Mill and Furnivall see diversity as the obstacle to democracy and nationhood might be oversimplifying and misleading if we consider a wider sample of post-colonial states that mushroomed after World War II. As compared to the relatively homogenous pre-War Western European and Anglo-American democracies, most of the new post-colonial states were decisively more diverse as colonial boundaries cut through ethnic, religious or linguistic boundaries and forced people with little fellow-feelings for each other to share a country. While many of them

do sink into violence and chaos, the real obstacle may be inequality rather than diversity per se. Cultural differences is more acceptable when they do not inform the well-being of individuals. Inequality may be manifested in market and society, where some groups are simply more affluent, advanced and advantaged than others. It may however also be due to the partiality of the state.

The partiality of the state points to the problem of stateness, “when there are profound differences about the territorial boundaries of the political community’s state and profound differences as to who has the right of citizenship in that state.” (Linz and Stepan, 1996: 16). In a weaker form, the problem of nationhood emerges: while the territorial boundaries may have been passively accepted, the right of citizenship is still highly contested – whether all segments of the population should be given citizenship or whether citizenship should entail equality. The state is then the site of political contestation, not just over what policies to be implemented, but fundamentally over for whose interests the state should serve or not serve.

This further problematises the need and benefits of democratisation, much like those of decolonisation if the country is still under foreign rule, as the advocated outcome may not bring about a desirable outcome across the board. As we shall see in Malaysia, unlike in countries like Poland, this poses a colossal challenge to the Arendtian civil society groups in pushing for democratisation. Opposing and challenging authoritarianism may be divisive rather than uniting – when the state is partial towards some segments of society, it evokes reciprocal partiality, and democratising such a state will be a zero-sum game, rather than a positive-sum one for civil society.

Ironically, if such division has not already driven society into political violence, it may strengthen the need or justification of a strong state to avoid political violence and exclusion. In Thomas Hobbes’ notion of “social contract”, government brings about peace by preventing violence in anarchy, namely a condition of “war of every man against every man” (1651/2002: Chapter XIX), and where lives are “solitary, poor, nasty, brutish, and short” (1651/2002: Chapter XIII). In a multicultural set-up, if riots take place, one could imagine a condition of “war of every man from a group against every man from another group” (*italics mine in both*). And when a strong state is inevitable, staying out from or hostile to the state becomes an undesirable option even for the less favoured societal groups because

the consequences of political exclusion can be devastating. Hence, if the strong state is willing to accommodate the minimal expectation of less favoured society groups, it may win the support of the latter in their avoidance of political violence and political exclusion.

Hence, given such a plural society context, “bridging” social capital in the Putnamian sense becomes a key in building the basis for Arendtian democratising push. Here, the state has two useful tools to strengthen its position in a transgressive state-society relation. First, it may use its partiality to “divide and rule” civil society factions, a strategy the colonialists are often accused of. Second, it may use society’s general fear of political violence to showcase the value and necessity of strong government. These two tools can be deployed by the state at once by inducing threat of communal violence. Civil society will have to put off the fire by both creating some impartial goal that everyone can sign up to and denouncing violence. As the Malaysian experience shall show, non-violence may indeed be the coalition-building minimalist goal. The procedural nature of non-violence is incidentally then the basis of some procedural democracy, the antithesis to a partial and coercive government.

### **The Partial State and Fragmented Civil Society in Malaysia**

A successor state of British Malaya and British Borneo, Malaysia’s plural society has its current form shaped in the colonial age. Its population can be categorised into three main groups. The first is the Malays and Malay-speaking Muslims, which include descendants of Minangkabau, Bugis, Javanese, Banjarese, Bruneians, Sulu, Bajau, Arabs and some Indians. In Malaya (Peninsular Malaysia), the Malays established governments before the British colonisation. The British consolidated the Malay states and reinforced the ethnic connection between Malays and Islam by prohibiting Christian proselytization amongst Muslims. The second group is the non-Muslim natives, consisting of Borneans which make up the majority and smaller groups of Orang Asli (aboriginal people) in the Peninsula. The colonisation obstructed the Islamisation of the inland and many animists embraced Catholicism and Protestantism instead. The third group is the Chinese and South Asian immigrants, mostly non-Muslim and not habitually Malay speaking. They came in en masse in the 19<sup>th</sup> and early 20<sup>th</sup> centuries to fill the human resource need in mining, agriculture and construction. While the majority of them were brought in during the British reign, the early Chinese miners in Perak, Selangor and Negeri Sembilan

and the early Chinese peasants in Johor were brought in by pre-colonial Malay rulers, such as Temenggung Ibrahim and his son Sultan Abu Bakar who popularised the Kangchu settlement system. The non-assimilation of the Chinese and Indians, in contrast to the earlier and contemporary Muslim immigrants, would become a main point of contention in discontent over inequalities.

As a result of government policies and market force, the three groups occupied different positions in the political and socio-economic orders. In Malaya, the Malays who laid claim to the sovereignty of the land were generally stuck in agriculture and fishery, led by a small Anglicised aristocratic-bureaucratic elite. The Chinese and Indians had better opportunities in social upward mobility and were disproportionally represented in the business and professional class. In contrast, the non-Muslim natives were – and still are – the weakest both politically and economically. Such pattern of communal division of labour did not bode well for ethnic relations, which deteriorated during the four-year Japanese occupation in the Second World War. In this first instance of explicit state partiality, the Japanese mistreated the Chinese for backing the anti-Japanese guerrillas while employing Malays in the security forces. This led to local Sino-Malay clashes in several places in the immediate days after the War ended, souring ethnic relations in the years to come.

The intense ethnic rivalry in Malaya/Malaysia contributed to a 23-year transition period from decolonisation to stabilisation, with both international boundaries and state character going through changes to satisfy two sets of considerations, Cold War and communalism.

Communalism first shaped Malaya's boundary. In April 1946, British Malaya was partitioned for the first time to create a Malayan Union that liberally offered citizenship to non-Malays which excluded the Chinese-majority Singapore. This was mainly to avoid the Chinese outnumbering the Malays in the hope that would make the Malayan Union more acceptable for the Malays. Nevertheless, the Malays were vehemently opposed to the multi-ethnic polity and formed the United Malays National Organisation (UMNO) as their vehicle. The ethno-nationalist party succeeded in forcing its replacement in February 1948 by the Federation of Malaya with a tightened citizenship regime, establishing its dominance.

The Cold War however triumphed next. UMNO's victory was soon diluted when communist insurgency broke out in June 1948 to end British colonisation, beginning a 12-year Emergency. Political exclusion of the non-Malays would mean sending them to the camp of the predominantly-Chinese Communists. Convinced by the British, UMNO founder president Dato Onn bin Jaafar started to promote inter-ethnic accommodation and wanted to turn his party into a vehicle for all Malaysians. When UMNO twice rejected his proposal to open membership to non-Malays, he left it to form a new party, Independence of Malaya Party (IMP). To defeat IMP in Kuala Lumpur's inaugural municipal election in 1952, UMNO formed a local pact with the Malayan Chinese Association (MCA). The unexpected success of this pact sent IMP – and by extension, the idea of a catch-all multi-ethnic party – into oblivion and sealed the UMNO-MCA pact into the Alliance Party, which would soon be joined by the Malayan Indian Congress (MIC). The coalition of three mono-ethnic parties went on to win Malaya's first national election in 1955, with 82% of votes and 98% of seats, and eventually Malaya's independence from Britain on August 1957.

The Cold War and communalism then joined hands to force the second boundary change, this time in the reverse direction. While Malaya's independence weakened the communist insurgency, as the communists were now forcing a national government and no longer a colonial regime, the independence of Singapore was set to pose a Cold War threat to Malaya. With the island state's first full election returned a single-party government, its independence became inevitable. As Singaporeans were predominantly Chinese who were in turn predominantly left-leaning, an independent Singapore risked falling into the hands of the communists. Independence through a merger with the staunchly anti-communist Malaya was therefore preferred by both the British and Singapore's ruling party, People's Action Party (PAP). As a Malaya-Singapore merger would result in the demographic dominance of the ethnic Chinese, the very reason why the first partition was engineered, Malayan Prime Minister Tunku Abdul Rahman was instead more interested with merger of British Borneo – while only Brunei was a Malay state, Bornean natives in Sabah and Sarawak were thought to be "almost Malays" (Tan 2008, 53). Eventually, the consensual proposal was to form a federation which would engulf all five territories – the independent Malaya, the colonies of Singapore, Sarawak and North Borneo (later Sabah) and the protectorate of Brunei. To Malaya's disappointment, the Brunei Sultan chose to keep his Sultanate out and Malaysia was eventually formed by four territories on September 1963.

Communalism then struck to trigger the third and last boundary change. The Malayan and Singapore ruling parties, the Alliance and PAP, were soon at loggerheads. After Alliance's unsuccessful challenge to unseat PAP in Singapore's general election in 1963, PAP too unsuccessfully contested against MCA in Malaya's general election in 1964, wanting to replace MCA as UMNO's Chinese partner. When UMNO rejected PAP's demand outright, PAP went on to form a multi-territory coalition, Malaysian Solidarity Convention (MSC) with two Malayan and two Sarawakian parties to take on Alliance, rejecting ethnic preferentialism for the Malays and advocating for a colour-blind egalitarianism with the slogan "Malaysian Malaysia". UMNO responded to this challenge by expelling Singapore from Malaysia, which finalised Malaysia's external boundary.

These political developments as well as what led to the 1969 settlement perhaps may be understood by framing the conflicts in a question form, which may be called the 1946 Question after the year of its emergence: "can citizens be different yet equal?" Phrased otherwise, it was a choice between a "Malayan' nation-state" and a "Malay' nation-state". (Cheah 2002, 3) A "Yes" would mean state impartiality (Malayan) while a "No" favouritism (Malay). The British's Malayan Union was a "Yes" while UMNO was the embodiment of "No". The formation of Federation of Malaysia in February 1948 moved the cursor from "Yes" towards "No" while the subsequent developments from the communist insurgency to Malaya's independence pushed the cursor back towards "Yes". The 1965 slogan "Malaysian Malaysia" was a loud and clear call for "Yes" while the developments after 1969 reverted the movement towards "No", gaining its slogan "Ketuanan Melayu" (Malay Supremacy) in 1986, after a speech by an UMNO ideologue.

Key amongst these developments was the Merdeka Compromise, canonised as the "social contract" in official discourse, a package deal in political and economic entitlements, religion and language. The non-Malays were given citizenship and an assurance of status quo in economic freedom, religious freedom and linguistic freedom for the foreseeable future. The Malays were given the preferential status in public sector employment, education opportunities and business licensing (termed "special status" under Article 153 of the Federal Constitution) as a compensation for the expansion of citizenship to the non-Malays. The Malayan state would also adopt Islam as the "religion of the Federation" (Article 3) and Malay as



the “national language” (Article 152) to indicate its Malay character while the non-Malays enjoy their religious and linguistic freedoms. It is important to note that the settlements on religion and language have actually built in mechanisms for very gradualist assimilation, which would correct the anomalistic resistance of the Chinese and Indians. Religious conversion is to be a one-way traffic as propagation of non-Islamic faiths to the Muslims is prohibited. Meanwhile, stated in not the Constitution but in the Razak Report, while the state would not forcibly close down the Chinese- and Tamil-medium schools, the schools would be deliberately neglected in state aid to cause their abandonment by parents, to result in a single-stream system using the Malay language as the medium.

More important was the deal for UMNO, whose power was confirmed since 1948 with the abolition of the Malayan Union. In trading in its 1946 ideal of ethnocracy, UMNO was effectively assured its dominance despite being in a multi-ethnic and multi-party democracy. Tunku Abdul Rahman revealed his confidence of such dominance in his memoir years later, reflecting on the tugs of war over the 1957 Constitution, “It was, of course, not a perfect constitution... But we knew we were going to be in power with an overwhelming majority and if any changes appeared necessary we would amend the constitution.... So, why waste haggling over it at this stage? I just told my colleagues to accept everything that was proposed.” (Wade 2009, 17)

The built-in dominance of UMNO can be understood at three levels. First, the Malays as UMNO’s core constituency was guaranteed a majority status. To decide who may be qualified for the Article 153 privileges, Article 160 provides a definition of Malays. This definition is based on religion (Islam), language (Malay), custom (Malay) and one’s own or ancestor’s geographical origin (Malaya or Singapore), but nothing about lineage, making its membership open and flexible to allow recruitment and expansion. Reading the Article 160 definition together Article 153 and Article 11(4) which ensures one-way conversion, the percentage of Malays can only grow and not shrink. Second, UMNO was expected to command the support from the majority of Malays – with no built-in advantages other than being the standard bearer of Malay nationalism. Third, UMNO was to be over-represented with malapportionment of constituencies in favour of the predominantly-Malay rural electorate.

The system only needed to be slightly modified with the formation of Malaysia in 1963. The favoured majority is officially changed from Malays to "Bumiputeras" (sons of soil) for the Article 153 privileges to cover the Bornean natives. As the functional equivalent to UMNO's rural constituencies, the states of Sabah and Sarawak are also over-represented in the Federal Parliament. However, UMNO soon discovered that its calculation that all Bornean natives would be UMNO and the Malays' natural allies was wrong. The Christian natives turned out to be watchful of their state rights and critical against Malayan domination. This led UMNO to orchestrate the removal of the Christian native leaders as the states' chief executives and their replacement by UMNO's Muslim native allies. Meanwhile, religious discrimination against Christian natives was also practiced, especially in Sabah, to induce their conversion to Islam. Hence, the favoured majority after 1963 was only "Bumiputeras" in theory but "Muslims" in practice.

While UMNO managed to expel Singapore and tame Sabah and Sarawak from challenging its dominance in the immediate years after the formation of Malaysia, the 1957 political order was seriously challenged in its home turf Malaya in the 1969 elections. The centrist Alliance suffered attrition of Malay support to the Malay-based opposition, especially the Pan-Malaysia Islamic Party (PAS), for not doing enough in championing and advancing the Malays' interests. Tunku Abdul Rahman was deemed too soft towards the Chinese by not only the Malay oppositionists but also critics with UMNO. As compared to the 1964 election, the Alliance lost 10% points of votes in the Peninsula to the opposition, 9% points of which went to PAS. The UMNO:PAS vote ratio shrunk from 5:2 to 3:2, indicating the emergence of a steady two-party competition for Malay votes. Due to the first-past-the-post (FPTP) electoral system, PAS however only increased its parliamentary seats moderately from nine to 12 out of 104 seats in the Peninsula, as compared to UMNO's 51. (Wong, 2012; Mauzy 1983, 50-53) While PAS was then rather parochial and unambitious to eye on ruling the country, it was unimaginable that the Islamist party might choose to ally with the non-Malay opposition and offer a multi-ethnic alternative to the Alliance.

This possibility however was soon removed when the UMNO supporters and Chinese opposition supporters crashed in their post-election processions, resulting in the May 13 Riot. The Malays felt that their political dominance was threatened with the non-Malay-based opposition increasing

their parliamentary seats from a mere six to 22, winning the Chinese-majority state of Penang and causing hung assemblies in the ethnically-mixed states of Selangor and Perak. The electoral upheaval has been generally interpreted as the Chinese deserting the Alliance, and by extension, challenging UMNO/Malay dominance. For all but one election after 1969, the Chinese voters were reminded to avoid another May 13 riot by not abandoning the UMNO-led ruling coalition. Electoral data however showed the contrary – the support for non-Malay opposition parties in the Peninsula has stood still at 26%. Their impressive gain in seats was due to their success in reaching an electoral pact for straight-fights against the Alliance, further amplified by the FPTP system. (Wong, 2012; Mauzy 1983, 50-53)

The riot which caused 196 casualties, 439 injuries and significant property loss paved way for a revamp of the 1957 arrangement system (Kua 2007, 9). Many like Kua see it as a disguised coup by UMNO Young Turks to overthrow Tunku Abdul Rahman. Soon after the Riot, Emergency was proclaimed and parliamentary government was suspended for two years. Deputy Prime Minister Tun Abdul Razak Hussein took over the executive power with a National Operations Council (Majlis Gerakan Negara, MAG-ERAN) consisting of predominantly Malay top political, bureaucratic and security elites.

Tun Abdul Razak brought two fundamental transformations to Malaysia, first, reinforcing the state partiality towards the Malays; second, depoliticisation. Core to the first project was the New Economic Policy (NEP), which officially started 1971 and ended in 1990, but in essence, its spirit continued to guide successive policies and may be better understood as a policy paradigm than a policy in isolation. While its official goals were more inclusive, eliminating poverty and restructuring society, the NEP was the embodiment of Bumiputeraism, the nativist preferentialism. The Article 153 privileges were expanded beyond public sector employment, education and business licensing to cover equity ownership, private sector employment, and house purchase. Going beyond the constitutionally-stipulated “reservations”, ethnic quotas or discounts for Malays/Bumiputeras are rigidly imposed, resulting in brain drain, capital flight and political alienation amongst the non-Malays. During the reign of Prime Minister Mahathir Muhamad (1981-2003), the NEP paradigm became the pretext for cronyism and rent-seeking for UMNO-connected businesses (Gomez and Jomo, 1997). On the cultural front, Malay as the national language

was aggressively promoted and by 1980s, all previously English-medium schools and public universities were transformed into Malay-medium. The National Culture Policy was also introduced in 1971 to promote a national culture that was based on Malay culture and Islam.

Tun Abdul Razak actively depoliticised the Malaysian society as he believed "... in our Malaysian society of today, where racial manifestations are very much in exercise, any form of politicking is bound to follow along racial lines and will only enhance the divisive tendencies among our people" (Zakaria Haji Ahmad 1989, 366). His position was not surprising as "politicking" had put the centrist Alliance under great duress. Tun Abdul Razak's depolitisation was built on Alliance's practice of "power-sharing". Instead of excluding non-UMNO interests, he opted for their co-optation on UMNO's terms to curb public participation and mobilisation, which effectively suppressed opposition to the NEP and other pro-Malay policies. As a stick towards this end, the Sedition Act was amended to outlaw questioning – not even in parliamentary debates -- four matters in the Constitution: citizenship (Part II), language (Article 152), special status (Article 153), and monarchy (Article 181). The definitive carrot was of course the expansion of Alliance to the National Front (Barisan Nasional, BN) in 1974, which then co-opted all but two parliamentary opposition parties. To further constrain the room of electoral contestation, his government went on to remove the constitutional cap on malapportionment of constituencies, permanently abolish local election and eliminate state-level representation for the pro-opposition capital city of Kuala Lumpur. The success of "depoliticised power sharing" owed much the lasting fear of the May 13 tragedy. As compared to life loss and property damage in riot, a state-arbitrated redistribution programme was made to be seen as the "necessary evil" for inter-ethnic peace. As we shall see, this also led to the "principal-agent problem" that the state has the interest to maintain the threat to perpetuate its role. As a consequence, Malaysia's ethnic relations management has twin goals that ethnic tensions must not go out of control and also out of fashion.

The strong and partial Malaysian state has been characterised by Wade (2009) as an ethnocracy, but its sophistication suggests it may be better understood as an "electoral one-party state" (Wong, Chin and Norani 2010). A pure ethnocracy should be exclusive towards the minorities and impartial towards all members of the favoured majority, neither of which applies to the UMNO-controlled state. The BN government has always

maintained minority representation and been reasonably responsive to the electoral revolt of the minorities. More importantly, while the Malay-Muslims are favoured by the state, their access to state support is not objectively determined but much informed by partisanship and personal connection. On the other hand, electoral one-party state is a subtype of electoral authoritarianism (Diamond 2002; Levitsky and Way 2002; Schedler 2002) where elections are regularly held but flawed, opposition parties are allowed but suppressed, and, most importantly, the boundary between the state and the dominant party is blurred. To have the people seeing the dominant party as the builder, defender and definer of the state, the party must have an ideology that legitimises its power and a patronage system that deliver the votes. In Malaysia's case, UMNO's ideological claim is the partiality towards Malay-Muslims – the "Yes" answer to the 1946 Question – and depoliticised power sharing. And the patronage system is the NEP paradigm which discretionally reward UMNO leaders, members and voters, with general privileges for other Malay-Muslims and also spill-over benefits for BN's non-Malay constituencies. The penetrative and divisive nature of the NEP paradigm makes its beneficiaries addictive to their allegiance to the state and its detractors divided in finding an alternative. The expansive NEP paradigm hence helps tie Malay-Muslim votes to UMNO, which was lacking in the 1957 order.

As UMNO's electoral one-party state has been successfully pitting Malays and non-Malays against each other, synchronised rejection by both constituencies was not possible until 2008. In the 1990 election, although Prime Minister Mahathir Mohamed was deeply unpopular for authoritarianism and corruption across ethnic lines. He nevertheless succeeded in evoking the fear of many Malays that his arch rival Tengku Razaleigh might sell out Islam and Muslim interests to his Catholic allies in Sabah for the sake of winning power. In the 1999 election, Mahathir was rejected by many Malay voters angered by his persecution of his former deputy Anwar Ibrahim but he was saved by many Chinese voters who feared another ethnic riot due to regime change. The electoral one-party state seemed to restore its strength when Mahathir's successor Abdullah Badawi won the 2004 election with a landslide of 64% votes and 91% seats, with a positive campaign selling on his fatherly approachable image. Abdullah soon angered some voters for doing too little in dismantling Mahathir's legacies and Mahathir's camp for doing too much, leading to the first synchronised revolt against BN by Malays and non-Malays.

Abdullah survived the 2008 “political tsunami” with a wafer-thin 51% victory in vote share but the party-state was significantly damaged and its irreversible decline set in. As riots did not happen even when the opposition took control of five states, including the most prosperous and industrialised Selangor and Penang, the fear of May 13 gradually evaporated. This led to what Mahathir described as “UMNO’s Chinese Dilemma”, that the party needs the returning of some Chinese votes to regain its strength but the Chinese voters seemed unmoved whatever attempts UMNO took to woo them. This essentially led to UMNO leaning more to the ethno-nationalist right, in the hope that it might secure more Malay votes to survive. The 2013 election saw the Chinese support for BN drop to the unprecedented level of 15-20% while UMNO increased its seats from 79 to 88 seats in a 222-member Parliament. Overall, though retaining 60% of parliamentary seats, BN won only 47% of votes, losing its majority for the first time after 1969.

As the state is explicitly partial and positioning itself as the defenders of Malay-Muslims, ethnicity and religion correspondingly colour civil society groups’ policy preference and their attitudes towards the state, resulting in their fragmentation. Whether or not leaning towards UMNO, PAS or the Anwar-led centrist People’s Justice Party (PKR), Malay-Muslim civil society groups in general are more supportive of state’s intervention in economy and cultural assimilation in the long run. In contrast, whether aligned to the BN or the opposition coalition Pakatan Rakyat (consisting of PKR, PAS and DAP) or neither, non-Malay-non-Muslim or multi-ethnic civil society groups in general are more supportive of meritocracy, multiculturalism or both. Psychologically, as Malay-Muslims feel that the state is theirs, they tend to be more sympathetic towards state institutions but at the same time less fearful of political persecution by state. In comparison, non-Malay-non-Muslims who feel less their ownership of the state tend to be more critical yet fearful of the state. Until 2011, street rally participants were predominantly Malay-Muslim while most outspoken non-Malay criticisms of the state were found online and often in anonymity. Lastly, the degree of economic independence from the state also inform the “ecology” in terms of civil society autonomy in different ethno-religious communities. Given significant dependence to the state for employment and business opportunities, Malay-Muslim civil society groups critical of governments are much harder to find, and of the rare exception, many are closely linked to the opposition. In contrast, non-trade-based Chinese civil society groups are

generally critical of the state although few would be seen as pro-opposition. Meanwhile, non-Muslim religious groups are generally BN-friendly as they need political connection to avoid or overcome bureaucratic obstacles while some also hope for state largesse. In recent years, many Christian groups however have become more outspoken.

The fragmentation of Malaysia's society makes it easy for the state to periodically and cyclically re-create the need for its partiality and authoritarianism. While the pro-democracy civil society groups -- in collaboration with the opposition -- try to mobilise the public to challenge the state on various concerns such as electoral fraud, draconian laws, political persecution, corruption and economic hardship, the state turns the game on them by creating ethno-religious tensions. Such tensions are always a powerful reminder of the 1969 riot, which led to the birth of the electoral one-party state guided by the NEP paradigm and has never been delegitimised.

This chapter will look at two serious incidents of religion-related violence that hit Peninsular Malaysia within three years after the 2008 political tsunami, which may be seen as belated responses to the rise of the opposition. They shared a few similarities. First, some Muslims felt that their rights have been encroached by the non-Muslims as a result of public decisions - by an Opposition-controlled state government in one and by a High Court judge in another. Second, violence was -- an intimidating and literally blood demonstration in the first and arson of churches in the second -- used as a means to extort the retreat of the other parties so that the decisions could be reversed or rendered academic. Third, these Muslims' demand were tacitly supported by the state and their violent means justified directly or indirectly. Finally, civil society however succeeded to pull a united front condemning violence as a political means but did not take a stand on the matters of dispute.

### **2009 – The Cow Head Protest**

The matter of dispute in the first case was the proposed relocation of a Hindu temple from one suburb (Section 19) of Shah Alam, the state capital of Selangor, to another suburb (Section 23). When the Sri Maha Mariamman Temple was established in 1903, Section 19 was a plantation estate of rubbers with mainly Hindu Indian workers. As Shah Alam was developed to be a model Malay city after 1969, the state government's development arm, Selangor Economic Development Corporation (PKNS), gradually re-

developed the area into housing estates. The town-planning master plan in 1987 however omitted the temple from its map, causing many Muslims to buy houses there without knowing its existence. For over twenty years, Muslims there demanded the temple to be relocated elsewhere citing traffic and public order concerns during the temple's weekly religious activities. The temple committee too wanted relocation to more suitable sites but their applications were rejected. This changed after 2008 when the opposition coalition Pakatan Rakyat was swept into power in Selangor. PKNS which wanted the temple's location for more housing projects eventually proposed an alternative site in Section 23. The proposal too was however objected by many Malays in Section 23 (Sheridan and Siti 2012).

On August 28, 2009, just three days before Malaya's Independence Day, a group of 50 Muslims claiming to be Section 23 residents marched 300 meters after the Friday prayer, from the State Mosque to the State Secretariat Building (the seat of the state government) with a freshly severed cow head (Ong 2009; Malaysiakini 2009a). They vowed to object the relocation to their neighbourhood at all cost. Mahyuddin Manaf, the chair of Section 23 Action Committee chair did not veil his threat at all: "We will not budge one inch, even if lives are lost or blood is made to flow. We will still defend Section 23 from having a temple built there." His deputy Ibrahim Sabri was equally militant and wanted to put the blame squarely on the state government: "If there is blood, you (the state government) will be responsible if you are adamant about building the temple."

The logic of the protest was one of Muslim supremacy. Mohd Zurit Bin Ramli, one of the protestors, claimed that "With a temple on our residential area, we cannot function properly as Muslims. The temple will disrupt our daily activities like prayers in the Surau. We cannot concentrate with the sounds coming from the temple." The proposed site was 200 metres from the nearest house and 400 metres from a Muslim prayer house (surau). The contention is on both the number and visibility of non-Muslim houses of worship, which become a measure of inter-communal comparison. One of the protest banners said: 'Illegal temples are very small, but once relocated, they are as big as Putrajaya [Malaysia's lavishly-built administrative capital]', implying that the greater the visibility of the non-Islamic faith, the more they would feel challenged. A week after the cow-head protest, a Muslim missionary body led by a former politician Mohd Nakhaie Ahmad blamed the protest on the proliferation of illegal Hindu temples. He



claimed that, for example, in the Sentul area in Kuala Lumpur, there were 72 Hindu temples catering for 2,600 Hindus there but only 13 mosques for the Muslims who made up 60% of the population. Zurit accused the state government of being irresponsible to approve the construction of a Hindu temple in "90 percent" Muslim-majority neighbourhood like Section 23, which actually had about one third of households being Indians (Shazwan Mustafa Kamal 2009a; 2009b; and 2009c; Ong 2009). Considering that for Selangor and Kuala Lumpur alone, 15 Hindu temples had been demolished between 2006 and 2007 under BN, and 31 more had been served demolition notice by 2008 (MalaysianIndian1 2008), the Pakatan Rakyat decision to relocate the Sri Maha Mariamman Temple was clearly against the trend. Muslim supremacist groups like pro-UMNO Ikatan Muslimin Malaysia (ISMA) saw any grandiose presence of non-Islamic faith as promoting "infidel religions", jeopardising Malaysia's position as an "Islamic country" and exceeding the constitutional provision for religious freedom (Zurairi 2013).

The rowdy and highly partisan protest was aimed at both the Hindu/Indian community as well as the Pakatan Rakyat state government. Chief Minister (Menteri Besar) Khalid Ibrahim was called "traitor to the Malay race and Islam". His visit to the proposed temple site yesterday was seen as "disrespectful" to the local Muslims. A protester shouted and looked out for Dr Xavier Jeyakumar, the state minister of Selangor in-charge of non-Muslim affairs and a Christian Indian, "Where is Xavier? This head is for him." They also condemned Rodziah Ismail, another state minister and the local state representative and Khalid Samad, the local parliamentarian. Khalid Samad. Khalid Ibrahim, Xavier Jeyakumar and Rodziah Ismail were from PKR while Khalid Samad from PAS (Ong 2009).

The protest was obviously orchestrated by the UMNO party-state. Not only some protesters were allegedly UMNO members. While the Police is normally quick to disperse protests, the cow-head demonstration lasted for 15 minutes under the watch of more than a dozen by-standing police personnel. Five days later, Home Minister Hishamuddin Hussein called for a press conference with the protestors, justifying the action of the protestors and blaming the protest on the State Government for causing their dissatisfaction. (Lee, 2009; Ong 2009; Rahmah 2009; Malaysiakini 2009b)

The political calculation was very clear – Should the situation go out of control, the Pakatan Rakyat state government would be blamed for caus-

ing instability and unrest. On the other hand, should the threat work and the relocation plan was cancelled, UMNO could claim to the Muslim hardliners that they were the true defender of Islam and Muslim interests while the Pakatan Rakyat and especially PKR and PAS had been sell-outs. In other words, violence became a convenient means to extort political concession from the groups targeted by violence. Given the historical context, this was in fact a subtle threat of re-enacting another May 13 riot. The only way that UMNO would stand to lose was if the violence failed and was instead condemned.

When Hishamuddin's defence of the cow-head thugs drew outrage nationwide, the Malaysian Communications and Multimedia Commission (MCMC) – the regulator for broadcast and internet media – ordered independent online news portal Malaysiakini to remove both the video clips of both the cow-head protest and the Minister's press conference, which were deemed as 'provocative' (Malaysiakini, 2009c). Malaysiakini did not budge and eventually the Federal Government was forced to charge some of the demonstrators under growing public pressure.

However, instead of charging them for criminal intimidation for clearly threatening bloodshed, they were charged for sedition and illegal assembly. Eleven months later, one of them were jailed for a week and fined RM 3000 while another was fined RM 3000 for "inciting racial animosity with carrying a cow-head" under the Sedition Act. They and ten others were also fined RM 1000 for illegal assembly (Lee 2009). The choice of charges was strategic: a charge of criminal intimidation would be punishing and delegitimising violence, but a charge of sedition or illegal assembly would instead reinforce the impression that this country was fragile to provocation and hence 'political freedom' must be curbed to maintain inter-ethnic peace.

The Civil Society's response was markedly different. Sixty groups including the mainstream Muslim groups like Jemaah Islam Malaysia (JIM), Muslim Professional Forum (MPF), Islamic Renaissance Front (IRF) and Islamic Medical Association of Malaysia (IMAM) issued an Independence Day's message that urged Malaysians to delegitimise violence and hatred. It called for legal actions to be taken on the threat of violence and disciplinary actions on the police personnel's inaction. Using empathic language, it stressed that "all thinking Malaysians -Muslim, Buddhist, Hindu, Christian, Sikh, those of other spiritual traditions and atheist" were "humiliated and

hurt” and not just the Hindus, consciously singling out the cow-protesters from the vast majority Muslims and avoiding the episode being framed as a Muslim-Hindu conflict. It went to call for interfaith solidarity in condemning the insult as the superior alternative to legal prosecution of hatred: “every racial and religious bigot should be shamed and distanced by the general public especially by their ethno-religious community which they seek to represent. Political parties must also take disciplinary action against members involved in inciting hatred. This would deprive them the pleasure and gratification of self-righteousness and heroism. Legal punishment alone may prove inadequate because it may instead grant the offenders the self-perceived honour of martyrdom.” It also took the by-standing police personnel to task and demand for police reform at the institutional level. (Malaysian civil society groups 2009)

Remarkably, the statement made no comments at all on the subject matter of the controversy, namely whether or not the Hindu Temple should be relocated to Section 23. The statement merely stressed that violence and threat are not acceptable means to resolve dispute. In this episode, the civil society groups could be divided in three camps: those who both supported the relocation and opposed violence, those who opposed the relocation but also opposed violence, and those who opposed the relocation and saw violence as an acceptable means. A positioning affirming the substantial matter – temple relocation to Section 23 or more widely the non-Muslims’ right to build their houses of worship – would have likely pushed the second group into supporting the cow-head protest or at least keeping quiet. The alignment would likely have been a predominantly non-Muslim multi-ethnic camp against an all-Muslim camp, working to the favour of the UMNO party-state. In contrast, an emphasis on purely the procedural matter – violence must not be used as a political means to extort solution – successfully pulled the first two groups into a cross-faith united front, and isolating the third group. The united condemnation of the protest tied the Federal Government’s hand to either give impunity to the cow-head protesters or to emerge as both peace-maker and Malay-Muslims champion. The matter was eventually resolved with the temple being relocated to a different site in Section 23 but the local community nevertheless was to have suffered deep division between three groups: the Hindus, the Muslims supportive of the cow-head protest, and the Muslims who opposed it (Sheridan and Siti, 2012).

Nearly three weeks after the cow-head protest, on Malaysia Day, another civil society initiative “Fast for the nation, peace for Malaysia” took place as a subtle counter-protest against the cow-head incident. While the Muslim Malaysians were fasting in the midst of the Ramadhan month, the cross-faith initiative called upon all other Malaysians to join in the spirit of solidarity. While the objection to the relocation of the Hindu Temple was to prevent interaction and preserve segregation, the fasting initiative drove home exactly the opposite: people can unite even in a very religious practice like fasting.

In April 2015, a similar protest took place in Taman Medan, Petaling Jaya, also within the jurisdiction of Selangor, this time against a cross outside a corner shop-house housing a Protestant church. About 50 protesters rowdily protested outside the newly moved-in church catering to the Indian locals, forcing the church to remove the cross. Making an exaggerated claim that Taman Medan is a 95% Muslim-area, a protest leader said that Muslims did not want to see a cross once they opened their windows and doors. Pointing to her young son, another protester claimed that the sight of cross might contaminate the faith of Muslim children. The protesters questioned why the display of cross was allowed by the local state assemblyperson, a Muslim lady from PKR, and also the Petaling Jaya City Council, controlled by the Pakatan Rakyat State Government (Cheng 2015; Antara Pos 2015).

The protesters turned out to be mainly UMNO local leaders and members including Abdullah Abu Bakar, the elder brother of Inspector-General of Police (IGP), Khalid Abu Bakar. The incident was widely speculated to be a distraction from UMNO’s troubles, as Prime Minister Najib Razak – Abdullah Ahmad Badawi’s successor and Tun Abdul Razak’s son – was embattled for the new Goods and Services Tax (GST) and the financial scandal involving sovereign fund 1Malaysia Development Berhad (1MDB). The IGP initially defended the protesters as lawful and excused his brother. Under tremendous public pressure, the Police eventually investigated Abdullah Abu Bakar and a few others, again for only sedition but not for criminal intimidation but no one has been charged so far. UMNO was similarly pressed to issue show-cause letters to Abdullah Abu Bakar and other party members involved (Musliza Mustapha 2015).

Like the cow-head protest, the anti-cross protest was grounded on Muslim supremacy but was also more explicit about the perceived threat of Muslim apostasy. For both reasons, non-Muslims especially Christians find it difficult to get land to build their houses of worship. Many independent churches resorted to using commercial or even industrial premises as their place of congregation. Since 2008, the Pakatan Rakyat State Government of Selangor has allowed churches to operate in commercial premises by way of notification to its State Committee on Non-Islam Affairs. A group called Concerned Lawyers for Justice (2015) however argued that it was still illegal for the Taman Medan church to use their rented building without obtaining prior written permission from the local council. This grey area in legality was however not enough to legitimise the forced removal of the cross. Many Muslims were angered by such an act and some questioned the paranoia over Muslim apostasy (Chu, 2015). A week later, a small group of multi-religious civil society activists led by healthcare and human rights advocate Azrul Mohd Khalib distributed flowers as a sign of good will in the Taman Medan neighbourhood. The area was associated with fear and racism, due to a fatal neighbourhood clash in 2001 involving Malays and Indians in the neighbouring Kampung Medan (Lim 2015; Chandran 2002).

### **2010 – The ‘Allah’ ban and Church Arson**

The matter of dispute in the second case was the right of non-Muslims to use the word Allah (‘the God’ in Arabic which predates Islam). This is not an issue in the Middle East, South Asia or Indonesia where the word is commonly used by Christians and Sikhs. In translating Bible to the Malay/Indonesian languages, which began in the 16th century, the Christian missionaries used many Arabic words with shared meanings for Islam such as Allah and Nabi (prophet).

Compared to the objection against non-Muslim houses of worship which is often just an assertion of Islam’s supremacy over other faiths, the Allah ban was driven by the fear of losing any Muslims in the proselytisation contest. A key pillar of state partiality established in the 1957 Compromise is the “one-way conversion” rule established by Article 11(4) which prohibits the propagation of non-Islamic faiths to Muslims. Politically, together with the Article 160 definition of Malays, this rule institutionally ensures the majority status of Malay-Muslims, which is vital to sustain UMNO’s political dominance and the NEP paradigm. The correlation of growing concern over

the apostasy threat and the electoral decline of UMNO is no coincidence. Despite the legal prohibition of proselytisation targeting Muslims and the fact that countless non-Muslims especially Christian natives are converted to Islam every year, there is a fear amongst Muslim groups in Peninsular Malaysia that Malays are targeted for apostasy. Ironically, the Allah ban affects mostly Christian natives in the Bornean states -- some 64% of all Christians -- who use Malay exclusively in worship and prayer, a practice that is a non-issue for their Muslim counterparts (Fernandez 2014).

The paranoia of Muslim apostasy has a spill-over effect on language in the Peninsula because religion and language are historically reinforcing cleavages – Muslims are mostly Malays who habitually speak Malay, while most Non-Muslims are Chinese, Indians and Eurasians who habitually speak English, Chinese or Tamil. While Malay has been promoted as the national language for all, especially after 1969, many Peninsular Malays still see it as a language belonging to Malays, or Muslims when it comes to the religious realm. Unlike in Indonesia where religious materials of faith are commonly found in the national language – a variant of Malay, non-Muslim religious materials in the Malay language is seen in the Peninsula as deliberate tools to proselytise the Muslims, or to “confuse” them. Making reference to Article 11(4) which prohibits proselytisation targeting Muslims, a senior minister admitted in a media interview that, “among other things, it is interpreted that if you translate any religious books into Malay language, then that is seen as an act to propagate religions other than Islam to those who profess the Muslim faith” (Borneo Post, 2010). This logic has since led to phenomenally the 2006 ban of the Indonesian translation of Charles Darwin’s “The Origin of Species” as the evolution theory was deemed as “endangering public harmony” (The Malaysian Insider 2014), and more comically, the 2014 ban the Malay translation of Japanese comic “Ultraman” for the all-powerful patriarch of the superheroes family was translated as “Allah” (Associated Press, 2014).

The Allah ban started and grew with Prime Minister Mahathir Mohamad’s reign. In 1981, the Alkitab, the Malay/Indonesia translation of Bible which contained the word “Allah” was banned. In 1986, amidst his party’s internal division, Mahathir who also helmed the Home Ministry prohibited Christian publishers from using four words including “Allah” and “solat” (prayer), on the pretext to prevent Muslim-Christian misunderstanding. In 1998, against the background of Mahathir’s power struggle with his deputy

Anwar Ibrahim, the Home Ministry prohibited Herald, a Catholic publication from using the word Allah (Ng 2013). In February 2009, Archbishop Murphy Pakiam filed for a judicial review over the Home Ministry's decision to forbid the use of Allah in the Malay edition of the Herald, as a condition for the church newspaper's publication permit, naming the Ministry and the Government as respondents (Bernama 2015).

On the last day of 2009, Kuala Lumpur High Court Justice Lau Bee Lan ruled that there was no constitutional basis to restrict the use of the word Allah as long as the Catholic Church did not use it to proselytise its faith to Muslims, as per the restriction of Article 11(4). She also held that there was material evidence to suggest the practice disrupted public order. She emphasised the constitutional protection for religious freedom in Article 3(1) which states that "Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation" over the restriction in Article 11(4). (Neo 2014, 10-12)

While the judgement was welcomed by the non-Muslims and liberals, two Muslim youth groups Angkatan Belia Islam Malaysia (ABIM) and the National Association of Muslim Students (PKPIM) decided to hold nationwide protest against the decision on the following Friday, January 8, 2010 (Adip, 2010). On the early morning of that Friday, a church was torched and nine more were attacked in one way or another in the next two weeks. Other houses of worships including mosques and a Sikh Temple were also desecrated in apparent attempts to exacerbate the communal tensions (Malhi 2010; Reuters 2010). In an immediate response after the first arson attack, the Home Minister said that the government would not hesitate to use any necessary means including the Internal Security Act (ISA) on anyone threatening national security (The Star Online 2010). While this warning was made in the pretext to protect national security and the minorities, the pressure was actually mounted on the Christians to seek for a political compromise. Three days later, the de facto religious minister in the Prime Minister's Department Jamil Khir Baharom urged the Christians to drop the claim to use the name "Allah". Praising a Sabah Christian who urged the Herald to drop the claim, the minister said, "I urge them [the Churches] to be wary and responsible toward peace and security in Malaysia. Other church leaders must have deep understanding of the situation and history on the use of 'Allah' in the country" (Bernama 2010). The script was nothing new: 'if you do not back down, you will be responsible for the chaos

and violence.’ And if the Christians did back down, the ruling coalition could claim credit for defending the Muslims’ monopoly of the use of the word ‘Allah’ and make the opposition parties which supported the inclusive use of ‘Allah’ look bad in the eyes of Muslim hardliners. Again, regardless who carried out violence, violence was useful here as a means to extort political concessions from the groups targeted with violence.

As in the case of the cow-head protests, mainstream civil society groups have again put up a united front opposing violence. Without taking side on the substantial matter, i.e., the non-Muslims’ right to use the word ‘Allah’, 127 civil society groups and five political parties issued a joint statement on the very next day after the first case of arson unconditionally denouncing violence and stressing interfaith solidarity. Amongst the signatory are a number of mainstream Muslim groups like JIM, MPF, IRF as well as Muslim student and alumni groups Persatuan Mahasiswa Islam Universiti Malaya (PMIUM) and Middle Eastern Graduate Society (Malaysian civil society groups 2010)

The joint statement stressed that “such violence however must not be seen as a communal conflict of Muslims and Christians” and that “it is as much an affront to Islam and to all religions as it is to the Christians.” It unequivocally condemned “those who shamelessly manipulate ethno-religious sentiments for their political gains” and blamed the escalation of the tension partly on “the irresponsible responses from the Administration which appears to be practicing double standards.”

The joint statement pressed for police action in “highest diligence and professionalism” but “categorically reject the proposed use of ISA against anyone” because “the arson suspects must be charged and tried in open court to delegitimize their barbaric act.” Further affirming free speech by saying that “no issue is too sensitive for rational debate in a democratic society,” it took pain to point out that the threat to stability and peace is not diversity or differences but unpunished violence.

While the Malaysian state hoped to evoke the security panic in dealing with the arsons and desecration of houses of worship, the Malaysian society responded calmly and civilly. The attacks eventually stopped and two brothers in their twenties were subsequently caught and convicted in court. They were first sentenced to five years by the Section Court and later to two years by the Court of Appeal (The Malaysian Insider 2012)



The civil society's response denied the state the opportunity to extort concessions from victims of political violence but any success it had was overturned by the Court of Appeal's judgement on October 14, 2013. More than ruling in the Government's favour, the Court turned Article 3(1) on its head. Judge Mohamed Apandi Ali ruled that the clause was to protect the "sanctity of Islam as the religion of the country and also to insulate [it] against any threat faced or any possible and probable threat to the religion of Islam", the most possible and probable of which to him was "the propagation of other religion to the followers of Islam." This means the non-Muslims need to ensure that their religious practice does not affect the peace and harmony of the country (Neo 2014, 14) Judge Abdul Aziz Abdul Rahim (2013, 25-26) even cited the arson attacks on churches and mosques after the 2009 High Court judgement to justify the ban on non-Muslims. By doing so, the judge completely relieves the state of any responsibility to ensure law and order. On January 21, 2015, the Federal Court dismissed the Catholic Church's appeal. The judgement however does not bind other similar cases such as one involving CDs containing the word Allah (Anbalagan 2015).

The Court of Appeal judgement has sent the wrong message in affirming the use of violence as a political means. Groups supporting the Allah ban took the cue to pressure the non-Muslims to accept the ban.

In late December 2013, the Herald editor Father Lawrence Andrew defiantly said Catholic churches in Selangor would continue to use the word Allah in its Malay language services despite Selangor Islamic Religious Department's prohibition based on a state law. A UMNO divisional religious bureau chief Mohd Khairi Hussin led a Klang Muslims Solidarity Secretariat to demand the Catholic priest for a retraction and apology to avoid an uprising of Muslims in the country (Musliza 2014). The Mohd Khairi group planned a protest outside Andrew's church in the town of Klang on January 5, 2014 but he and some 50 followers were forced by the police to move their protest to a nearby carpark. Some 20 Muslims and non-Christians also turned up to show solidarity to the 900-strong congregation who prayed for the safety of the priest (Boo 2014). The group coordinator, Azrul Mohd Khalib, who organised the solidarity visit to the Taman Medan church in April 2015, cited the Egypt experience where Muslims held hands to form a circle protecting churches (Lim 2014).

A year later, Penang Chief Minister Lim Guan Eng said a state law on Islamic religious administration Enactment which banned 40 words including Allah from being used by non-Muslims would not apply to non-Muslims, as the law was only to govern Muslims. This drew Perkasa, an ultra-right pro-UMNO group to hold demonstrations in Penang and also Ipoh in the neighbouring state of Perak on December 20, 2014. In Penang, calling Lim a “wild boar” and demanding his arrest, some 50 Perkasa members stormed into the building which housed the state government headquarters. The headquarters was forced to be locked down for two hours (Bhatt 2014). In Ipoh, the Perkasa demonstrators targeted the state headquarters of DAP led by Lim. A Christmas banner was torn down and a DAP lawmaker was asked to tell Lim that “Malaysia is not China”. The demonstrators warned Lim not to provoke the Muslims who would do anything to defend their faith (Tan, Chiam and Manjit 2014). While there might be a fine line between rowdiness and intimidation, the Perkasa protesters were never asked by the Police to assist in investigating the fine line.

### **Conclusion**

In Malaysia, the sophisticated authoritarian regime survives on state partiality which locks in the ethno-religious majority as the beneficiary and the collective fear of ethnic riot. As the state sinks into electoral decline since 2008, it tries to rebuild and regain its relevance from inter-religious disputes in the hope that it may appear as the champion of Malay-Muslims or the inter-ethnic arbitrator that can secure peace and stability, or both. Such a calculation was however defeated in both the cow-head protest and the church arson incidents as civil society groups across the ethno-religious divide stood united to condemn violence and hatred.

In both episodes, the civil society united front had chosen to emphasise the procedural wrongs rather than the substantial disagreements. By emphasising the shared humiliation and hurt the cow-head protest brought to “all thinking Malaysians - Muslim, Buddhist, Hindu, Christian, Sikh, those of other spiritual traditions and atheist” and not just the Hindus, and by portraying the church arson was “as much an affront to Islam and to all religions as it is to the Christians”, the joint statements consciously prevent the incidents to be framed as Muslim-Hindu or Muslim-Christian conflicts. Instead of being recognised as Muslim ultras fight for the Malay-Muslim community, the cow-head protesters and the arsonists were singled out and separated from the vast majority Muslims and condemned as the

trespassers against all religions including Islam. The statements deliberately sought to defuse the partiality the state tried to evoke. In the cow-head case, Muslim and non-Muslim groups even jointly condemned the by-standing police personnel which effectively gave silent consent to the episode.

Framing the use of violence as a procedural trespassing indirectly promotes the need of impartial procedures, which was the anti-thesis to the state partiality that defines and operates the electoral one-party state. Acceptance of non-violence as the first criterion of procedural fairness would then pave way for inclusive deliberation to make likelier the attainment of substantial justice. In the temple relocation case, an acceptable compromise was eventually reached even though the emotional scar remained. The strong and immediate Muslim backlash on the anti-cross protesters showed that direct insult on others' religious symbols is now completely illegitimate.

In comparison, the "Allah-just-for-Muslims" protesters in Penang, Ipoh and Klang were shielded from such delegitimisation despite their rowdiness or threat of violence. This may be due to the Court of Appeal's ruling which tasks the minorities with the responsibility for "peace and harmony", signalling impunity to the Muslim supremacists. It is also possible that the "Allah" ban is seen as a legitimate defence against apostasy of Muslims which bear great significance in both spiritual and material sense. Malaysians may need to work out a better answer to the 1946 question to reduce socio-economic inequalities in exchange for an end to state partiality. Hence, before there is any chance of democratisation pushed through by an Arendtian civil society, more Putnamian social capital would be needed to bridge the deep communal divides.

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## **PHILIPPINE CIVIL SOCIETY AND DEMOCRATIZATION IN THE CONTEXT OF LEFT POLITICS<sup>1</sup>**

Teresa S. Encarnacion Tadem<sup>2</sup>

### **Introduction**

Non-state actors, of which civil society consists of, have generally played an important role in the country's democratization process. In the Philippines, however, these non-state actors which were at the forefront of challenging and confronting the state particularly from the 1950s to the 1970s were represented not in terms of civil society players but as part of the communist movements in the country, i.e., the old Communist Party of the Philippines or the Partido Komunista ng Pilipinas (PKP) in the 1950s and in the 1970s, the new Communist Party of the Philippines (CPP). It was in the 1970s though where one witnessed the rise of non-governmental organizations (NGOs), particularly during the martial law regime (1972-1986) as playing an important role in addressing poverty in the countryside. These NGOs, however, were closely identified with the CPP, its military arm, the New People's Army (NPA) and its united front, the National Democratic Front (NDF), or the CPP-NPA-NDF also known as the mainstream Left. Besides from doing development work, these NGOs carried out advocacies such as human rights and peace. They were also very much part of the anti-dictatorship movement. With the overthrow of the Marcos dictatorship in 1986 through the country's People Power I revolution, also known as the 1986 EDSA Revolution, more NGOs emerged which were independent, and/or became independent or not allied with the CPP-NPA-NDF. These NGOs would provide the core of what became known as civil society consisting of non-state actors intervening in the country's democratization and development process. Their advocacies broadened carrying with them not only class-based concerns, e.g. the need to address poverty and socio-economic inequalities but also non-class based issues, e.g., environment, women and peace. Civil society together with NGOs as major players would play a leading role in the country's vibrant social movement which during the martial law years was generally dominated by the mainstream Left.

This paper, therefore, focuses on the emergence of civil society organizations (CSOs) whose incipience could be found in the Philippine left movement during the martial law period. Although there exists other CSOs

which do not belong to any of the leftist ideological blocs in the country, it is the CSOs which have their base in the Philippine left movement which have been most prominent in pushing for the country's democratization process. The first part of the paper will thus discuss the context in which civil society emerged with focus on the realities of Philippine politics as seen in the dominance of a weak but "oligarchic" state. The second part, on the other hand, will focus on the emergence of NGOs during the martial law period which provided the foundation for Philippine civil society during the post-martial law period. The third part will highlight the emergence of the term civil society within the context of the transitioning of authoritarianism to democracy in the advent of the 1986 People Power Revolution. The emergence of the country's civil society is best seen in the light of the pursuit of new political strategies as advocated by former members of the mainstream Left which was given impetus because of the 1992 split in the CPP-NPA-NDF. In the Philippines, new strategies and advocacies were carried by civil society players who are closely identified with the Philippine left. The nature of the advocacies of CSOs will be discussed in the fourth part. It will look into the general issues that attracted civil society involvement, the strategies they used to pursue their advocacies and their organizational structure in terms of the leadership and the nature of the membership and structure of such organizations. The fifth part will examine the factors which facilitated the pursuit of the CSOs of their advocacies while the impact of the CSOs on the Philippine political landscape will be discussed in part 6. This will be followed by Part 7 which will highlight the challenges confronted by CSOs. Part 8, on the other hand, will examine two case studies of CSOs which epitomizes CSOs belonging to left ideological blocs in the country into coalitions for two causes linking the local with the global and vice versa. The first case study will be on the Freedom from Debt Coalition (FDC), a broad alliance of civil society players identified with the various left ideological blocs which emerged with the end of martial law. The second case study, on the other hand, is on the Task Force on the WTO Agreement on Agriculture (Re)negotiations (TF-WAR) which emerged during a period of globalization consisting of civil society players drawn from the left movement as well as from the business community who together with what is referred to as "reformist" technocrats in government, worked together in crafting the negotiating policy of the country in the WTO's Agreement on Agriculture (AoA). And lastly, the paper will explore the future of CSOs in the country and the nature of their agenda which they continue to envision for the country.

### **The Philippine “Oligarchic State” but “Weak” State**

Philippine civil society has generally operated in a country which is characterized by traditional patron-client relationships as epitomized by an oligarchic state which is controlled by a few. It is, however, a “weak” state as it is open to the vicious competition among the warring elites epitomized by President Ferdinand E. Marcos’ imprisonment of his elite opposition during the martial law period. It is also “weak” because it does not represent the interests of the majority of society. Furthermore, its existence is mainly based on the networks of personal relationships “involving exchanges of favors between prosperous patrons and their poor and dependent clients” which was highlighted in the 1960s and early 1970s which would later on pave way to personalistic forms of political organization (Quimpo 2007, 278). This has greatly undermined its political and economic institutions of governance. The transitioning of the country from authoritarianism to elite democracy via the 1986 People Power Revolution gave much hope for political and socio-economic change. But the “revolution” only changed the leadership in the person of Corazon C. Aquino and the nature of the political dispensation, i.e., from authoritarian rule to a democracy, but not the socio-economic restructuring of the country, e.g., the redistribution of private property. What continued to emerge were the old political dynasties as well as new ones which were established during martial law. Thus, some have viewed the shift as one form of “bourgeois dictatorship” to a “bourgeois democracy” (Timberman 1991, 313).<sup>3</sup>

Furthermore, the nature of electoral politics which is viewed as a key to a country’s democratization process which ensued during the period of re-democratization continued to be characterized by patrimonial politics. Although “the Philippines’ oligarchic state allows for a number of reform-oriented politicians in as sea of trapos<sup>4</sup> (traditional politicians)”, reformist parties become inutile as they end up “condoning the patrimonial behaviour or being swallowed up by the system. Such a situation further deepens political corruption in the country” (Quimpo 2007, 12). Moreover, personal connections and considerations penetrate the legislatures whereby legislation focuses primarily on particularistic issues rather than issues of national significance. The legislative process also highlights the power of the executive whereby the system revolves around the distribution of the pork barrel. The executive’s power is therefore enhanced at the expense of the legislature (Budd 2005, 42). During the martial law period (1972-1986), the leadership of President Ferdinand E. Marcos was characterized

as transforming clientelist politics into predatory policies. The dictator did not only seek to control all government bodies but he also used these as a way of acquiring ill-gotten wealth. The Marcos leadership is closely approximated by the predatory nature of the Gloria Macapagal Arroyo administration (2001-2011) because of its high level of corruption in government (Quimpo 2010, 52 & 57).

### **“Uncivil society”: Non-government Organizations and the Philippine Left Movement<sup>5</sup>**

It is thus within the context of a dominant oligarchic and patrimonial state by which NGOs, which became a major component of the country's civil society, emerged in the Philippines. NGOs have been around in the Philippines since the 1950s and 1960s but it was during the martial period (1972-1986) whereby NGOs blossomed under the auspices of the CPP-NPA-NDF. The first generation NGOs focused mainly on charity and civic action, activities which were tolerated by the dictatorship. NGOs and people's organizations (POs), which are NGOs but whose target communities are also its members, were mostly staffed with students and professionals who were products of the protest movements (Kabalikat 1988). These organizations helped fill out a political space which was abandoned by political parties and other forms of opposition against the Marcos regime. More importantly, they helped to contribute in bringing about a more pro-people approach to development (CPD 1991, 7). Because they were situated in the grassroots, they became a recipient of donor countries and foreign agencies. These donors did not want to course financial assistance through the government because they believed that this will only end up in the pockets of the leadership and his relatives and cronies. (Diliman Review Staff 1988, 5). The work of NGOs and POs for the CPP, however, remained to be subordinated to the armed struggle. These NGOs and POs have also been accused by the government of channelling funds to the CPP-NPA-NDF. Because of its relationship with the mainstream left, it was not surprising that NGO work during the martial law period was also combined with the anti-dictatorship struggle (Rocamora 1994, 50). There were, however, also NGOs which were not originally with the mainstream left but because they experienced the repression of the military while pursuing their work, they either joined the CPP or its sympathizers. An example of this were NGO workers from Catholic and Protestant church organizations like the Basic Christian Communities (BCC). A number of them adopted Paolo Freire's theology of liberation (Goodno 1991, 237).

There were also other Left ideological blocs which challenged the Marcos dictatorship but were not as dominant as the mainstream Left who were also referred to as national democrats or “natdems” or “NDS”. These included the social democrats or “sodcems” who are identified with the Jesuits of the elite college of Ateneo de Manila, the democratic socialists or the “demsocs” who were more left-wing than the “sodcems” and were not anti-communist as the sodcems as well as an independent socialist movement, BISIG (Bukluran sa Ikauunlad ng Sosyalistang Isip at Gawa – (Movement for the Advancement of Socialist Thought and Action) which consisted mainly of independent socialists, former national democrats and former members of the PKP. These other left ideological blocs also had their own NGOs involved in development work but they were not as dominant as those associated with the national democrats. The sodcems, for example, had the Agency for Community and Education Services (ACES) which was involved in community development. During the martial law period, all of these left ideological blocs joined forces with non-left “middle forces”, i.e., those who were not ideologically aligned but nevertheless sympathetic to the concerns of the left movement such as human rights lawyers and nationalist stalwarts, e.g., former Senators Jose W. Diokno, Jovito Salonga and Lorenzo Tanada, and prominent members of the business community and church hierarchy to overthrow Marcos. All of these non-state actors were brought together in the anti-dictatorship movement, the major issues of which were poverty and underdevelopment, corruption as well as the human rights violations of the Marcos regime. The nationalists also brought in the anti-imperialist dimension which denounced the U.S.-support for the Marcos dictatorship and called for the removal of the U.S.-military bases as well as the IMF/World Bank domination of the economy. What dominated both the anti-dictatorship and the anti-imperialist movements was the mainstream left, i.e., the CPP-NPA-NDF and its sympathizers.

### **Emergence of Philippine “Civil Society” in a Period of Re-democratization**

It was only during the period of “re-democratization” which was ushered in by the 1986 People Power Revolution that the term “civil society” was popularly used. This is best seen in the light of the tension which arose between the CPP leadership and its cadres involved in NGO work. The former believed that NGO development work should be secondary to the armed struggle but the latter believed otherwise (Liberation 1990, 6). This

was one of the reasons which caused the split in the CPP in December 1992 between the two factions, i.e., "reaffirmists" (RA) and the "rejectionists" (RJs). The RAs ("Reaffirm") are those who maintain that the CPP should continue to strictly adhere to the orthodox Marxist-Leninist and Maoist principles that they had advocated from the early days of the CPP, while the RJs ("Reject") are those who reject this (Park 2008, 134). A consequence of the split in the CPP was to "encourage disgruntled national democratic groups to enter new political spaces which were being explored by the left groups which emerged during the downfall of the Marcos dictatorship. National democratic activists either chose to join these other left formations or create new ones" (Rocamora 1993). One of the more popular avenues for change which they pursued was development work through NGOs.

For those who left the CPP-NPA-NDF, NGO work was no longer subsumed under the armed struggle and focus was placed on popular empowerment. Thus, during the post-martial law period, much emphasis was placed on the need for NGOs to combine political and economic advocacy. This was brought about by the realization that democratization will not come from the state but from the people's movements which are the major catalysts for strengthening civil society. People empowerment is thus seen as the "process of building up 'parallel power' in 'civil society' that would reduce class power and ultimately transform the exercise of state power" (FOPA 1997, 17). "Civil society" as a term is therefore used to include all non-state actors which challenge the state. In terms of their categorization, a bulk of civil society players come from the left ideological blocs. Among their major goals is to address poverty and socio-economic inequalities in the country. For the non-ideological blocs in Philippine civil society, these are found in the country's conservative business community, church hierarchy and the growing religious fundamentalist movements. A reason why members of the left have, however, resorted to use the term "civil society" instead of social movements and left movements is because of the "stigma" associated with the term "left" in a society where the "anti-communist" political culture is still very strong. By identifying themselves as civil society players, this opens more doors in linking with other civil society players in society which are not identified with the left movement in a period of democratization. The global situation also brought about the prominent use of the term civil society. With the end of the Cold War and the decline of socialism in Eastern Europe in 1989 which came after the

weakening of the Philippine communist movement in the advent of the 1986 People Power Revolution, the term “civil society” seemed to be more appropriate in referring to the prominence of non-state actors in bringing about political and economic change in society in the light of the inability of the states to adequately and effectively perform this function. For the Philippines, the CSO strategy for democratization was through peaceful means and reforms and not through armed revolution and radical structural change as espoused by the mainstream left. But even the mainstream left also established their own CSOs supporting political parties which are engaging in parliamentary struggle to complement the armed struggle.

Thus, in the Philippine context, civil-society players or organizations (CSOs) fit into the definition of CSOs as “part of social movements comprising amorphous and fluid groups in which the bonds are common grievances or conviction, and shared goals for societal and policy change (rather than structures)” (Clark 2003, 4). These CSOs are “engaged in voluntary organizing, which is primarily devoted to promoting policy change through public education, direct lobbying or policy research, and so on” (Uvin 2000, 12). NGOs which emanated during the martial law period and are identified with the left tradition are categorized as non-profit CSOs which “performs its tasks out of a sense of the general interests, e.g., environmental organizations.” This is in contrast to profit CSOs which include chambers of commerce and producers’ associations (Uvin 2000, 12). People’s organizations (POs), i.e., NGOs whose members belong to the same community they are serving, are also categorized as non-profit CSOs (Uvin 2000, 11).

In particular, CSOs belonging to left ideological blocs of which the paper focuses on fall into two major categorizations of civil society as referred to in Thompson’s Chapter 1 on “Civil Society and Democracy: Towards a Taxonomy” (Thompson 2011, 2). CSOs which have their links with the CPP can be viewed in the context of “Leninist” social revolutionary civil society. Although the Philippines is no longer under a dictatorship, its major strategy is still the armed struggle to achieve political equality and to end widespread poverty. Thus, the CSOs are tools of the CPP, as the vanguard party, to attain this end. As for the CSOs associated with the “RJ-faction”, like the CSOs associated with the CPP, the ideological bloc it belongs to defines its left vision in society as a vanguard party does, but it does not believe in the armed struggle, e.g., in the case of Akbayan, or in the armed



struggle as the primary means to attain its end, e.g., Sanlakas. Both Akbayan and Sanlakas are "RJ" movements which include individuals coming from non-CPP-NPA-NDF left formations.

These CSOs also follow the Gramscian model, i.e., a "counter-hegemony" to elitist civil society (Thompson 2011, 7). These recognize that although Philippine society is still ruled by the elites, these CSOs believe that change can be attained through the various arenas of struggle, e.g., non-institutional, i.e., through parliament of the streets and electoral politics and institutional, i.e., through engagement and collaboration with the executive, the legislative and judicial bodies of government. Such strategies are also pursued by the CPP-led CSOs. The difference however is that CPP-led CSOs view this as secondary to the armed struggle. Both the CPP-led and non-CPP-led CSOs also view themselves not only as a counterweight to government but also to "bourgeois civil society." They nevertheless are able to work with members of "bourgeois civil society" who share their advocacies. These advocacies are pursued generally with "Rousseauian" citizenship-based civil society players whose major objectives are to confront clientelism and dependency on local "strongmen" patrons (Thompson 2011, 9).

### **The Advocacies, Strategies and Organizational Structure of Civil Society Organizations (CSOs) during the Post-Martial Law Period**

A major advocacy of civil society emerging from the country's left ideological blocs during the post-martial law period is the attainment of peace by pushing for peace talks between the government and the communist and Moro insurgencies which intensified during the martial law period. Peace CSOs which frame their campaigns, services and other activities within a peace perspective generally undertake three roles in society – guardians of or watchdogs over the state, service provider, and advocates of alternative policies" (Ferrer 2006,127). For the communist insurgents, this concerns a genuine agrarian reform program which will address the socio-economic inequalities in the country. For the Moros, this has mainly to do with the ancestral domains. Included in the issue of the land rights are the other indigenous peoples in the Philippines such as the lumads in Muslim Mindanao. The IPs have a concept of landownership which is radically different from and conflicts with the concept of the state (Gaspar, 1997, 8). For the Moros and the IPs, an added dimension to civil society advocacies is the issue of ethnicity and identity and the right to self-determination.

The need to address socio-economic inequalities is also seen in civil society advocacies for a better work environment and living conditions through among others higher wages and employment, housing and social services for the workers and the urban and rural poor. Civil society has also been in the forefront of developing alternative sources of livelihood. During the martial law period, NGOs established sources of livelihood to help communities make ends meet. An example of this was the fair trade movement. These NGO initiatives were generally found in areas which suffered military repression during the period of the dictatorship (Cabilo 2009, 142-143). These NGOs continue to exist because of lack of sources of livelihood in the countryside. Civil society advocacy in this area has always had a global dimension with the continuing criticisms of the economic policies of the country's two major creditors, the International Monetary Fund (IMF) and the World Bank (WB) for the failure of its economic policies in the country. This is aggravated further by its imposition of severe Structural Adjustment Programs (SAPs). In the era of globalization in the late 1980s, alternative sources of livelihood have emerged in the light of the inability of the predominant trading system to address the widening gap between the rich and the poor domestically and internationally. This is mainly blamed on the trading regime as established by the General Agreement on Trade and Tariff –World Trade Organization (GATT-WTO) (Cabilo 2009, 137) which have been accused of promoting corporate rule and greed. Civil society players in the Philippines have expressed their alliance with the anti-globalization movement which has criticized the WTO's neo-liberal policy which emphasizes free trade, the market, privatization and liberalization with a minimum role of the state as the panacea for poverty and underdevelopment.

A fourth major theme of civil society advocacy is the need to address corruption in the country. The issue of corruption in the Philippines saw the ouster of two Philippine presidents Ferdinand Marcos in 1986 and Joseph Estrada in 2001. The latter event saw the emergence of the country's biggest anti-corruption CSO, the Transparency Accountability Network (TAN) which is linked with Transparency International, a global CSO. Accusations of massive corruption during the Arroyo Administration also paved the way for the electoral victory of President Simeon Benigno Aquino III who campaigned on an anti-corruption platform. Like his democracy icon parents, former Senator Benigno Aquino Jr. and former President Corazon C. Aquino, President Aquino is not tainted by corruption.

A fifth theme which emerged during the post-martial law period was the emergence of civil society players engaged in non-class issues which were previously subordinated under class concerns as carried out by the workers and peasant movements. With the split in the mainstream left, those who left the CPP-NPA-NDF and who headed NGOs carrying non-class issues pursued an independent path of advocacy. These issues, however, continued to be seen in the rubric of poverty alleviation and the problem of socio-economic inequality. Among these civil society advocacies which emerged were those part of the country's environmental movement. The unequal access to natural resources, the threats posed by environmental degradation on human security and the goal of sustainable development continued even during the period of democratization after 1986. This is the reason why environmental groups pursued their role as watchdogs of society and supported communities and indigenous peoples in their effort to maintain the impetus for the growth of the environmental movement (Rico 2006, 231). Another non-class based issue pursued by civil society are women's rights. The women's movement(s) forwards an encompassing conception of political engagement that spans "the personal and the political," which confronts the question of power in both the reproductive and the productive spheres, underscoring the need to intervene in private and public arenas of political contention (Santos 2010, 132). These themes are not exclusive of one another and actually overlap. The concerns of the indigenous peoples (IPs) movements, for example, are class-based, e.g., IPs belong to the lower classes of society as well as non-class-based, e.g., ethnic rights and environmental concerns for their ancestral lands.

### **Civil Society Strategies to Pursue these Advocacies**

In terms of pursuing their advocacies, civil society has used a variety of strategies which include the following: One is through constitutional reforms to address the power of the oligarchy in the country as seen in the campaign for an anti-dynasty law and for electoral reforms which will allow the marginalized sectors in society to be represented in the Philippine Congress. Another is through constituency-building, research and training program and social development work as seen in advocacies in peace, women, environmental concerns among others. There are also efforts towards conflict-reduction, particularly in the case of peace efforts between the government and the Moro and communist insurgencies and the indigenous peoples (Ferrer 2006, 129). For the anti-globalization movement there is the strategy to launch demonstrations and protest actions based

on an event, such as the WTO's 2003 Cancun summit done in alliance with transnational social movements (Quinsaat 2010, 63). Other CSOs, e.g., women, indigenous peoples and environmental CSOs have also forged ties with transnational social movements and international CSOs to create a global environment favourable to their respective causes which are not mutually exclusive. An important strategy of CSOs is also the way they frame their advocacies in terms of issues and concerns which the general public can identify with such as transparency and accountability. The use of the mainstream media to engage the government has also generally been utilized by the CSOs in their respective advocacies. As for their arenas of contention, CSOs have used the various branches of government, i.e., the executive, the legislative and the judiciary, in pursuing their causes. And concerning their efforts to officially intervene in the policy-making process, civil society personalities have pursued political positions through electoral politics.

### **Organizational Structure of the Civil Society Organizations (CSOs)**

In terms of their organizational structures, CSO networks generally operate with "no single organization or centre for decision making and often not even any formal process. In this situation, cooperation is non-hierarchical, informal and often temporary and issue-specific" (Uvin 2000, 12). This is reflected in CSO networks organizations in the Philippines whereby in their pursuit of their advocacies, what seems to be the most effective is the forging of broad alliances among the various Leftist political blocs in the country. This can be seen in the issues concerning women, the environment, the anti-globalization movement and the fair trade and anti-corruption movements among others. Another important trait is the ability of CSOs to forge vertical and horizontal linkages whereby grassroots or community-based interventions link up with partners and altogether build bigger formations at the provincial, regional and national levels. An example of this are the peace CSOs which cut across Muslim, Christian and lumads or the indigenous peoples of Mindanao (Ferrer 2006, 126). All these are strengthened by coalition-and alliance building strategies. This is most specially seen in the era of globalization where issues and concerns go beyond the domestic. In relation to this, Philippine CSOs have forged strong ties with their global counterparts which have common advocacies. As seen in the alliances of the anti-globalization movement, their organizational structure is loose and non-hierarchical (Quinsaat 2010, 73). As important as the structure is the manner in which these broad coalitions

and alliances are able to come into a consensus on the nature of their advocacies, the strategies by which they are to pursue this and how their resources are to be used. This generally involves a series of negotiations among its members.

A factor which weakens the CSOs are the internal divisions which is brought about generally by ideological differences. The split in the CPP between the "RAs" and the "RJs" is mirrored in coalition politics and tends to weaken the advocacy for causes because the CSOs are not able to present a united front. There are also differences concerning the strategy to take. The IP CSOs, for example, were divided when "Conrado Balweg, who led the Cordillera People's Liberation Army (CPLA), a group that had broken away from the NPA and the Cordillera People's Alliance could not see eye-to-eye on the question of the establishment of an autonomous region in the Cordilleras (Casambre 2006, 114). The fair trade movement is also divided between the "political" elements who want the CSOs to focus on political advocacy and the "apolitical" elements who want the fair trade movement to solely focus on the economic. The personality of the leadership of the CSOs is also an important feature to consider in forging alliances among CSOs. Sometimes CSOs may agree on the advocacy and strategy but personality differences among their leaders prevent them from coming together. The success of broad alliances and coalitions are also hampered by the tension between NGOs and POs whereby the latter, which is community-based, perceive the former as "dictatorial" and their role as intermediaries between the PO and the funding agencies have been questioned. One source of tension is that POs should be able to directly access funds from their donors. This was one of the major reasons for the breakup of the Congress for a People's Agrarian Reform (CPAR), one of the broadest coalitions in the country which represented all factions of the left ideological spectrum as well as moderate CSOs. Within the "RA" faction, however, there are also tensions which exists among those who are engaged in the armed struggle and those who are engaged in above-ground activities particularly in the electoral arena such as in the party-list party system. The conflict is where the priority should be, i.e., in the armed struggle or in parliamentary means for change.

### **Factors which Facilitated the Pursuit of Civil Society Advocacies**

Among the major factors which helped facilitate the pursuit of civil society advocacies are the following: One is the nature of the political dispensation as was seen in the country's transitioning from authoritarianism to democracy. This paved the way for civil society intervention in policy mat-

ters particularly as its members were at the forefront of the overthrow of the dictatorship. Another factor is the nature of the political leadership. In the case for example of the Aquino administration (1986-1992), when it came into power in the advent of the 1986 People Power Revolution, it facilitated the peace process as it recognized that "the rise and growth of the communist and Moro insurgencies were rooted in social injustices and gross violations of human rights..." (Ferrer 2006, 123). Thus, the peace CSOs were able to take advantage of this but it was only in October 2012 under the current Aquino Administration that a Framework Agreement on the Bangsamoro (Moro nation) between the Philippine government and the Moro Islamic Liberation Front was forged.

The Corazon C. Aquino administration also placed significance on particular issues which carried the advocacies of NGOs such as on the environment, peace, women and indigenous peoples. Moreover, the government included the issues carried by these CSOs into the governmental process of formulating master plans (Leonen, 2000, 69). A third factor is the global environment which provided impetus in the emergence and strengthening of the advocacies of CSOs as seen in the funding for concerns in support of environmental, indigenous peoples and women concerns from agencies such as the World Bank, the United Nations Development Program and the ASIA Foundation among others. Support for these causes have also come out in universal declarations such as from the United Nations' International Decade of the World's Indigenous Peoples (Rico 2006, 238; Casambre 2006, 105). CSO advocacies have also received support from its global counterparts, i.e., the global civil society movements, particularly with issues and concerns as expressed for example in the anti-globalization movement. Such a movement was given further impetus with the 1997 Asian financial crisis, the 1999 Battle of Seattle as well as the 2008 global economic crisis which was an off-shoot of the US financial sub-prime housing mortgage disaster. This made international financial institutions (IFI) more receptive to CSO advocacies which criticized the manner in which IFIs as well as the WTO and multinational corporations and banks dictated the current state of the global economy and finance at the expense of the majority.

### **General Impact of Civil Society on the Philippine Political Landscape**

The general impact of civil society campaigns in the Philippines can be seen in the following manner:

One impact is the generation of interest and participation in the advocacies

of civil society. Thus it is able to build its constituencies. Another impact is the forging of CSO alliances with government agencies as seen in the partnership of the Philippine Free Trade Organizations (FTOs) with government instrumentalities such as the Department of Trade and Industry (DTI) regional offices which played a crucial role in helping out the Advocate of Philippine Trade Fair Inc. (APFTI) (Cabilo 2009, 146). A third impact is the formation of crucial allies which come not only from the executive branch of government but also from the legislature. The Stop-the-New-Round (SNR) Coalition, which was established to halt the 2003 WTO negotiations in Cancun, for example, worked closely with allies in the House of Representatives, which consisted of SNR endorsers, party-list groups, and representatives whose districts were perceived to be adversely affected by the WTO (Quinsaat 2010, 87). The efforts of CSOs, throughout the 1990s to engage with aspects of government policy making, especially in the areas of sustainable development, agrarian reform and social reform have also resulted into the establishment of consultative mechanisms in these sectors (Reid 2006). A fourth impact is the CSO's institutionalization of their advocacies within government policy-making. In the peace process, for example, civil society was able to input to government policy a result of which was a policy framework, the "Six Paths to Peace" and the "Social Reform Agenda", and noteworthy legislation such as those creating the National Anti-Poverty Commission (NAPC) (Ferrer 2006, 138). Moreover, leading left civil society personalities played a prominent role in the forging of the 2012 Framework Agreement on the Peace Process with Marvic Leonen, former dean of the University of the Philippines (UP) College of Law and leading advocate of indigenous people's rights as chief negotiator of the government panel. He has been succeeded by Miriam Coronel Ferrer, UP professor of political science and prominent peace advocate.

A fifth impact of CSO activities is the emergence of the international dimension of the institutionalization of advocacies at the executive level. An example of this was seen in 1988 when Haribon Foundation for the Conservation of Natural Resources together with the World Wildlife Fund (WWF) and the Department of Natural Resources and Environment (DENR), signed the first debt-for-nature swap agreement (Magno 1993, 13). And lastly, CSO actions have also brought about constitutional reforms. As noted, the 1987 Constitution had important provisions in curtailing the power of the Philippine oligarchy and one way of doing this was through the implementation of the party-list proportional representation in

the lower house of the legislature to facilitate the entry of electoral candidates from the marginalized sectors of society as well as the anti-dynasty provision and the promotion and development of NGOs and civil society (Park 2008, 118-119).

### **Challenges Confronted by CSOs**

Despite the positive impact CSOs has had on Philippine society, these continue to confront numerous challenges of which are the following:

**Elite domination of Philippine politics.** A formidable challenge is elite domination of Philippine politics which has led to the hampering of CSO advocacies. Unabated graft and corruption continues and until now, no high ranking official has been jailed for this. This is seen as a serious setback to the anti-corruption movement in the country (Lopez Wui 2009, 185). Policy-making also continues to be the monopoly of the elites as seen in how the old oligarchy and traditional political families are able to “neutralize the effects of political reforms of the post-Marcos era” (Park 2008, 120). Such a dominance is very much mirrored in electoral politics whereby the elites have successfully blocked the legislation and implementation of the anti-dynasty clause in the 1987 Philippine Constitution (Park 2008, 128).

**Dependence on the political leadership.** Because of elite domination of politics, the advocacies of CSOs are dependent on the leadership and government for its implementation. Political negotiations for peace, for example, between the government and the Moro and communist insurgents, “suffered from lack of continuity due to differing appreciation and conflicting policies from one administration to another, or shifts in thrusts depending on priority political interests of the moment” (Ferrer 2006, 144). CSOs, in general, continue to operate outside the formal policy- and decision-making process thus, these groups, such as the environmental CSOs, cannot make decisions and enact and implement laws. This is very dependent on the government’s openness for the participation and involvement of CSOs (Rico 2006, 241). Thus, there is still the constant need for CSOs to strengthen links with the executive and the legislature and to lessen the “bureaucratization” of the implementation of laws addressing CSO advocacies which have been legislated as in the case of environmental issues. The experience is that this has been piece-meal, ineffective and problematic (Rico 2006, 240) and sometimes lacking in enforcement, monitoring and implementation in certain issues such as the case of women’s concerns (Atienza and Rico 2006, 217; Casambre 2006, 117).



**Co-optation of CSO personalities by the political elites.** Because of this, some CSOs have chosen to join government but this has not been a positive experience as seen in a situation whereby “small pockets of authority were parcelled out in areas of agrarian reform, housing, and service delivery” while “the real centres of policy making were kept out of reach”. Worse still, the NGO leaders were used to establish the credibility of the government as in the case of the Estrada Administration (1998-2001) and Arroyo Administrations (2001-2011). Because of this, the relationship between CSOs in government particularly during these Administrations have been characterized as a form of semi-clientelism (Reid 2008, 25). CSO activists who have sought to pursue their advocacies through electoral politics, a crucial venue by which to counter the domination of elite politics, have also failed miserably in their endeavour. A number of them have ended up being co-opted by traditional politicians.

**The military and political instability in the country.** Political instability in the country has also had a negative impact on CSO activities. Under the Corazon C. Aquino administration, the eight attempted coup d'états against it led the leadership to move towards the right, i.e., the military, which generally did not agree to a peaceful settlement of the armed conflict. One of its effects was the rise of paralegal militia groups like *Alsa Masa* (Masses Arise) which kidnapped, murdered and raped CSO activists identified with the left. Political instability which negatively impacts on CSO activities is also caused by the crisis of legitimacy as was seen recently under the presidency of Arroyo who was popularly perceived to have cheated during the 2004 national elections over her chief rival, the actor Fernando Poe Jr. This was epitomized in what is referred to as the “Hello Garci” scandal where she was caught talking on her cell phone to Commission on Elections (COMELEC) Commissioner Virgilio Garcillano who was based in Lanao del Norte, Mindanao during the counting of ballots in the May 2004 national elections. The public perception was that she was asking Garcillano to pad the votes so she could win by at least 1 million votes giving her a formidable mandate over Poe (Tadem 2008, 147). Mrs. Arroyo wanted to win by a big margin over her chief rival because her legitimacy as President was being questioned as she came into power via *People Power 2* which overthrew her popular predecessor President Estrada. “This situation led the political leadership to lean more to the right giving the military the political leverage to go after opposition CSO players with impunity. Thus, under the Arroyo Administration at least 833 leftist

activists were murdered according to the human rights group Karapatan" (Tupas et. al., 2007, 17). Ironically, the crisis of legitimacy of President Arroyo also led CSO activists to support disgruntled elements in the military to destabilize and/or overthrow the government. This was the case of the two coup attempts in 2003 called Oakwood Mutiny by 54 junior military officials and another coup attempt in 2006 February during the People Power I celebration (Avendano 2007, A1).

**Absence of a feasible left alternative and electoral failure.** Through the years, what has become a reality for CSOs identified with the left movement is the need to gain power through elections but they have not made much of a dent. Besides from not having the "guns, goons and gold" to win in Philippine elections, a major reason for this is they have failed to present a development alternative or vision of society that will address the problem of poverty and glaring socio-economic inequalities in Philippine society. The most they advanced in electoral politics was through the party-list system for the marginalized sector where winning 6 per cent of the votes cast for the party-list candidates will give the party at most 3 seats in Congress. Although initially, the party-list parties identified with CSOs from the left were able to gain the support of traditional politicians such as Bayan Muna, which is identified with the mainstream left and Akbayan, which is identified with left groups coming from "RJs", democratic socialists and independent left among others, through the years, these left-wing party-list parties have faced stiff competition from party-list parties established by religious charismatic movements like El Shaddai founder Mike Velarde's Buhay Party. Velarde who claims millions of followers mainly from the lower classes, was former President Joseph Estrada's "spiritual adviser". Traditional politicians have also established their own party-list parties. An example of this is the Ang Galing Pilipino (The Filipino is Great) party-list party representing security guards who is represented in Congress by Juan Miguel "Mikey" Arroyo, the eldest son of former Philippine President Gloria Macapagal-Arroyo. In a seeming strategy of desperation, one left party-list party, Alliance for Rural Concerns (ARC) which is supported by "RJs", got the endorsement of Senator Miriam Defensor Santiago, a traditional politician who used to be the Secretary of Agrarian Reform. In exchange for this, ARC ran as its number one candidate Santiago's son who does not have a track record of agrarian reform advocacy. The previous 2010 national elections further highlighted the absence of a "feasible" and "winnable" left alternative whereby CSOs identified with the

left ideological blocs of Akbayan, Bayan Muna and Sanlakas, chose to support the presidential candidacies of traditional politicians, i.e., President Aquino, Senator Manuel Villar and former President Estrada respectively. The same trend again is seen in 2013 national elections where members of left ideological blocs are latching on to the coattails of the traditional political elites. A recent issue is the call for the COMELEC to withdraw the accreditation of Akbayan as a party-list party as its prominent leaders are now serving the Aquino Administration.

### **Challenging the Neo-Liberal Paradigm: Two Case Studies of Civil Society Organizations**

Despite this, however, the non-electoral arena has shown some promise in the attempts of CSOs, identified with the left ideological blocs, to present an alternative in the arena of economic policy-making. This can be seen in the advocacies of the Freedom from Debt Coalition (FDC) and the Task Force on the WTO Agricultural Agreement Renegotiations (TFWAR). Both of these CSO broad coalition of networks have challenged the monopoly of the country's technocratic elites in the economic decision-making process. Moreover, they have questioned the development paradigm which the country's elites, together with the IMF and the World Bank have propagated through the decades and which have not effectively addressed the problem of poverty and the glaring socio-economic inequalities in Philippines society. The impact of their advocacies is not only felt nationally but also internationally.

#### **Freedom from Debt Coalition: Debt and the Neo-Liberal Development Paradigm<sup>6</sup>**

The Freedom from Debt Coalition (FDC), together with the Congress for a People's Agrarian Reform (CPAR), is considered as one of the broadest coalition which emerged during the post-martial law period "representing the ideological left and more conservative members of civil society, mainly coming from the business community" (Ariate and Molmisa 2009, 30 & 34). Unlike CPAR though which no longer exists, FDC remains to be active not only locally but also globally. The FDC was formed in 1989 because Marcos left the country with a debt of PhP 56 billion debt, or 51.5% of the country's gross national product (Dumlao 2006, B1). FDC sought to propose an alternative debt policy and has three basic calls: debt moratorium on foreign debt service payments; selective repudiation of loans which did not benefit the Filipino people and to limit "foreign debt-service payments

to no more than 10 percent of export earnings to enable the country to finance its economic recovery" (Ariate and Molmisa 2009, 30 & 34). For FDC, the Marcos debt was not only due to corruption but also to the policies of lending institutions, i.e., the World Bank and the IMF (Tadem 2009, 220).

Through the years, the FDC also started to focus on how the local economy is shaped by global trends and forces. Though debt remains a primary concern, FDC included in its campaigns the Structural Adjustment Programs (SAPs) which international financial institutions (IFIs) like the IMF, the World Bank or the ADB were imposing on the Philippines. "The government's adherence to the SAPs led the FDC to look into power sector issues, taxation, fiscal reforms, water privatization and the deregulation of petroleum products" (Ariate Jr. and Molmisa 2009, 44). To promote the dissemination of their advocacies, FDC engaged in various activities through media campaigns, i.e., the tri-media of print, radio and television and protest actions employing images from local and foreign popular culture (Ariate Jr. and Molmisa 2009, 51). It also formed alliances with sympathetic members of the executive and the legislature, particularly those which it had close ties with because of the anti-dictatorship movement. In the early 1990s, the FDC started to frame the debt problem in moral terms. This particular way of communicating the debt issue received support and encouragement from some FDC donors like the church-based group Christian Aid. Other FDC funding came from various organizations based in countries such as Canada, Germany and the Netherlands (Tadem 2009, 230). Organizationally, the highest policy-making body of FDC is its Congress which consists of all of its members. But the election of officers, i.e., the FDC President and Secretary-General, are based on the negotiations mainly of the dominant left ideological blocs. FDC officers and members consists of prominent professionals and left grassroots activists which include former FDC President Leonor Briones a University of the Philippines Professor of Public Administration who became President Estrada's National Treasurer. FDC members, in general, possess the knowledge, technical skills and stature to engage policymakers.

**National impact of FDC.** From 1992-1996, the FDC witnessed its substantial growth and expansion in terms of its reach and scope of influence. This was despite the fact that the "RA" faction left because of the 1992 CPP split. From 90 founding members, it increased to 250 member

groups. These included NGOs, POs and individuals who are not aligned with any political bloc. FDC also has campaign centres in various Philippine provinces (Ariate Jr. and Molmisa 2009, 38). During this period, the FDC also generated substantial recognition and support for its work on debt from various NGOs, churches and solidarity networks abroad. Locally, the coalition forged important linkages with independent-minded legislators both in the House of Representative and the Senate, "a number of whom would eventually craft bills and legislation that, in turn would serve as a significant battle-ground for the cause of the debt policy" (Melgar 2000, 41). The debt problem provided these politicians and issue and a constituency that enhanced their prospects of re-election or winning a higher post" (Ariate Jr. and Molmisa 2009, 36). One of the early success of the coalition was the formation of the Joint Legislative-Executive Foreign Debt Council through Republic Act (RA) 6724. The Philippine Congress passed the measure on 16 March 1989" (Ariate Jr. and Molmisa 2009, 37). Because of FDC's efforts, on June 1989, a Philippine debt council was also formed which afforded the FDC, a significant opportunity to bring the debt issue to the people (Ariate Jr. and Molmisa 2009, 37). A present challenge though is that although FDC played a crucial role in the formulation of Senate Bill 1178, which strongly supported NGO representation in the Foreign Debt Council, this did not become a law (Tadem 2009, 232). FDC has also not been successful in its debt cap campaign in imposing a 10 percent ceiling on debt servicing. The FDC also attempted to push for the Structural Adjustment Participatory Review International Network (SAPRIN) but a number of governments refuse to participate in this trilateral exercise an indication that concerning the debt issue, the government and the IFIs such as the World Bank and the IMF continue to exercise strong political leverage on debt policies (Tadem 2009, 232). The FDC, despite its still-elusive objective of cancelling fraudulent debt, seems, however, to have made a dent in the national consciousness, particularly with decision-makers.

**International impact of FDC.** This has also been observed at the global level, where the FDC is considered by transnational alliances as the model for debt and debt-related activities (Tadem 2009, 277). FDC thus is an example of a local CSO which has spearheaded a debt relief movement which has become global in nature. Its major achievements include the US government's introduction of the Brady Plan (Clark 1998, 125-126) and the campaign for the Heavily Indebted Poor Country (HIPC) initiatives of the Multilateral Financial Institutions (MFIs) for debt relief. The HIPC initia-

tive was begun in 1996, and it acknowledges that it has been enormously influenced by civil society groups around the world. In relation to this, FDC was also instrumental in the formation of the Asia Pacific Movement on Debt and Development (APMDD) or the Jubilee South Asia-Pacific in 2000. The APMDD serves as FDC's international arm (Briones 1991, 137) and "attempts to bring together debt and development movements and organizations from Africa, Asia-Pacific and South America – the so-called global South". In the process, FDC has become the symbolic leader of the campaign because of its reputation as the longest-running debt-campaign coalition regionally and globally" (Briones 1991, 149).

### **TF-WAR and the WTO AoA Negotiations<sup>7</sup>**

The second case study also involves CSOs whose advocacies have made an impact at both the domestic and global levels but this time in relation to WTO negotiations. These CSOs have generally emerged in the late 1980s in the era of globalization. What brought these CSOs about was because of the Philippine government's failure to provide the agricultural sector the needed safety needs given the adverse repercussions of the country's ratification of the General Agreement on Trade and Tariff (GATT)-Uruguay Round (UR) in 1994 (Bernabe and Quinsaat 2009, 22). A broad spectrum coalition of CSOs emerged which demanded among others the need to stop excessive importation as in the case of the Alyansa Agrikultura (Agricultural Alliance), rejecting a new round of negotiations and the Stop-the-New-Round (SNR) Coalition as well as the government's withdrawal of its membership from the WTO as in the case of the Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines) (Bernabe and Quinsaat 2009, 23-24). The coalition, in particular pointed out "the impossibility of securing a fair agreement within the WTO, given the latter's trade liberalization framework, as well as the highly skewed power relations between developed and developing countries" (Bernabe and Quinsaat 2009, 23-24). Furthermore, it demanded civil society participation in WTO negotiations, an advocacy which was pursued by the anti-globalization movement not only locally but also globally. This CSO advocacy found an ally with the Department of Agriculture (DA) WTO Agreement on Agriculture chief negotiator Undersecretary Segfredo Serrano. Serrano, who was a former activist in the 1970s, advocated a defensive strategy to prevent further erosion of Philippine agriculture.<sup>8</sup> This was because the DA acknowledged the imbalances in the GATT-UR agreement and its devastating impact on the Philippines' agricultural sector (Bernabe and Quinsaat 2009, 23-24). In

relation to this, Serrano formed the Task Force – World Trade Organization Agreement on Agriculture (Re)negotiations (TF-WAAR) in September 1998 which he opened to civil society members who shared the same perspective as him. The objective of the TF-WAR was not to “junk the WTO” but to strengthen the Philippine negotiation position to get a better deal with the developed countries. Serrano also realized that the negotiating capabilities of the DA lacked the technical expertise which civil society members had.<sup>9</sup> The TF-WAAR was thus to serve as a consultative body that can provide policy direction to the department in negotiations on the WTO (Bernabe and Quinsaat 2009, 23-24).

The TF-WAAR, which later on became the TF-WAR in 2001 is a multisectoral consultative body composed of twenty-eight representatives from state institutions and agencies which have a key participation in trade policymaking.<sup>10</sup> It is composed of farmers groups, nongovernment organizations, as well as industry and stakeholders associations within the agricultural sector. Other members of the task force include representatives from various government agencies such as the Department of Trade and Industry (DTI) and the National Economic and Development Authority (NEDA), among others (Bernabe and Quinsaat 2009, 23-24). The DTI and the NEDA are the country's lead negotiators in the WTO's General Agreement on Trade and Services (GATS) and the Non-Agriculture Market Access (NAMA) respectively. In relation to the TF-WAR, the DA also created the Task Force Core Group (TCFG) in 2002 where Serrano tapped civil society members to work together with technical people from government to craft the negotiating position of the country. By doing this, the DA sought to develop and strengthen the technical skills of civil society players. The TCFG served “to improve technical work and enable a quick response to the developments in the negotiations through simulation” (Quinsaat and Tadem 2008, 8-9). By bringing in the stakeholders, the DA negotiator is not only able to get the backing of the DA leadership but of the Philippine president herself. The president has, for example, upheld the positions of the Philippine negotiators particularly when confronted by the “bullying” tactics of US representatives.<sup>11</sup> The TF-WAR was also able to frame the Philippine concerns in a manner that the members of the coalition blocs like the Group of 20 Developing Countries or G20<sup>12</sup> and the Alliance on Strategic Products and the Special Safeguard Mechanism (more popularly known as the G33) bloc<sup>13</sup>, where the Philippines is represented, could identify with (Tadem 2010, 43). Unlike the FDC, therefore, the TF-WAR signi-

fies a new form of alliance, i.e., not one which is restricted mainly to CSOs but also with government agencies sharing the same advocacies.

The participation of TF-WAR members at the global level brought them in contact with other civil-society members who were also active in their respective governments' WTO negotiating process. With the assistance of the WTO Secretariat which provides technical and financial assistance to various coalition building efforts, the Philippines was able to conduct studies and formulate statements for the G33 (Quinsaas and Tadem 2008, 11). As an example, the Task Force "produced at least five proposals submitted to the WTO Committee on Agriculture-Special Session since 1999". Furthermore "many of the developing country's blocs' operational concepts of SND and even the current negotiations vocabulary owe much to the TF-WAR deliberations: Strategic/Special Products (SPs), Special Safeguard Mechanisms (SSM), automatic countervailing/counterbalancing mechanisms, the concept of interlinkage of pillar commitments, among others" (Baracol 2005). A setback though to TF-WAR's efforts is that changes in the DA leadership has affected initiatives to campaign for the proposal's adoption in the WTO. Because of this, the Philippines' submission, despite early positive reviews, did not gain currency within the multilateral trade organization" (Bernabe and Quinsaas 2009, 25). This also brings about the reality for the need to institutionalize civil society participation so that it will not be subjected to the whims of the government leadership (Tadem 2010, 48).

### **Conclusion: The Future of Philippine Civil Society Organizations and their Agenda**

Leftist CSOs in the Philippines will most probably continue to exhibit a hybrid of two major civil society traits, i.e., the "Leninist" social revolutionary and Gramscian "counter-hegemony" to elitist civil society. They will also persist to forge alliances on advocacies which they share with "Rousseauian" citizenship-based civil society. In its evolution, a theme which emerges in pushing for the democratization process is the need to address glaring poverty and socio-economic inequality in the country. This is amidst a rapacious predatory oligarchic elite which persists to dominate Philippine politics and the economy. For the mainstream left movement, i.e. the CPP-NPA-NDF, the primary agendas is the armed struggle. But nevertheless, like the non-CPP CSOs they also pursue strategies of engagement and even collaboration with the state for their respective advocacies either



through institutionalized or non-institutionalized ways as well as through electoral or non-electoral politics and by joining government or remaining outside government. These CSOs will also continue to carry advocacies which are class-based as in the demands for better working conditions for labourers and peasants as well as non-class-based as in the demands for sustainable development and environmental protection, women's rights and ethnic rights as in the case of the indigenous peoples (IPs) and the Moro insurgents. Their advocacies would also continue to have a trans-national dimension which link domestic struggles with global ones as well as vice-versa. This will also be pursued in terms of the broadest alliances or coalitions as possible. The internal factors which will hamper their effectiveness will continue to be their ideological conflicts, debates on the strategies to be pursued and personality differences.

The 1986 People Power Revolution and the transitioning of the country from authoritarianism and democracy as reinforced by the decline of communism locally and globally gave impetus to the emergence of civil society. These domestic turning points have left no recourse for the country's elite-dominated weak state to open the doors for civil society to intervene in the country's political and economic governance. This has witnessed CSOs engaging, challenging, confronting as well as collaborating with the Philippine leadership in their quest to pursue their advocacies. Under the present Benigno S. Aquino Administration, the anti-corruption movement seems to be given a boost as Aquino campaigned on an anti-corruption platform, with former President Gloria Arroyo as one of his major targets. Because the present leadership is not subjected to the political instability which rocked his predecessor, there is also some optimism that the leadership could now put more attention on CSO advocacies and will not sacrifice these for interests pertaining to his political survival. The legislature and the judiciary continue to provide a venue in which CSO advocacies could be pursued. The 1987 Asian financial crisis and the 2008 world economic crisis were among the major global turning points which have reinforced CSO advocacies for an alternative development framework to counteract the adverse effects of globalization. The environment, the rights of women and indigenous people continue to remain among the advocacies which international funding agencies share with Philippine CSOs. Issues concerning livelihood and asset redistribution, however, such as the fair trade movement, debt relief and popular participation in policy-making will continue to be an uphill climb for Philippine CSOs as these are not the priority of multilateral funding agencies.

The impact of CSO activities will continue to be seen in the popularization of their advocacies and the continuing alliance- and coalition-building to pursue this. Such alliances will continue to be built with other members of civil society and government functionaries in the executive and the legislature as well as in the international arena. CSOs will continue to intervene in policy-making and continue to seek the institutionalization of their participation and even assume government positions that will enhance their respective advocacies. Their nemesis will remain to be elite domination of politics where the CSO players will persist to be subjects of co-optation mainly through patronage politics. At the international level, multilateral institutions like the IMF and the World Bank will continue to block attempts of CSOs to introduce alternative development paradigms that will challenge the fundamentals of neo-liberal globalization. Despite these, however, given the advances which have been made by CSOs in their advocacies, one cannot but remain optimistic that despite the formidable challenges it will continue to confront, CSOs will definitely persist to make a dent in fostering a more just and equitable Philippine society.

## Notes

- 1| Revised paper presented in the workshop on "Organized civic action in democratic transition and entrenchment in Southeast Asia" (Ottoman Palace Hotel, Istanbul Turkey, 19-20 March 2013). Sponsored by the Hiroshima Peace Institute, Hiroshima City University, Japan and the Konrad Adenauer Stiftung. This is also a revised paper presented in the workshop on "Organized civil action in democratic transition and entrenchment in Southeast Asia". Sponsored by the Hiroshima Peace Institute, Hiroshima City University, Japan and the Asian and Political International Studies Association (APISA) (Royale Bintang Hotel, Kuala Lumpur, Malaysia, October 29-30, 2011).
- 2| Professor of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman.
- 3| Please see Teresa E. Encarnacion Tadem, "The Perennial Drift to the Right: Transition to Democracy in the Philippines," in *States of Democracy: Oligarchic Democracies and Asian Democratization*, eds. Hee Yeon Cho, Lawrence Surendra, Eunhong Park (Mumbai: Earthworm Books, 2008)
- 4| *Trapo* literally means "dirty rug".
- 5| The discussion in this section benefits from the author's PhD disserta-

- tion on "Non-Governmental Organization Approaches to Cooperative Development: Two Case Studies of the Philippine Experience," (The University of Hong Kong, 1997).
- 6| This section is based on Joel F. Ariate Jr.'s and Ronald C. Molmisa's "More Than Debt Relief: Two Decades of the Freedom from Debt Coalition," in *Localizing and Transnationalizing Contentious Politics: Global Civil Society Movements in the Philippines*, eds Teresa S. Encarnacion Tadem (London and New York: Lexington Books, A division of Rowman & Littlefield Publishers, Inc., 2009), 25-60.
  - 7| This section is based on the following articles: Quinsaat, Sharon and Teresa S. Encarnacion Tadem, "Waltzing with the Big Boys: Explaining the Coalition-building Strategy of the Philippines in the World Trade Organization," (unpublished article, 2008); Tadem, Teresa S. Encarnacion, "Philippine Civil Society and WTO Negotiations: Opportunities and Challenges," *Philippine Political Science Journal*, 31, no.54 (2010): 31-56; and Tadem, Teresa S. Encarnacion, "'Popularizing' Technocratic Decision-Making: The Formulation of the Philippine Negotiating Position in the WTO Agreement on Agriculture," *Kasarinlan: Philippine Journal of Third World Studies*, 24, no.1-2 (2009): 35-60.
  - 8| Interview with Walden Bello, former Executive Director, FOCUS on the Global South, April 3, 2008 (Tadem 2010, 38).
  - 9| Interview with member of the TF-WAR, January 22, 2008 (Tadem 2010, 38).
  - 10| These include the Coffee Foundation of the Philippines, the Federation of Free Farmers, National Federation of Hog Farmers Inc., Philippine Association of Meat Processors Inc., Philippine Institute for Rural Development Studies and the Philippine Sugar Millers Association, the Philippine Chamber of Food Manufacturers, National Onion Growers Cooperative, Philippine Association of Hog Raisers Inc., Sanduguan Pambansang Kilusan ng mga Samahang Magsasaka, Caucus of Development NGOs, and Philippine Business for Social Progress.
  - 11| Interview with TF-WAR member, September 3, 2009.
  - 12| The G20 is composed of Argentina, Bolivia, Brazil, Chile, China, Cuba, Ecuador, Egypt, Guatemala, India, Indonesia, Kenya, Mexico, Nigeria, Pakistan, Paraguay, Peru, Philippines, South Africa, Tanzania, Thailand, Uruguay, Venezuela, and Zimbabwe.
  - 13| The G33 agenda is for developing countries to be allowed to self-designate certain strategic products that would not be subjected to tariff reductions or new commitments and to institute a special safe-

guard mechanism to protect their domestic markets. Its members are Antigua and Barbuda, Barbados, Belize, Benin, Bolivia, Botswana, China, Cote d'Ivoire, Congo, Cuba, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Kenya, Korea, Madagascar, Mauritius, Mongolia, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Suriname, Tanzania, Trinidad and Tobago, Turkey, Uganda, Venezuela, Zambia, and Zimbabwe.

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## THAILAND'S DIVIDED CIVIL SOCIETY AT A TIME OF CRISIS

Viengrat Nethipo

### Introduction

The political unrest in Thailand since the coup in 2006 has not been simply a conflict among the power-wielding elites. Neither has it been an inter-play between the middle class and intellectuals as before. The number of participants, the social classes of those involved, and the nature of the movements involved – their internal organization and networks – have all changed. These changes mean that the unrest was an unprecedented phenomenon in Thailand. This time the conflict was rooted so deeply as to render any negotiation or agreement within the ruling class impossible. Thus, political interactions took place on the streets – rather than inside the corridors of power – in the form of protests and violence. Protests by one group provoked more protests by opposing groups, causing Thailand to sink constantly in a crisis. In this crisis, large numbers of people enthusiastically participated to express their political stands.

At one end of the conflict, there is a movement led by the United Front for Democracy against Dictatorship (UDD), better known as the Red Shirts. They started from protesting against the 2006 coup d'état, and later against the governments that they saw as arising out of the coup. This article considers the Red Shirts as an example of a new pattern of civil society emerging from the new political regime put in place by the 1997 constitution. The changes in the political landscape, particularly at the grassroots level, are considered important factors for this emergence, because they turned people into politically active and democratically aware citizens who were ready to participate in a movement. These members of the Red Shirts were eager to protect democracy by all means, even, unexpectedly, with their lives. More importantly, the aspiration of the mass is substantially "civic", in the sense that they called for democracy, justice and rule of law. The massive number of participants reflects the number of active citizens who were willing to exert their political power and aim to change society. In a normal democratization process, this could be assumed to be evidence that civil society in Thailand had leaped forward.

However, at the other end of this political conflict stand the Yellow Shirts. The Yellow Shirt movement consisted of Bangkok middle class and south-

erners who protested against Thaksin Shinawatra, accusing him of corruption, and who later supported the coup d'état that ousted him from premiership in 2006. They also later revolted every time Thaksin's party won an election and formed a government. When the Yellow Shirts lost momentum, state authorities such as the Constitutional Court resumed the momentum instead. A vital event that gave momentum to the Yellow Shirt movement again was the blanket amnesty bill, pushed by the government of Yingluck Shinawatra in October 2013. If passed the bill would have pardoned many politicians across the spectrum, including Thaksin. In their anti-government protests, the Yellow Shirts occupied government offices, blocked major road intersections around Bangkok, and held mass rallies in Bangkok to force Prime Minister Yingluck Shinawatra to resign. This time the People's Democratic Reform Committee (PDRC) was set up and led by a former Democrat Party MP, Suthep Thaugsuban. The PDRC allied themselves with NGOs, urban middle class, elites, and the national press. They were also implicitly supported by state agencies such as the Constitutional Court, the senate, bureaucrats and the military. Speaking the language of clean and moralistic politics, the PDRC employed royal nationalism to mobilize people, using hate speech and intolerance against their opponents. They proposed that people's political rights should depend on their levels of education. Some of their leaders aimed as far as to abolish democracy. Besides, violence of all degrees was used. All these, including violence in the protest, meant that the movement could be called uncivil society. Finally, the protest paved the way for a coup d'état, which was eventually staged by the military. The coup-makers, calling themselves the National Peace and Order Maintaining Council (NPOMC), ruled the country from 22 May 2014.

This episode of political conflict is a struggle between two political movements. One movement consists of newly activated citizens, who arose as a result of a major change in the political structure (regime shift). The other is a social force within the state apparatus. These two movements apparently arose at different levels. Petras, in his study of democratization in Latin America, differentiates changes at the regime level from those at the level of state power: "In analyzing the process of political change, it is important to recognize different levels at which transformation takes place in order to determine the scope and direction of policy as well as to be able to adequately characterize the process".<sup>1</sup> Democratization often takes place at the regime level – i.e. the level of the government, namely the executive and the legislature – but does not change the nature of

the state. In many cases, the military, police, and the judiciary remain in place, guarding "national security".<sup>2</sup> That is also the case in the Thai context: while genuine civil society seemed to develop, the nature of the state that remained unchanged produced a backward uncivil movement against it. This paper seeks to show that while regime change in Thailand caused a rise of civil society, unchanging state power produced uncivil society as a counteraction.

### **Continuity and Dynamics in Thai Political Power**

Modern Thai political history has been throughout a history of state power, rather than of people participation. In the pre-modern time the palace was the centre of political power, and at the beginning of the modern state formation it held absolute power. After the democratic revolution, political power was still in the hands of bureaucrats – a form of politics Riggs has dubbed "Bureaucratic Polity".<sup>3</sup> In 1973, the Student Uprising that overthrew the authoritarian regime at the time paved way for the educated middle class to participate in politics. But then again the liberal movement was interrupted only a few years later.<sup>4</sup> Progress in electoral politics from the late 1970s onwards allowed provincial Chinese bourgeoisies to join in.<sup>5</sup> However, despite the progress in parliamentary democracy, participation by ordinary people was limited to casting the ballots. This was because ordinary people did not find election results to mean much to their lives.<sup>6</sup> Moreover, clientelism was an important political relationship that bonded those who held political power with the powerless masses, without allowing the latter to actually share in the power.<sup>7</sup> The political regime was a parliamentary democracy in form, but the state was still controlled by privileged elites and the military, and the state ideology was totally dominated by royal nationalism. Democracy then existed only in the elections, the parliament and, to some degree, the cabinet, but not in the state power. There was a short period of time when an elected government had power to control policy – a period starting in 1988 when Chatichai Choonhavan formed government, and ending in 1991 when he was toppled in another coup d'état. The 1992 Bloody May incident was another landmark in the history of power sharing and civil society. Scholars see the bloody event, ended by the King's reconciling move, as marking the emergence of civil society and a pro-democracy middle class. After the incident, public intellectuals, university scholars, and the press – the intellectual elites – began to set society's political opinions. Newspaper pages became a space for this newly emerged force to compete for influence with other elites, and

they often did so by competing with other elite groups in criticize politicians. There, the definition of political elites was broadened to include this new group. The middle class was since considered to be a crucial force for liberal change.<sup>8</sup> By contrast, the political power of people in rural areas, as well as the urban working class (many of whom were from the countryside) was limited to casting votes from time to time. Electoral politics then was based largely on personality, rather than policy, and tied to clientelism. Thus, modern Thai politics developed, through several decades, in the form of the power-wielding elites letting, little by little, different groups of bourgeois to share in power.

Throughout this period of development, the nature of state power remained very much unchanged. State security was uninterruptedly identified with the monarchy and the military. The Communist Party of Thailand (CPT) once challenged this identity, but ended up being defeated at the beginning of the 1980s. Ironically, many members of the CPT led and participated in the pro-monarchy movement in the latest crisis. In the Thai imagination, influenced by state propaganda and mainstream historiography, the monarchy is the key actor who has fought against enemies and is a source of national glory.<sup>9</sup> The national ideology is dominated by the state ideology whereby the monarch is effectively the source of collective morale. Society revolves around a concept of Thainess that involves virtuousness, patriotism, nationalism, loyalty to the monarchy, Buddhism, etc. Given the dominance of this concept in society, it is almost impossible for a different civic culture to arise and revolve against.

However, the 1997 constitution, which was drafted in part to prevent the crisis following the 1992 Bloody May incident, changed the political regime dramatically. This time the rural majority came to have a prominent role in politics via a new form of electoral politics. The new electoral politics transformed them into citizens with civic awareness, instead of mere ballot-casters bound in old clientelistic relations. The 1997 constitution, in short, gave rise to the citizens who would later participate in the Red Shirts movement. But at the same time it also challenged the existing state power in a way that no political institution had ever done before.

### **Civil Society in the Thai Context**

It is broadly assumed that civil society correlates strongly with democracy: either a strong civil society is a necessary basis for democratization,

or the other way around. In the Thai context, civil society is thought to emerge around the period of the student uprising that restored democracy in 1973, but civil society started to gain considerable attention after the 1992 Bloody May incident, in which largely middle-class protests toppled the military government at the time. Although the incident caused many casualties, many of whom working-class protesters at the front lines, it is perceived as a triumph of the middle class.<sup>10</sup> From that event, the middle class emerged as one of the key players in national politics. Coincidentally, civil society awareness in Thailand budded around the time when Putnam's seminal work on civic traditions became well-known.<sup>11</sup> Putnam's work on American community, which demonstrates how civil traditions developed into social capital in the western context, is seen as a criticism against extreme individualism in liberal democratic society.<sup>12</sup> In Thailand, social science research has selectively used Putnam's account to attack a different set of political predicaments.

In Thailand, the concept of civil society derived from different roots, and has been applied in different ways. Based on how state, capital and society are treated, Thai scholarly work on civil society can be categorized into three broad categories, each with its own implications.

The first category consists of work that introduces the concept of liberal civil society and its basic applications. Anek Laothamatas's work is a prime example.<sup>13</sup> In his work, he emphasizes horizontal associations, civic virtue and citizenship. In Anek's view, citizenship is needed in Thai society because people, especially the lower class and those in rural areas still consider themselves subjects (*phrai*) and are very much involved in patronage. For this reason, Anek encourages an expanded role of the middle class and the development of urban society. A similar outlook is also evident in Seksan's and Thirayut's work, which anticipate a reduced/weak government when society strengthens.<sup>14</sup> This kind of idea of Thai civil society implies that political problems in Thailand originated from two factors: excessive control by the state, and the vertical patron-client relationships. These scholars believe that we could weaken these factors by encouraging a strong society led by the middle class or urban citizens. The idea of politically activating rural communities through institutionalization is disregarded.

The second category consists of work that promotes a communitarian type of civil society. This kind of idea of civil society emphasizes the promo-

tion of social networks based on traditional communities. This idea was so widely adopted that it became an orthodox narrative of the changes in rural society. It has also been used to mobilize people to traditionalist causes. Kengkij and Hewison demonstrate very well on how Thai NGOs applied an amalgamation of communitarianism and royal nationalism to overcome the economic crisis in 1997.<sup>15</sup> Unfortunately, this idea of civil society mobilized networks of activists far more than it mobilized villagers. Advocates of this idea nostalgically emphasized that networks must be built on traditional grounds. Dr. Prawase is one of the pioneers, and the most influential advocates, of this idea.<sup>16</sup> The idea partly derived from Chatthip's work on community culture, which was much celebrated in the 1980s.<sup>17</sup> The community, in their sense, must be strong in cultural and traditional aspects. The relationships among people in the community should be cohesive, caring, sharing, and self-sufficient. This kind of civil society appreciates Thainess, Buddhism and anti-materialism as necessary virtues for a strong civil society, regardless of their possibly undemocratic elements. Noticeably, proponents of the communitarian type of civil society believe that socio-political and economic problems are caused by capitalism and the pro-capitalist state. The traditional networks in the community, in their view, do not count as hierarchical and parochial patron-client relations, even though they in fact were.

The first and second categories seem to share a distaste for the 'evil state'. While the first disregards the state, the second attacks it. However, the first promotes individualism as a characteristic of urban citizens, whereas the second opposes it. The third category is the body of scholarly work on People Politics (Karn Mueng Phak Prachachon). These studies combine the above ideas of civil society with social movement analysis. As a result of the development and increasing prevalence of social movements in Thailand during the second half of the 1990s and early 2000s, Thai social scientists began to see social movements as a new political process that triggered democratization. The emergence of protests and the organizations behind them revealed a new political arena in which true democracy could materialize, because it allowed grassroots people to participate. For the proponents of this view, this political process was more important than electoral and parliamentary processes. Out of a wide range of work in this area, Prapart's and Pasuk's are the most frequently cited.<sup>18</sup> They see movements against state authority as indicating a progress for civil society, a positive trend in democratization. Their work addresses how the idea of People Politics originated, how people organized themselves, and how

they turned everyday life problems into causes for activism, and developed a strong identity of themselves as deprived people. Critical attention was paid to the enduring movement of the Forum of the Poor. In that period, the Forum of the Poor, led by NGO activists, garnered attention both in the pages of the popular press and in academic research.<sup>19</sup> Scholars and journalists alike saw political problems as a result of an abuse of representative democracy by the rapidly-rising 'money politics'. 'The people', in their view, excludes those in politicians' and money-related networks. A vast number of Thais, then, were not part of 'the people'.<sup>20</sup> Some scholars rationalize their argument by defining democracy in terms of deliberative/participatory democracy as opposed to representative democracy.<sup>21</sup> In this respect, the 'People Politics' view on capitalism and the capitalist state is similar to the communitarian view. While the communitarian view rejects capitalism in favour of a return to the villages, the advocates of People Politics promote the creation of political space on the streets, literally.

Given their perspectives on Thai civil society, it is understandable why the civil society advocates did not support the democratic movement and even lead counter movements against it in the recent crisis. The three aforementioned views of civil society could be considered in a different perspective. It is true that the Thai state has been centralized, but at the practice level the centralized state has not had excessive control over other sectors.<sup>22</sup> In fact, this centralized state has been very incapable at local levels, and that is the reason why all forms of political brokers have been able to function. This includes the long-standing clientelistic networks between the state and the people. This means, in other words, that it is the centralized feature of the state that has actually fostered clientelistic networks. These networks rely on the exclusive connections between bureaucrats and local influential people.<sup>23</sup> Given this form of the state, people had only a small channel to hold or influence political power. Advocates of civil society, along with some scholars, agree that the centralized nature of the state is problematic, but they seek to solve the problem by creating their own exclusive channels for participation, in the name of 'people participation'. Whether they are aware of it or not, they have created another type of brokerage system, which allows some people into their networks but leaves out the majority. In my view, it is a movement that encouraged intellectuals and activists to solve the poor's problems. Though well-meaning, this movement did not propose to profoundly change the society nor liberate people from the despotic state.

## **Regime Shift**

Throughout the years of democratization, several factors have created political awareness among citizens. The recurrence of general elections has made people aware of their political rights through voting. The changes in socio-economic status in rural areas, which transformed peasant society into post-agrarian society, provided grounds for emerging active citizens from the provinces.<sup>24</sup> However, the most important factor that shaped democracy awareness among the rural population was the 1997 constitution. It created a critical institutional reform that was a breakthrough in Thai political history. Two factors, both direct consequences of the reform imposed by the 1997 constitution, changed the rural society most profoundly: the newly established Thai Rak Thai Party (TRT), and the decentralization process. These two factors inevitably became related as time passed. The TRT was administrated by experienced politicians and social activists, including former communist party members. Their policies and strategies proved how perceptive they were of the nature of the Thai state. In order to maintain control over politics and economic policies, they had to develop liberal capitalism. At the same time, in order to win power in the parliament and become the government, they must favour the rural population, who were the voting majority. Lifting standards of living was aimed to make rural people realize the benefit of voting for the party. Although the party's strategy team understood that society at the provincial level was very much influenced by clientelism, they started to realize that personality-oriented politics of clientelism was not sustainable. Being a patron in a clientelistic relationship was costly, and there was no guarantee that one would sustain that position forever, as shown by the rises and falls of godfathers in Thailand. These experiences pushed the TRT to start an entirely new kind of party politics, where populist policies were the rules of the game.<sup>25</sup>

## **Thai Rak Thai Party: National and Local Effort**

Noticeably, the new political process started by the Thai Rak Thai (TRT) party, with its populist policies, created a new form of relationship between the state and the rural population – a kind of relationship that benefited villagers materialistically. Founded and registered in July 1999, the TRT party came into existence after the 1997 constitution put in place an election system aimed at empowering political parties. Prior to the general election of 2001, the TRT party adeptly implemented marketing strategies that familiarized voting constituents with the party. The party won



an overwhelming majority in January 2001, thus earning it the legitimacy to form a government under Thaksin Shinawatra, who later became the Prime Minister.

This newly founded party became strong and popular right from its first contest in the elections, thanks to the electoral system and the populist policies that met the needs of grassroots. Some elements in the electoral system also proved preferential to large political parties. The proportional representative (PR) system, also known in Thailand as the party list system, allowed voters to decide based on parties, not on candidates. Thus, the identity of party rather than the candidates would be highlighted in the campaign. As the constitution permitted only parties that gained at least 5 percent of the votes to have seats in parliament, it was even more difficult for small parties to survive. Additionally, old parties like Democrat Party proved inept at adapting to the new system, and so new parties like the TRT had an advantage from the new regulation. The TRT not only incorporated former MPs from other parties, but also initiated a better strategy aimed for the grassroots, which eventually contributed to the party's electoral victory.<sup>26</sup>

The TRT party launched several policies that aimed at transforming rural society. The most recognizable was the universal health coverage policy. The policy, also known as "30 baht health reforms" (later it became a completely free healthcare policy), provided accessible healthcare for the uninsured population, including the poor and the disadvantaged. The reform brought about rapid changes to the lives of people from lower middle class down to marginalized people across the country. Importantly, it transformed not only the standard of living to people, but also people's perception of political power, their perception of themselves as citizens, and class identity. The changes were witnessed most clearly by the underprivileged people. For the first time, these people received equal treatment to other citizens using healthcare services, and they came to expect more equal treatment in other areas as a result.

Thailand Village and Urban Revolving Fund (VF), known as the "village funds policy", was another of the TRT's flagship policies. Launched in 2001 to provide cheap credit for villagers, it gave out one million baht to every village and urban community to loan out to community members, conditional on approval by for the community's elected credit committee. Ac-

cording to the World Bank's survey in 2010, the performance was positive and it became the world largest microcredit scheme, reaching 30 percent of the country's households and distributed among the poor without having elite capture problems.<sup>27</sup> More significantly, the success of the scheme was not only economic; it also changed political relationships. This scheme's budget constituted approximately 10 percent of central government expenditure. The amount of money went to the poor directly, bypassing the bureaucracy. Thus, it was one factor, among many, that weakened the power of bureaucrats. Additionally, at the local level, since loan was one of the most important factors that forced the poor to rely on patrons, the village funds scheme liberated the poor from traditional clientelistic relations.

The TRT's other policies that aimed at economically empowering lower-class people included debt restructuring for farmers and the poor, the Small and Medium Enterprise Development Bank (SME Bank), infrastructure development, and the One Tambon One Product (OTOP) scheme. These policies also immensely affected Thai politics by making the masses more aware that electoral politics could change their lives, and was not something largely irrelevant to them, as it had been. Theoretically, it moved the state power importantly closer to the citizens. In Narumon and McCargo's survey of the Red Shirts composition, the majority of the interviewees directly benefited from these policies.<sup>28</sup> This evidently explains the reason of the Red Shirts participation.

At the level of local politics, the TRT allied themselves with local politicians from the beginning. Even before its ascendance to power, the party played an increasingly important role in local elections in northern Thailand. In Chiang Mai city municipality, for example, the TRT supported the dominant group in municipal elections and developed good relations with faction leaders.<sup>29</sup> The TRT's role in local politics coincided with increasing competition in municipal elections. The newly established connection with TRT has changed the old ways of managing electoral support bases, and rendered the old clientelistic relations ineffective.

Moreover, the TRT became pivotally involved in the elections for presidents of Provincial Administrative Organizations (PAOs). Since PAO electorates functioned as voting bases in national elections, the party's support for PAO's candidates also influenced elections of Members of Parliament (MPs). During the first direct elections of PAO presidents in 2004 (follow-

ing the PAO Act, modified in 2003), the candidates championed by the TRT, mainly in the North and Northeast, mostly ended up defeating their opponents. In numerous provinces the party advocated more than one candidate, each being supported by a particular wang (faction) of the party. Furthermore, in each province, the Tambon Administration Organizations (TAOs) – smaller local administrative bodies governing constituencies that commonly constituted the PAO's area – also took sides along with the PAO's different factions. Thus, the TRT transformed politics at the local level, allowing local politicians to ally with national politicians in a more horizontal way.

The TRT party gained massive majorities in elections, and successfully connected national with local politics. This move brought voters closer to politicians and political parties, bypassing local patrons, who had long mediated and manipulated electoral politics. At the local level, this was the first time that local political networks were established under the umbrella of a political party rather than an influential individual. The ability of a national party to become closely involved in local elections was essential for this change. This new pattern in local politics forced local patrons and powerful local individuals to adjust to new political realities. Some adjusted well and survived; others failed and perished. This was also the case at the national level: some powerful figures failed to adjust to the new setting.

### **Decentralization Process**

The 1997 Constitution is widely regarded as the most important milestone for decentralization in Thailand. It emphasized the importance of decentralizing administrative powers to local authorities, so that local authorities were self-sufficient, able to make decisions on local administrative issues, and able to develop local economy, improve infrastructure, and deliver public service. It led to the promulgation in 1999 of the Plans and Process for Decentralization Act. The bill decreed a formation of local administrations at every level according to different local circumstances. It also decreed a transfer of responsibility from the central government to local administrations, and delineated responsibility between and among them. Finally, the bill compelled the central government to increase its budget for local administrations, from about 11 percent of total government budget in 1999 to 35 percent by 2006.

The 1997 Constitution and the 1999 Decentralization Act were the first successful attempt to create a genuinely democratic local administrative

apparatus nationwide. Prior to this, the municipality was the only local administrative organization (LAO) with real responsibility for the management of local affairs. However, municipalities were limited to densely populated urban areas, and many populated areas across the country had no local administrative bodies of their own.

A Provincial Administrative Organization (PAO) is a local authority whose responsibility covers a whole province. A municipality is a local authority in charge of an urban area. Municipalities are divided into three categories according to population density and income. Tambon Administrative Organizations (TAOs) are theoretically local authorities in rural areas. However, with rapid urbanization, many TAOs today are semi-urban. As of now (2015), there are about 7,853 LAOs in Thailand – 75 PAOs, 30 City Municipalities, 178 Town Municipalities, 2,232 Tambon Municipalities, 5,335 TAOs, and two special LAOs. Every LAO has a legislative body and an executive team whose members are popularly elected.

This new structure imposed by the 1997 constitution substantially transformed local politics in several ways. First, the democratic elections of LAOs around the country helped expand electoral politics. In both urban and rural areas, people became more involved in politics and participated more in elections: voter turnout in local elections was higher than 70 percent at the beginning, and later still stayed in the high range of 65-70 percent. This provided unprecedented opportunity for, and democratic competition among, local leaders, even at the grassroots level. Second, much of the centralized authority of the central government was transferred to LAOs. Local politicians became holders of state power, at times challenging the central bureaucrats who had held authority over the past century. Even though most local politicians were major businessmen, minor local leaders and respected local personalities could compete for power as a result of decentralization. Third, the surge in public budgets for local authorities meant that LAOs, especially those in urban areas, were significant sources of interest, and that spurred competition for positions in LAOs. As a result, the political power previously concentrated at the national level gradually dispersed all over the country. This changed dispositions of the Thai state and the characters of the clientelistic system, while also activating political awareness at the grassroots.

Since the decentralization process significantly challenged the centralized nature of the Thai state, an antagonistic force from the bureaucracy with-

out doubt arose to roll it back. Failures in devolution of education, public health and finance proved the strength of this antagonistic force. For example, according to the decentralization plan, the administration of Primary Health Care Units in every sub-district must be transferred from the Public Health Ministry to TAOs, but the ministry tried every means to hold it back. Eventually, after a decade, only 39 of 9,762 units were successfully transferred.<sup>30</sup> Likewise, the transfer of central government revenue fell short of the 35 percent target stated in the law. In 2006, the law was amended to remove the 2006 deadline, and set a new minimum share to only 25 percent.

In brief, while the institutional reform imposed by the 1997 constitution has not transformed the Thai state into a totally decentralized one, it formalized and weakened the old clientelistic relationships and significantly raised political awareness among voters. All these posed a threat so formidable to the old political power that they had to strike back.

## **The Red Shirts: A Civic Movement for Democracy**

### **The Formation**

Originally the Red Shirts started as a group of people who protested against the coup d'état of September 2006. This group emerged amid the high tide of anti-Thaksin sentiments stoked by the People's Alliance for Democracy (PAD), better known as the Yellow Shirts, a movement supported by a large number of intellectuals, middle class and media. The number of the Red Shirts increased as more and more people believed that Thaksin and his supporters received unfair treatment by law enforcement authorities. Steadily the movement became more significant and powerful.

At the initial phase, a number of organizations were formed in different forms and places. Some smaller groups started as discussion groups of like-minded people in online forums, which acted as alternative sources of information and a means of communication after the coup. Some groups shared information and met in secrets. Some other groups, led by intellectuals, distributed handouts in cities but drew only few participants at the beginning. Many of middle-class-based organizations still insisted on versions of the "No Thaksin/No Coup" slogans.<sup>31</sup> However, the overall Red Shirt movement took shape and attracted more participants when three former TRT politicians - Nattawut Saikua, Jatuporn Prompan, and Veera Muksikapong - hosted a regular TV program on a public channel called

"Truth Today". The program became more and more popular as it revealed the negative sides of coup d'état and clearly supported ousted former prime minister Thaksin Shinawatra. At the same time, some Thaksin supporters organized radio programs that drew vast attention. Naruemon and McCargo has extensively described the network around the top and second-tier leaders of the UDD.<sup>32</sup> In Bangkok taxi drivers were the main audience of those radio programs, while in the provinces the FM radio and community radio programs reached massive numbers of people both in urban areas and the countryside. These alternative media outlets attacked the military's role in politics and the elite's involvement. Notably, a major target of criticism was Maj. Gen. Prem Tinsulanonda, the president of Privy Council, who was believed to have masterminded the coup.

A similar pattern was observed at the provincial level. A research on Chiang Mai province, a stronghold of the Red Shirts, demonstrated a similar path: i.e. at the beginning small groups of people from internet networks gathered from time to time between 2006 and 2008, each time having no more than 30 participants.<sup>33</sup> It was not until a couple of radio program hosts successfully used their programs to reach people that the movements and activities became more significant, and the hosts became locally known as Red Shirt leaders.<sup>34</sup> The main reason why these initial leaders started the movement in Chiang Mai was that they could secure their economic status during Thaksin's government through their businesses, especially the tourism businesses. Suffering from the economic impact, they initially fought for their own cause and later formed an ideology after joining others. Little by little, different groups and networks began sharing their demands, strived to fight against the coup's network, and called for true democracy.

### **Official Organization: UDD**

On the matter of formal organization, the Democratic Alliance Against Dictatorship (DAAD), as the Red Shirt movement was called in 2006, stopped protesting when general elections were held in 2007, and won by the People's Power Party, a resurrection of the Thai Rak Thai party. In response to the violent anti-government rallies by the Yellow Shirts, who seized the Government House in May 2008, the DAAD, newly named National United Front of Democracy against Dictatorship (UDD), organized counter demonstrations. The demonstrations witnessed sporadic violence, resulting in injuries and deaths. With time the UDD's demands and purposes

became clearer and more resolute: they called for a replacement of the Ammatayathipatai (aristocratic polity), the system in which palace insiders, the military, and bureaucrats effectively ignored popular mandate and rejected electoral democracy.

After Prime Minister Abhisit Vejjajiva of the Democrat Party took office, the UDD led major anti-government rallies in April 2009. The protests dramatically escalated in Bangkok as the week-long Songkran (Thai New Year) holiday began. On 8 April 2009, approximately 100,000 UDD demonstrators rallied at the Government House and the nearby Royal Plaza by the evening. The government decided to declare a state of emergency in Bangkok and surrounding areas, and military forces were brought into the capital. Uncontrollably skirmishes erupted among anti-government protesters, government supporters, and the general population. At a demonstration in front of Prem's residence, a yellow-shirted driver plunged her car into a crowd of UDD protesters, injuring several people before driving away; she was not arrested. Then, Abhisit denounced the UDD protesters as "national enemies". The incident eventually ended in a crackdown in which the military fired live rounds into protesters, claiming lives and defeating the protesters.<sup>35</sup> Abhisit's government shut down the UDD's cable-TV station and several community radio stations, while searching for suspected supporters of the UDD.

The first defeat made the protesters more united, and made the identity of the Red Shirts clearer. At the same time the Red Shirts gained more public sympathy, particularly from observers who consumed news from alternative sources via the internet. Over the months following the April 2009 crackdown, the UDD moved on to mobilize members and prepare for the next protest. The UDD operated intensive workshops, called UDD schools, around the North and Northeastern provinces, teaching principles of democracy and Thai political history, and trying to shape an ideology for themselves. The courses were developed by activists and intellectuals, many of whom were, ironically, former Thai Communist Party members. Although they did not aim for a social revolution, their socialist language and strategies influenced the movement, just as they had influenced NGOs' movements in the past.

The protest in March-May 2010 was the Red Shirts' largest. Hundreds of thousands<sup>36</sup> of Red Shirts from all over the country gathered in Bangkok to

protest against the Democrat government. This time their sense of identity was clear: they saw themselves as people fighting for democracy, people who fundamentally championed elections and majority rule. Lasting from March 2010, at Ratchadamnoen Road, until 19 May, at Ratchaprasong intersection in the centre of Bangkok, the enduring protest endeavoured to pressure Abhisit Vejjajiva's government to dissolve the parliament. They argued that the government was illegitimate and thus calling for new elections. As mild as it was, this demand was not met. Confrontations turned Bangkok into a temporary civil war zone, and the turmoil came to an end on 19 May after armed troops made the final assault in the early morning. The UDD leaders announced their defeat and surrendered to the police. By the night of 19 May, several arson attacks became prevalent in the country. From all the clashes occurred during the protest crackdown, 94 died and thousands were injured.<sup>37</sup> The Red Shirt leaders were detained while hundreds of protesters spotted around arson sites were also arrested nationwide.<sup>38</sup>

### **The Phenomenon of "Eye-Opening"**

The defeat of April-May 2010 was merely for a defeat of the protest itself, but not of the protesters, as they went home with vengeance and a determination to continue their fight. Indeed, the defeat and the casualties helped strengthen the Red Shirts' identity even more. The fight in this battle allowed the protesters, as well as the sympathetic public, to understand the real political structure in Thai politics. Furthermore, the Red Shirts stepped up their campaign to target certain traditional institutions. After the crackdown, the Red Shirts identified themselves as the people whose eyes had been "opened", and this realization influenced many of their activities. Apparently, large numbers of people whose eyes were "opened" overtly criticized the monarchy among themselves, using various codes and symbols to avoid *lèse majesté* charges.

After the crackdown, the term "Red Shirts" was used to refer not only to the people who wear red and participate in the Red's activities, but to all sympathizers of the Red Shirts – estimated to be a relatively large number of people – including those who had supported the Red Shirts financially, and those who suffered vengeance from the Red Shirts' defeat. During my field observation in a sub-district in Chiang Mai in early March 2011, residents told me that almost everyone in the sub-district was Red. While only a few villagers helped organize or taken part in the protest, virtually



everyone in the village contributed, either in the form of money or food, to the protest. Several temples donated their food to the Red's activities. With some minor caveats, we can say that "almost everyone" in that particular area was part of the Red Shirt movement.

### **Cross-Class Alliance, Clear Identity and Radicalism**

The Red Shirt movement had some characteristics that were new to the history of people participation in Thailand, and showed some traits that challenged the establishment, as the Communist Party once did. Firstly, the movement was a multi-layered group of people. Self-identified Red Shirts included not only lower-class citizens or the poor, but also the middle class. Most middle-class Red Shirts were "lower middle class", but some were "upper middle class". In this respect, class distribution among the Red Shirts was similar to that of the country: the majority being poor, a smaller portion being middle-class, and the smallest portion being wealthy. In the North and Northeast we could also see regional elite cliques that provided support to the Red Shirt movement.

From a fieldwork after the crackdown in August 2010, several dozens of the Red Shirts were randomly interviewed in five Northeastern provinces.<sup>39</sup> Among the protesters who had returned home, there were daily-paid labourers, farmers, market vendors, school teachers, and medium-sized business-owners. The majority of them lived in rural villages, and gathered in groups to discuss politics. Their identity as Red Shirts was formed largely during these discussions. Apart from the returned protest veterans, those who supported the protest from home were even more diverse, ranging from the poorest to the richest. One of them was a top landlord, who was strongly considered a member of the elite in a small province.

So, despite their frequent use of the notion of "class oppression" as a means to create solidarity within their movement during the period of confrontation, the Red Shirt movement was not a movement of a single class. We may ask, then, why Red Shirts who were part of the upper middle class and the elite sympathized with the "class oppression" idea. One explanation is to say that these people had experienced class oppression, not as the oppressed, but as onlookers or even the oppressors themselves. So they understood class oppression well enough to sympathize with the victims. Another explanation is that some upper-middle-class and elite Red Shirts benefited from the TRT's policies which reduced class oppression,

and would lose benefits if those policies were rolled back. Note that the two explanations above are not mutually exclusive.

Secondly, the Red Shirt movement could be described as a radical movement, due to their radical aims. The goals of their struggle were clear: they wanted a fair society, which was something unprecedented in Thailand, and to fight against the aristocratic polity (Ammattayathippatai), a primary structure of Thai society, to achieve a fully democratic society. More importantly, they questioned the role of monarchy in the politics during their confrontation.

At an undisclosed rural village in the Northeast, dozens of families totally changed the way they treated the royal family in the households. The most significant event that created the change was the queen's presiding over the funeral of a killed Yellow Shirt protester in October 2008. In several surveyed villages, people openly shared rumours and discussed the event critically. They also circulated CDs, pictures and voice clips, and enjoyed the liberty of being open-eyed citizens. Furthermore, in all the Red's events organized after the crackdown, people displayed all kinds of symbols that had profound meanings known among Red Shirts. Though it is impossible to verify the number of people who had had their eyes "opened", those people were observed both in the Red's areas and in the Red's events in disguised forms. Thus, the Red Shirts movement can be categorized as a radical social movement, challenging some deep-rooted values in the society and threatening "national security". Theoretically, it should be noted that similarly active and radical movements in other societies have led to either revolutions or major reforms.

Consequently, the above element of the Red Shirt became a threat to state security, and hence provoked a reaction, in the form of a counter-movement, to restore the old regime.

### **The Yellow Shirts: A Movement against Democratization The Formation**

The Yellow Shirts originally emerged amid Thaksin Shinawatra's overwhelming power. The anti-Thaksin movement was initiated by Sondhi Limthongkul, a media mogul, popular writer, TV commentator, and once friend of Thaksin. Sondhi started to criticize Thaksin in his weekly political talk show, *Muang Thai Rai Sapda* (Thailand Weekly). When the state-run

MCOT Channel 9 dropped the show, Sondhi started to broadcast his own show on his Manager Online website, and later organized live talks on stage at Lumpini Park, featuring less restrained and more scathing rhetoric against Thaksin.

Around the same time, an anti-privatization trend arose among labour unions of several states enterprises. In 2004 they organized a campaign against privatization, attacking the government with the slogan, "Sell Water, Sell Electricity, Kill all Thais". One year later they had another interesting slogan, "Workers Unite against Neoliberal Globalization". It was aimed against the TRT party, which they labelled "wicked" capitalists.<sup>40</sup> Somsak Kosaisuk, a state enterprise labour union leader, stated: "Privatization changes the will of King Rama V. He intended to establish state enterprises as national treasures. Now, Thaksin is trying to change the will of King Rama V who once abolished slavery in Thailand. He is now making Thai people slaves again."<sup>41</sup> The anti-privatization movement joined force with Sondhi's movement, resulting in the birth of the People's Alliance for Democracy (PAD). Anti-corruption and anti-neoliberal globalization sentiments were key values that united the PAD at the stage of formation.

While the Red Shirts were perceived as representing the poor and rural people, the Yellow Shirts came into view as representing intellectuals, the middle class and the upper class who lived in Bangkok and the South. In the Asia Foundation's survey on the profile of both sided protesters, significant differences in education levels, incomes and regions were shown among other similar profiles. The Yellow Shirts had higher education and income, and were more from the South than the Red Shirts.<sup>42</sup> Originally, wearing yellow shirts was promoted by Thaksin to celebrate the King's 60<sup>th</sup> year on the throne in 2006. But the Yellow Shirts adopted the colour to claim that they were true royalists.

### **Official Organization: PAD**

Having broadcasted his show on his website, Sondhi successfully drew a large number of demonstrators onto the streets of Bangkok. On 8 February, 2006, the People's Alliance for Democracy (PAD) was formally established, after Thaksin's family sold shares in Shin Corp to Temasek Holdings. The PAD's original committee included Sondhi, Maj. Gen. Chamlong Srimuang, a retired general who led the anti-military uprising of May 1992, Phiphob Thongchai, an NGO activist, Somsak Kosaisuuk, a state enterprise labour

union leader, and Somkiat Pongpaiboon, a lecturer from Nakhon Ratchasima Rajabhat University.

Shortly after that, Thaksin decided to dissolve the parliament on 24 February 2006, while the Election Day was set to 2 April 2006. Thai Rak Thai Party won an overwhelming majority in the House of Representatives, with 460 of the 500 seats or 61 percent of all valid votes, due to the fact that major opposition parties had decided to boycott the elections. However, a crisis erupted when Thaworn Senneam, Deputy Secretary General of the Democrat Party, accused the Election Commission of misbehaviour. The Administrative Court ruled to imprison some Election Commissioners on 25 July 2006.

A few months later, the military staged a coup on September 19, 2006. Sondhi stopped his protests that had provided a pretext for the coup, and declared that the Yellow Shirts' goals had been achieved as Thaksin was driven out of the country.

After a year under junta government, a general election was held and the People's Power Party (PPP), a resurrection of the TRT after it was dissolved after the coup, won the most seats, but stopped short of winning a majority. The PPP formed a coalition with Samak Sundaravej as Prime Minister. The Yellow Shirts once again re-established itself and came back onto the streets in May 2008 to pressure Samak to resign. The situation was later elevated when the Yellow Shirts seized airports in Phuket, Krabi, and Hat Yai. At this point, the Yellow Shirts clearly displayed symbols of royalism in their protests. Sondhi openly claimed on stage that he was supported by the palace. The queen's attending the funeral of the Yellow Shirt protester in October 2008 well justified the claim.

Moreover, the PAD also opposed against the Samak and Somchai governments' decision to support Cambodia's plan to list the Preah Vihear Temple as a World Heritage site. The PAD used a nationalist ideology against the government. Conflicts between Thailand and Cambodia featured regularly on public TV channels. Eventually the relationship between the two countries reached a new low when Abhisit Vejjajiva became Prime Minister.

### **Mobilization**

The PAD mobilized their protesters using rhetoric that dehumanized Thak-

sin's supporters and the Red Shirts, thereby lifting their own position, projecting an image of themselves as a more educated, richer, and wiser class.

There were many interesting idioms they produced and used against the Red Shirts at critical points. Some rhetoric condemned the Red Shirts for destroying the country. For example, they accused the Red Shirts of "Burning Homes, Burning Towns" (Phao Baan Phao Mueng), associating them with arson attacks that followed the crackdown on the Red Shirt protest in 2010. This old idiom has traditionally been used for the action of the enemies of the nation, such as the Burmese who "burned homes" and "burned towns" when they sacked the Siamese capital of Ayutthaya. The Yellow Shirts also accused Thaksin and the Red Shirts of "Selling the Country" (Khay Chart) by conspiring with the Cambodian government, and sometimes with the US government, against Thailand. Perhaps the most powerful accusation was "Overthrowing the Monarchy" (Lom Chao) since it could easily provoke people's discontent and anger.

Another set of idioms dehumanized and discriminated against the Red Shirts. For example, "Bought by Thaksin" (Thaksin Sue) and "Thaksin's Slaves" (Khikha Thaksin) reflected their belief that the Red Shirts were stupid and poor, and thus easily lured by money. "Red Buffalo" (Khway Daeng) was used to refer to the Red Shirts because being a buffalo traditionally means being stupid in Thai.

At the same time, they introduced some idioms to legitimize their movement and elevate their position. Some emphasized their patriotism: for example, "Restoring the fallen Country" (Koo Chart), "Gratitude for the Country" (Taen Khun Phaendin, lit. gratitude to the land that belongs to the king). Some idioms were created to make themselves seem more moral and nonviolent, such as "Good People" (Khon Dee), "Pure Power" (Phalang Borisut), and "Non-violence" (Santi Ahimsa). Above all else, they claimed their superior position by claiming to be "Protecting Monarchy" (Pokpong Sathaban) and "Loyal" subjects (Jongrakphakdi).

When the PAD suffered bad reputation for seizing the airports and for troubling Thai-Cambodian relations, members of the Yellow Shirts started new groups - "Network of Citizen Volunteers Protecting the Land", "Alliance of Patriots", "Protect the Nation", "Civil Network against Pardoning Thaksin's

Corruption”, and the “Multicolour Shirts”. The Multicolour Shirt group was started by Dr. Tul Sithisomwong, a lecturer at Chulalongkorn University’s faculty of medicine, on 13 April 2010. They presented themselves as a moderate group emerging amid the conflict between the Red and the Yellow. In reality it was clear that the group was formed as an avatar of the PAD to oppose the UDD.

### **The PDRC Movement: Paving the Way for another Coup d’état**

The Yellow Shirt movement surfaced again when Pheu Thai party, a resurrection of the dissolved People’s Power Party, won elections on 3 July 2011, promulgating Yingluck Shinnawatra, Thaksin’s sister, to premiership. Yingluck and her government became a new target for the anti-Thaksin movement. The conflict continued but the movement did not gain enough momentum until late 2013. The trigger point was when the House of Representatives passed a controversial blanket amnesty bill with a vote of 310 to 0 at 4.25 a.m. on 1 November. Within a day, a protest started. Silom Road overflowed with demonstrators, while the district surrounding Chulalongkorn University campus was filled with students, lecturers and university staff condemning the bill. This time the whistle and the Thai national flag were symbols of the movement. The national flag simply represented their patriotism while the whistle meant blowing away the Thaksin regime.

On 29 November 2013, The People’s Democratic Reform Committee (PDRC), or People’s Committee for Absolute Democracy with the King as Head of State (PCAD), was officially formed. The group was led by a former Democrat party MP Suthep Thaugsuban, who claimed the position of “secretary-general” of the movement. The movement was supported by various organizations including the Democrat Party, the People’s Alliance for Democracy (PAD), student activist groups, state enterprise worker’s unions, and pro-military groups. Pressured by the movement, Yingluck decided to remove 6 amnesty and reconciliation bills from the parliament agenda. At this point the protestors started to shift their goal from toppling the amnesty bill to “returning” sovereign power from the government and parliament to the people by, paradoxically, replacing an elected parliament with an unelected “reform council”.

In late November protesters started to occupy the office of the Budget Bureau and the finance ministry compound. Then they proceeded to oc-

cupy the Government House, several ministries, and key agencies such as the Royal Thai Police headquarters, CAT Telecom Public Company Limited and TOT Public Company Limited. The Red Shirts called a counter-demonstration at Rajamangala National Stadium, but decided to disperse on 1 December after a violent disruption by opponents.

The protest paused briefly around the King's birthday and Suthep called again for the "final battle" on 0 December, when the streets of Bangkok were occupied by approximately 160,000 people. On the same day, Yingluck dissolved the House of Representatives and proposed a general election for 2 February 2014. Still, the PDRC insisted that Yingluck stand down within 24 hours, regardless of her actions. The purpose of PDRC gradually became increasingly ambiguous as Suthep called for a "D-day" and a "final battle" several times after that. The PDRC's aim had changed from going against the Amnesty Bill to overthrowing what they vaguely called the "Thaksin regime". Suthep even went further to propose the king to intervene by appointing a new prime minister via Article 7 of the 2007 constitution. The campaign finally called for "Reform before Election", and called for protesters to "shut down Bangkok" by occupying major intersections around the capital, paralyzing the capital. Protesters at Lumpini Park and Pathumwan intersection remained without intention to dissolve. On 21 January, the caretaker government declared a 60-day state of emergency. This allowed the military to station in public space in Bangkok and several other cities, but the military did not use force against the PDRC to restore order.

Amid the crisis, the anti-Yingluck and anti-parliament momentum was fuelled by state agencies. On 7 January, the National Anti-Corruption Commission (NACC) announced that it would charge 308 members of the outgoing House of Representatives and Senate with "misconduct", on the basis that they had voted to amend the constitution to make the Senate fully elected rather than half-elected and half-appointed. The Constitutional Court had just ruled that this amendment violated Article 68 of the 2007 constitution.<sup>43</sup> The NACC claimed that since the legislation was found to be unconstitutional, those who voted for it were guilty of misconduct.

On the eve of the Election Day, violence erupted after PDRC demonstrators blocked the delivery of ballot boxes from Lak Si district office in northern Bangkok. Around 200 government supporters were also nearby. A

group of PDRC armed men started a gunfight and numerous gunshots were exchanged, leaving at least six people injured, one of whom later died. A PDRC guard, called “popcorn gunmen” by the media, who was filmed using an M16 rifle hidden inside a popcorn sack, was later arrested and confessed that the weapon was given to him by a PDRC guard chief. Throughout this disruption, the Election Commission refused to facilitate the election by extending the registration period or changing the voting date. Somchai Srisuthiyakorn, an Election Commissioner, even appeared on TV to support the PDRC’s “Reform before Election” campaign. Throughout the PDRC’s protest, cases of violence, crimes and intimidation by PDRC guards and supporters were publicly reported.

The PDRC protesters went on to prevent the elections from taking place. On 26 December, they blocked people who tried to register themselves as election candidates. They succeeded in doing this in several constituencies, enough to prevent the House of Representatives from having a quorum even if voting in other constituencies went through. The PDRC obstructed advance voting in 87 constituencies, mostly in Bangkok and the South. Sunai Phasuk, a Human Rights Watch senior researcher remarked on this incident:

It’s a sad day for democracy when the right to vote [...] is assaulted by a political movement that claims to be striving for reform and people’s empowerment. Everything that happened today shows they are striving for the opposite.<sup>44</sup>

On the election day of 2 February, the protesters disrupted several constituencies, preventing millions of voters from casting their votes. Voting was also cancelled in the southern provinces of Krabi, Chumphon, Trang, Phangnga, Phatthalung, Phuket, Ranong, Songkhla and Surat Thani, due to a shortage of ballot papers.

Despite all the pressure, Yingluck insisted on continuing her role as caretaker prime minister. The Constitutional Court then stepped in to remove Yingluck. The Court investigated her on the case of appointing the Secretary General of the National Security Council (NSC) and decided to remove her from the office citing that her appointment of the officer involved her personal interest.



The political chaos and street violence provided a pretext for the army to intervene by declaring martial law nationwide and establishing a military command centre to resolve the situation on 20 May 2014. Two days later, the Army Chief Gen. Prayuth Chan-ocha formally declared a coup and formed a junta called National Peace and Order Maintaining Council (NPOMC) to govern the country.

### **Elements of Uncivil Society**

Uncivil society has not yet been sufficiently well explained or neatly elaborated in the field of civil society. Types of uncivil society can be differentiated by the ideologies behind them: whether they are democratic or anti-democratic, whether they perpetuate social inequality and accept exclusivism or not, and whether they go against human rights and national legal rules. Normally, the main uncivil characteristic of civil society can be briefly described as aiming “to privilege the privileged and marginalize the marginalized.”<sup>45</sup>

The Yellow Shirt movement, though participated by civic-minded citizens, had some significant elements of uncivil society – namely, anti-democratic ideologies, intolerant royal nationalism, and pro-privilege attitudes. It should be noted that the Red Shirts, too, had their conservative and intolerant attitudes. But those were never declared officially by the leaders as part of the objective of their movement. In contrast, the Yellow Shirts’ ideas discussed below were overwhelmingly subscribed to among members and openly conveyed to the public by the movement leaders.

First of all, the movement clearly exhibited anti-democratic values. They clearly did not believe in electoral politics, as seen in their calls for reforms that would ensure a rule by appointed “moral” individuals. After Thaksin’s party won the general election in 2007, the PAD proposed the “70:30 formula” – that is, having 30 percent of the House elected, and 70 percent appointed. Later, moving against the Yingluck government, PDRC proposed an unelected People’s Council as the nation’s supreme legislative body. Finally, they even overtly expressed their support for military’s intervention.

The Yellow Shirts justified their anti-democratic stance by reasoning that all elected politicians were corrupt, and Thaksin most of all. Some intellectuals allied with the Yellow Shirts tried to define democracy in a way that

undermined the importance of the electoral process. For example, Wimol Sainimnual, a popular writer posted on his Facebook account on 21 Nov 2012 that "Democracy does not equal election, because election is just a ritual without consciousness or contents. True democracy exists in people's awareness not elsewhere."<sup>46</sup>

Some Yellow Shirts were convinced that democracy would lead to a tyranny of the majority. Dr. Tul argued: "They changed everything using power they got from the poor, 15 million votes. They say that they win the election, so they can do everything. Is that democracy?"<sup>47</sup> with this, many other Yellow Shirts argued that so long as rural people were still selling their votes, election results would mean nothing, and thus elections should be suspended. This, to them, was why all the things they did to prevent elections were justified.

Their anti-democratic sentiments went hand in hand with their belief in inequality. Members of the Yellow Shirts declared openly that they should have more rights than others. In Prajak's study of the development of ideas about inequality, he describes in extensive detail how anti-democratic moods created various beliefs about inequality in Thai society during the political crisis.<sup>48</sup> One classic remark on inequality was from Seri Wongmontha, a former Thammasat university professor and TV celebrity: "Fifteen million low-quality people VS three hundred thousand high-quality people. So having three hundred thousand in Bangkok is indeed better than fifteen million in the provinces".<sup>49</sup> Another example was given when Sombat Thamrongthanyawong, professor and former president of National Institute of Development Administration (NIDA), stated in an interview that "a one-man-one-vote system will cause problems in Thai democracy".<sup>50</sup> A Facebook fan page of the PDRC one posted: "In the USA, women and black people were previously banned from voting because these people did not have enough education and they could be bought for only \$5. Even in the most democratic country, the rights to vote used to be limited."<sup>51</sup> Quite incredibly, these discriminatory remarks were used in public against people in rural area, who accounted for over 80 percent of the country's population.<sup>52</sup>

Secondly, royal nationalism was heavily used to mobilize and justify the movement. Royal nationalism in Thailand could be viewed as similar to religions in other countries. The monarchy is strictly inviolable, not only

legally but also culturally and ideologically.<sup>53</sup> So royal nationalism was a powerful mobilizing tool; it turned opponents into “enemies of the nation”. A study of legitimacy in Thailand suggests that use of force is legitimate if it is used to protect the king: enemies who want to destroy the royal family are evil, and thus unlawful force against them is legitimate.<sup>54</sup>

In every protest and rally by the Yellow Shirts, symbols related to the monarchy were used - yellow shirts to honour the king, blue scarves to display the queen’s support, and other accessories to express royalism. Royalist mottos and slogans were heavily used: e.g. “We love the king”, “We fight for the throne”, “Protect the fatherland”, and finally “Get out if you don’t love the father” meaning that citizens who thought otherwise should be ridded. Military-style green T-shirts with the slogan “We are the King’s people” became popular among PDRC supporters. Amid this mood, a group called “Cyber Scout” was formed with some state backing to look out for online contents that violated the *lèse majesté* law. Later, a civic group calling themselves “The Nation’s Waste Destroyer” (Ongkorn Kebkaya Phandin) was set up by a medical doctor to catch *lèse majesté* violators, whom they considered “waste” (Kaya).

Thirdly, the Yellow Shirts, especially the leaders, saw themselves as the privileged class, and refused to share their privileges with the commoners. They publicly expressed their feeling of being superior because they were richer, more educated, and therefore better ethically. A documentary film by VICE News titled “Driving Ferraris with the Thai Royalists” showed clearly this elitist mindset.<sup>55</sup> The film interviewed two boys from very wealthy families who participated in the PDRC, one of them taking a leading role. In a country where GDP per capita was around 3,480 US\$, they proudly showed off their luxurious lifestyle and expressed their attitudes against the poor. Driving a Ferrari at some speed clearly above the speed limit, one of the boys said: “That’s exactly what we fight for, a small moment like this makes it all worthwhile”.

## Conclusion

The Red Shirts and the Yellow Shirts, as forms of civil society, were unprecedented in Thailand. Their impact was extremely large, large enough to drive the nation into a deep crisis. The concept of civil society that was used to explain people participation in Thailand can no longer accom-

moderate these movements. The civil society that reached its peak in the second half of 1990s, unlike the present one, involved only a small part of the population. The preceding civil society did not aim to change the nature of the state, but intermingled with state power and sought to create privileged channels for participation by certain preferred groups.

This time, the political regime has changed immensely after the 1997 constitution. It has become a regime where the electoral politics directly responded to the needs of citizens. This change at the regime level also changed the relations between the state and citizens in a way that impaired clientelism. It created a rural mass whose interests were bound up with electoral politics, and activated political citizens with democratic awareness. On the other hand, the new regime increased more possibility to challenge the state power, while encroaching the power of bureaucrats and undermining centralized power. Many stakeholders who lost their benefits then showed up and urged for a return to the status quo. However, the state ideology, security, monarchy, and the military have never been touched, and thus have remained the same.

The Red Shirt movement originally consisted of citizens who had benefited from electoral politics. When electoral politics was abolished by the coup d'état in 2006, these people gathered and, while mobilizing, developed their new identity and ideology, and eventually became a movement for democracy, calling for political justice, equality, and the rule of law. However, their defeat in 2010 radicalized them. Although some of their activities were disguised, it was evident that they dared to challenge the legitimacy of the supreme institution of Thai society. This triggered hostile reactions from the state power and people who supported the status quo. The Yellow Shirts movement, which was originally formed to eliminate Thaksin Shinawatra in the name of anti-corruption, aimed to create a clean, moral politics without much concern for democratic values.

As they mobilized themselves, the Yellow Shirts also became more radical. They adopted a radical form of royal nationalism and developed a clearer and narrower identity. They even openly used violence, openly sought to overthrow democracy, and publicly urged for social and political inequality. In these respects, the Yellow Shirts showed strong characteristics of uncivil society. Their uncivil principles and rhetoric, however, were entirely coherent with the deeply embedded state ideology.

The change in Thai politics and society that occurred in the early 21st century was a regime-level change. The Red Shirt movement was a result of the new regime imposed by the 1997 constitution, which activated citizens and eventually turned them into civil movement for democracy. The Yellow Shirt movement, by contrast, was a result of state ideology. The 2014 coup d'état simply took place to support the latter movement by using state terror against the Red Shirts movement for a period of time.

## Notes

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- 22| Only in imposing state ideology has the state's domination been overwhelming.
- 23| Viengrat Nethipo, "Chaopor Uppatham reu Rath Uppatham [Godfather Patronage or State Patronage]," *Social Science Journal* 33, no.1 (2003). 450-451.
- 24| Andrew Walker, "The Rural Constitution and the Everyday Politics of Elections in Northern Thailand," *Journal of Contemporary Asia* 38, no.1 (2008).; Charles Keyes, "From Peasant to Cosmopolitan Villagers: Refiguring the 'Rural' in Northeastern Thailand" (paper for a conference on Revisiting Agrarian Transformations in Southeast Asia, Chiang Mai, May, 2010).; Somchai Phatharathananunth, "The Politics of Postpeasant Society" (paper presented at the Democracy and Crisis in Thailand Conference Organized by McGill University and Thailand Democracy Watch, Chulalongkorn University, Bangkok, March, 2012).; Apichat Sathitniramai et al., *Thobturn Punitat Karnmueng Thai [Reexamining the Political Landscape of Thailand]* (Chiangmai: PPSI, 2015). ; Naruemon Thabchumpon and Duncan Mccargo, "Urbanized villagers in the 2010 Thai Redshirt protests," *Asian Survey* 51,no.6 (2011).
- 25| Party's founders, core members, provincial businessmen who sponsored the party, and party's MP share similar idea on this matter, according to my interview.
- 26| Siripan N. Sawasdee, *Thai political parties in the age of reform* (Institute of Public Policy Studies, 2006).
- 27| Jirawan Boonperm et. al., "Appraising the Thailand village fund." (World Bank Policy Research Working Paper 5998, 2012).
- 28| Naruemon Thabchumpon and Duncan Mccargo, "Urbanized villagers in the 2010 Thai Redshirt protests," 1001.
- 29| Phengkamon Marnarath, "Kanmueang Ruang Kanluekthang: Suksa Korani Kanronnarong Hasiangluekthang Nayok Tessamontri Tesaban Nakhon Chiangmai Pi Po So 2547 [Politics of elections: A case study

- of the Chiang Mai mayoral election campaign 2004]" (Master's thesis, Chulalongkorn University, Bangkok, 2004).
- 30| Viengrat Nethipo, Krabuankan Thang Kanmueang nai Kankrajai Amnat Dansatharanasuk: Koranisuksa Kanthaion Sathani Anamai [The Political Process of Public Health Decentralization in Thailand: Studying the Case of Primary Care Units] (Nontaburi: Health System Research Institute, 2010).
  - 31| Peun Lan Saek na, Krungthep (Mai) mee Khon Seu Daeng: Bantheuk Kan Tosu Khong Khon Seu Daeng Krungthep [There are (not) Bangkok Does (Not) Have the Red Shirts: Memoire of a Bangkok Redshirt's fight] (Bangkok: Samnak Phim An, 2011). 24-52.
  - 32| Naruemon Thabchumpon and Duncan Mccargo, "Urbanized villagers in the 2010 Thai Redshirt protests," 995-998.
  - 33| E.g. Around 30 members from the "cyber warrior group," the "Down with dictatorship by Saturday people group," some academician in Chiang Mai University convened to campaign and distribute the ultimatum notes to repeal the martial law at Thapae Gate. 6 of them were snatched and brought to interrogation by the military at the Kawila Camp. One of the arrested has become the backbone of the movement called "Nor Por Chor Daeng Chiang Mai." These middle class people gradually voiced and took actions in ensuing campaigns, including the denial of Constitution Draft 2007.
  - 34| Pinkaew Laungaramsri, Becoming Red: Kamnurd lae Pattanakarn Suedang in Chiang Mai [Becoming Red: Origin and Development of the Red Shirts in Chiang Mai] (Chiang Mai: Center for Research and Academic Services, 2013).
  - 35| While the Red Shirts claimed some deaths, there was no official record of the casualties.
  - 36| The number of protesters varied from the government's estimation of 50,000 and foreign medias of about 100,000 to the UDD's claim of 2-300,000.
  - 37| According to the report from a civic group called People Information Center; "Khwaam Jing Peua Khwaam Yuttitham: Hetkan lae Phonkrathop jak kan Salai Kan Chumnum Mesa-Phreutsapha 53 [Truth for Justice: The impact of the crackdown on April-May 2010]," Bangkok: Fah Diew Kan Publications (2012).
  - 38| The leaders and many protesters were released on bail in March 2011 after being detained for 9 months. However Ubon Ratchathani court had made a verdict to imprison 4 persons for 33 years on the charge of City Hall arson.



- 39| The interviews conducted by the author in September 2010 in provinces of Khon Kaen, Maha Sarakham, Sakon Nakhon, Nakhon Phanom and Udon Thani.
- 40| Bundit Thanachaisaettawuth, *Jap Chippajon Kan Khleuenwai Raeng-ngan Pi 2548 [Feel the Pulse of Labor Movement in 2005]* (Bangkok: Arom Pongpangan Foundation, 2006), 34.
- 41| Terdtham Songthai, *Kha kheu Nakrop Prachachon Ku Chat [I Am People Warrior for Restoring the Fallen Country]* (Bangkok: Green Panyayan, 2008), 98-9.
- 42| "Profile Of The Protestors: A Survey of Pro and Anti-Government Demonstrators in Bangkok on November 30, 2013," Bangkok: Asia Foundation (2013), accessed May 1, 2015, <https://asiafoundation.org/resources/pdfs/FinalSurveyReportDecember20.pdf>.
- 43| Article 68 prohibits any attempt to undermine the "democratic regime of government with the King as Head of State" or to acquire the administrative power by unconstitutional means. It also allows the Constitutional Court to stop such attempt, dissolve any political party guilty of it, and disfranchise party executives for five years.
- 44| "Violence breaks out as Thailand protesters attempt to block polling stations ahead of general election," Fox News Channel (2014), accessed May 1, 2015, <http://www.foxnews.com/world/2014/01/26/thailand-protesters-attempt-to-block-polling-stations-ahead-general-election/>.
- 45| Robert Fatton, "Africa in the age of democratization: The civic limitations of civil society," *African Studies Review* 38, no.02 (1995).; Marlies Glasius, "Uncivil society," in *International Encyclopedia of Civil Society* (Springer US, 2010), 1583-1588.
- 46| "Kan Leuak lae prachathippatai [Selection and Democracy]," accessed July 19, 2015, [https://www.facebook.com/permalink.php?story\\_fbid=574406505908650&id=299989743350329](https://www.facebook.com/permalink.php?story_fbid=574406505908650&id=299989743350329).
- 47| "Mo Tul thi FCCT Jaeng tammai ham kae Mo.112 [Dr. Tul at FCCT, Why Shouldn't We Amend Article 112]," *Prachatai* (2012), accessed February 17, 2015, <http://www.prachatai.com/journal/2012/02/39299>.
- 48| Prajak Kongkirati, *Prachathippatai nai Yukpleanphan [Democracy in Transition]* (Bangkok: Sameskybooks, 2015), 23-7.
- 49| Speech on November 18, 2011.; Prajak, "Prachathippatai nai Yukpleanphan [Democracy in Transition]," 25.
- 50| "Sombat Thamrongthanyawong Adit Athikanbordi NIDA rabu luk Prachatibpratai 1 khon 1 sieng young chai kab Thai mai dai [Sombat

Thamrongthanyawong, Former NIDA Chancellor, Noted One Man One Vote Should Not Use For Thai People],” Khaosod Online (2013), accessed January 11, 2015, [http://www.khaosod.co.th/view\\_newson-line.php?newsid=TVRNN5qYzJOamN5TUE9PQ==](http://www.khaosod.co.th/view_newson-line.php?newsid=TVRNN5qYzJOamN5TUE9PQ==).

- 51| “Kamnoet Phiphop Wanon [Rise of the Baboon],” accessed March 10, 2015, <http://drama-addict.com/2013/12/13/%E0%B8%81%E0%B8%B3%E0%B9%80%E0%B8%99%E0%B8%B4%E0%B8%94%E0%B8%9E%E0%B8%B4%E0%B8%A0%E0%B8%9E%E0%B8%A7%E0%B8%B2%E0%B8%99%E0%B8%A3/>.
- 52| “World Bank,” accessed March 10, 2015, <http://www.worldbank.org/en/country/thailand/overview>.
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- 54| Noppon Phon-amnuai, “Primitive Legitimacy in the Modern State: Social Constitution of Modern Thai Politics” (MA dissertation, Department of Politics, University of Sheffield, 2014), 14-16.
- 55| VICE News. 2014. “Driving Ferraris with the Thai Royalists.” Youtube Video, 25:26, April 23. Accessed March 14, 2015. <https://www.youtube.com/watch?v=e2hICl3PPrk>.

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## **LIFE AND TIMES OF CIVIL SOCIETY IN TURKEY: ISSUES, ACTORS, STRUCTURES**

Funda Gencoglu Onbasi

### **Introduction**

As Jean Cohen and Andrew Arato put it back in 1990, "we are on the threshold of yet another great transformation of the self-understanding of modern societies".<sup>1</sup> There are certain reasons why we have found ourselves on such a threshold all of which have been challenging the traditional ways of self-understanding. Among those one can cite the process of globalization, the tension between the global and the local, the particular and the universal, the tension between difference and equality, rising importance of identity politics, the questioning of certain traditional categories such as national identity, citizenship, democracy, participation, equality together with a concomitant effort to redefine them.

Each of the issues cited above can be viewed as just another manifestation of a centuries-old question that humanity has been tackling with since antiquity: the relationship between the individual and the community (small or larger) in which s/he lives. It is possible to read the entire history of social and political thought from Aristotle to today's important theoreticians from this perspective. The Ancient Greek thinkers, the social contract theorists, the Enlightenment writers, the historical figures behind the French Revolution in declaring the ideals of humanity as "liberté, égalité, and fraternité", the theorists of the nation-state and national identity of the 20<sup>th</sup> century, the theories of globalization and contemporary theories of democracy (including communitarians, pluralists and radical democrats) have all been concerned with this big issue of how to find the best way of relating the individual human being to the community surrounding him/her.

Recently, such efforts in the contemporary social and political thought began to focus upon the notion of civil society. It has been under examination by different ideological positions in order to see whether it carries a potential within itself to offer an answer to the major question. It can easily be observed that during the recent years, civil society has established itself as a dominant theme lying at the core of many theoretical debates

as well as the discourses of political activists, especially political parties. We repeatedly hear phrases involving the resurrection, re-emergence, re-construction, or renaissance of civil society.<sup>2</sup> It has become a significant, even “paradigmatic concept”.<sup>3</sup> Moreover, today many people talk about civil society and its role in “eradicating poverty, in promoting democracy and good governance, and in resolving social conflict and protecting human rights”.<sup>4</sup> In Michael Edwards’s words “(t)oday civil society seems to be the ‘big idea’ on everyone’s lips –government officials, journalists, funding agencies, writers and academics.”<sup>5</sup> In addition to its dominance in political discourses, the number of civil societal organizations (CSOs) has also been steadily increasing.<sup>6</sup>

This increase at both the discourse and practical levels can be observed as a global phenomenon and Turkey constitutes no exception to this general trend. Especially during the post-1980 period “civil society” has entered the core terminology of Turkish politics. Since then, it has been a central theme in academic literature as well as in the discourse of the activists and, parallel to the global developments, the number of CSOs has also been increasing in Turkey during the recent decades. Although “civil society” is a western-oriented concept and also it has appeared as a certain phrase of the history of the western world,<sup>7</sup> this does not mean that it can be useful only for the analysis of the contexts associated with the West. Throughout its lifespan, the concept has spread to the other parts of the world and is “very much alive and kicking in the worlds of politics, activism and foreign aid”<sup>8</sup> in many countries. It may have gained different meanings and may have been articulated to contesting ideological and/or political agendas in different contexts. One can easily suggest that it can serve as a useful analytical tool for a better understanding of and reaching greater clarity about the political debates in a certain polity. This being the central claim, this study is concerned with the way in which this can be done for the Turkish case. While doing this, this study is not concerned with such essential questions as “is there a civil society in Turkey?” The underlying assumption behind such a question would be a view of civil society as a category which has a fixed, absolute, universal content/definition as it has appeared in the historical conditions peculiar to the West. So, rather than trying to answer this kind of questions or pinpointing the differences between Turkey and other contexts with an essentialist perspective, this study aims to outline the dynamics of civil society in Turkey.



This chapter will be composed of three main parts: the first part will present a historical background of civil society in Turkey with a specific reference to the post-1980 period since it was with the mid-1980s that the concept of civil society made its appearance within political and intellectual debates in Turkey; the second part will be a review of the academic literature on civil society in Turkey in connection with the civil society debate in the world, and the third part will be an analysis of the actors and the most debated issues of the civil society practice in Turkey.

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### **The Post-1980 Period and the Rising Importance of Civil Society in Turkey**

The aftermath of the 1980 military intervention witnessed a rise in the popularity and importance of the concept of civil society in Turkey and since then it has become an inseparable part of political debates and analyses. As can be expected, there are external and internal factors that have led to the increasing popularity that the concept of civil society has been

enjoying in the public and the academic discourses in Turkey. This popularity at the discourse level is also accompanied by the quantitative increase in the number of the civil society organizations in the country.<sup>9</sup>

As is known, the idea of civil society has been in existence for quite a long time. Hence it would be inaccurate to contend that the concept is entirely new making its appearance in the 1980s and 1990s. However, it is commonly agreed that the concept of civil society was “forgotten” in the sense that it has ceased to be a central theme in the political debates and literature in the twentieth century until the 1980s. One can easily observe through a brief look at the literature on civil society that it was in the last quarter of the twentieth century that an interest in civil society has re-surfaced. As a result, the phrases involving the resurrection, re-emergence, reconstruction, or renaissance of civil society started to be heard.

The modern concept of civil society was revived first and foremost in the struggles of the democratic oppositions in Eastern Europe and Latin America against authoritarian political regimes in the late 1980s and 1990s. In Ehrenberg’s words “the contemporary obsession with “civil society” began with the attempt of dissident East European intellectuals to develop a credible theoretical grounding in the early 1980s.”<sup>10</sup> By the mid-1990s many political systems were crumbling in the face of popular opposition, systemic dysfunction and international pressures.<sup>11</sup> The demise of real socialism was the most dramatic development changing the political scene of the world drastically. It was not unexpected that this episode in world history brought with it certain distinctive trends in subsequent political discourse. The 1980s are known as the period during which neo-liberalism started to spread all over the world as the hegemonic political ideology. As a result, the end of the Cold War was evaluated as the end of the ideological struggle between East and West in favour of the latter. Some analysts like Francis Fukuyama went further and announced that it was not just the end of an epoch in history but the “End of History”.<sup>12</sup> This was a kind of celebration of the ultimate victory of the liberal democracy as the ideal form of government.

Related to these developments, challenging the role of the state and its relation to the society/individual became the central question around which the political debates were shaped in these contexts. As the “third wave”<sup>13</sup> democratic movements spread throughout East and Central Europe, Latin

America, Southeast Asia and Africa so too did the debates about the 're-birth' of civil society. It began to be widely argued that "regardless of the form of government from which these newly democratizing states were emerging ... the construction (or reconstruction) of civil society is one of the cornerstones of liberal democracy."<sup>14</sup> It is upon such a background that during the 1990s the concept of civil society has penetrated into the policy language of international development agencies and subsequently has spread to all corners of the world through intellectual exchange, activist discourse and the official policies of development donors and politicians.<sup>15</sup>

Starting with the 1980s, then, the time period in question has witnessed the rise of neo-liberalism in a global scale. The most prominent representatives of this political trend were the Reagan and Thatcher governments in the U.S.A and in England, respectively, but it then became a global phenomenon. That has been followed by the transitions in the Eastern Europe from authoritarian to liberal democratic regimes.

Concomitant to those cited developments, the international system has continuously moved towards ever increasing levels of economic integration since the early 1980s. Turkey also chose to adapt itself to those developments by implementing a structural adjustment program. The economic policies were put into effect with a purpose to liberalize the economy. However, in the 1990s economic integration had to be complemented by political integration with the international system. So, the economic liberalism espoused by post-1980 governments proved to be a major catalyst in starting discussions on political liberalism.<sup>16</sup> Those arguments in favour of economic and political liberalism, aroused within a conjuncture characterized by the hegemony of neo-liberalism, were by nature aiming at limiting the realm of state action in every sphere of life. Minimizing the role of the state and degrading its activities went hand in hand with a concomitant appraisal of civil society at a global level. Thus, the global conjuncture has been an important impetus for the entry of 'civil society' into the political discourses of the 1980s and 1990s in Turkey.

Apart from the global context and the hegemony of neo-liberalism as a worldwide phenomenon, political conditions peculiar to the Turkey of the 1980s should also be taken into account when assessing the rising importance of civil society. The repeated involvement of the military in politics and its last direct intervention in September 1980 had created a reaction

among different social groups. With this intervention, the dominance of the state over society which is usually accepted as a general characteristic of the Ottoman-Turkish polity, had made itself felt strongly –and violently– once more, and that in turn gave rise to the voices arguing that the state should be minimized.<sup>17</sup> In other words, the rise of liberalism in Turkey was related with the fact that the liberal outlook was epitomizing a reaction to the particular conception of society that the military leaders adhered to.<sup>18</sup> The Motherland Party that came to power after the 1983 general elections turned those voices into a discourse whose central theme was the argument that the individual does not exist for the state, but the state exists for the individual.<sup>19</sup> Sarıbay calls this whole process as a process of “demystification of the state” and argues that demystification in question has led to a spontaneous rise of a new discourse that has civil society at its core.<sup>20</sup>

Another factor that led to an increase in the popularity of the concept of civil society has been the rise of Islamist groups and Kurdish nationalism during the post-1980 period.<sup>21</sup> These groups started to challenge the official ideology of the state and its definition of citizenship which has a strong emphasis on the notion of “unity of the state with its country and nation” (*devletin ülkesi ve milletiyle bölünmez bütünlüğü*) and hence which has a tendency to see “the nation” as a homogeneous entity at the expense of remaining blind to the differences, exclusions and marginalization of certain voices. In addition to these two groups the influence of women’s movement in Turkey should also be mentioned as an important factor in the rising importance of the notion of civil society in Turkey. This movement has also gained a momentum during the post 1980 period. These movements have begun to employ the language of civil society to make their identities and differences acknowledged publicly and to politicize their discourses on their subordination by the status quo.

Three events deserve to be specifically mentioned as having an influence on the advent of the concept of civil society in Turkey: the Susurluk accident of 1996; the two major earthquakes of 1999 and the economic crisis of 2001. These three events have subsequently led to important discussions on the structure of state-society relations in Turkey and consequently have brought the concept of civil society to the forefront. What they all have in common is that they constituted a challenge to the image of the “strong state” and the “papa state” (*Devlet Baba*) and gave rise to the

heated debates on the question of the capabilities, the competency and the so-called "strength" of the state which has been stoutly imposed by the official ideology. The car accident at Susurluk brought to the day light the illegal relations between the state officials, mafia and the politicians; the earthquakes of 1999 made it evident the incompetence and ineffectiveness of the state mechanism to deal successfully with emergencies like natural disasters; and the 2001 economic crisis was crucial in demonstrating its ineptitude and the level of corruption that has become an endemic problem of Turkish politics. In time, these events led to a questioning of "the strength of the Turkish state" in a way that would add fuel to the increasing popularity of the concept of civil society in the liberal sense.

Another milestone in the advent of the concept of civil society in Turkey is the 28 February Process that has influenced discourse on it in a rather different way. The so-called post-modern coup d'état of 28 February 1997 took place as a response to the perception on the part of the military of a threat of Islamic radicalism in the country. Acting upon this perceived threat to the secular character of the political regime the military followed a different path from the previous military interventions. The difference was that the military tried to ground its intervention upon a public opinion that is supportive of its course of action and this support was being given by a certain group of CSOs. These were largely the Kemalist organizations utilizing a discourse that complements the official ideology represented by the military. While this state of affairs put the concept of civil society and civil societal practice under the spots one more time, it also caused a shift in the meaning that conventionally used to be attached to the term i.e. epitomizing a sphere of life outside the state.

A last factor that should be mentioned with reference to its influence on the concept of civil society in Turkey is the process of Turkey's integration with European Union (EU) and especially the period of adaptation to the requirements for membership to the EU. This process has opened up new discussion about the state-society relations. Throughout the proceedings a major criticism regarding the political system in Turkey has been that the "acceptable" levels of social and political participation from below is quite low. The justification for such a criticism has been the observation that political activity and participation at the grassroots level has been under severe control and regulation of the state through strict laws until the late 1990s. During the second half of the 1990s the legal framework has begun

to change associated with the 'democratization packages' that have been put in effect during the EU membership proceedings. The latter has been especially influential in the radical amendments in certain laws that have been passed by the Turkish Grand National Assembly within a considerably short period of time. In accordance with these developments, there have been revisions and adjustments in the legal framework regulating non-governmental activity in Turkey.<sup>22</sup>

So, against such a background of internal and external conditions, the concept of civil society has entered into the political agenda of Turkey. Since the early 1980s, it has been an inseparable part of the discourse of state officials, journalists, funding agencies, business groups, writers, academics and political parties. The following section will provide an analysis of the academic literature on the concept, trying to delineate various approaches (hegemonic and alternative/critical) that one comes across in the literature.

### **A Review of the Academic Literature on Civil Society in Turkey**

Despite the proliferation of 'the discourse of civil society' as a global phenomenon, the current debate on civil society seems to have reached a point of impasse in general. There are two major reasons for this deadlock that the debate finds itself in. First, there is the "division of the contemporary world of social theory between "skeptics and the faithful": "those who reject the concept of 'civil society' as a fraud, illusion or as analytically too imprecise to be useful; and those who privilege it as the normative ideal and theoretical pivot of contemporary political philosophy."<sup>23</sup> In most cases the analysts tend to choose one of these opposing attitudes. However, this situation puts a ceiling on the debate by limiting the choices to either of these positions and curbs the development and/or enrichment of a critical literature on the concept of civil society. This polarization has stemmed mainly from the increasing popularity of the concept that was mentioned above. Both the over-use of the concept and the variety in the approaches and meanings attached to civil society has diminished its explanatory potential since by this way it "has become a notoriously slippery concept used to justify radically different ideological agendas, supported by deeply ambiguous evidence and suffused with many questionable assumptions."<sup>24</sup> Consequently, as Neera Chandhoke expresses, "although it has become popular across societies of very different levels and across all ideological hues, the notion of civil society has become confused and confusing."<sup>25</sup>

As a result of this kind of a discontent with the concept of civil society, a parallel but opposite trend has appeared regarding the attitudes toward its increasing popularity. Adapting a rather intimidating position, this approach rejects giving any credit to the explanatory potential of the concept. For instance Colas claims that,

[g]ushing out of everyone's mouth at once, "civil society" acceded at the end of the 1980s to a sort of empty universality ... it has become a label for all sorts of goods, and in certain cases even a mask for intellectual emptiness, "civil society" allows people to speak without knowing what they are saying, which in turn helps them to avoid arguing with each other.<sup>26</sup>

Hence, the end result of these two opposing trends has been the "division of the contemporary world of social theory between "skeptics and the faithful" as was mentioned above. In Edwards's terms, then, it has become inevitable for those who are interested in the concept of civil society to tackle with the question: "Is civil society the 'big idea' for the twenty-first century or will the idea of civil society –confused, corrupted or captured by the elites- prove another false horizon in the search for a better world?"<sup>27</sup> However, as will be explained below this thesis rejects the view that it is necessary to make a choice between these two opposing camps; it is also possible that one can find both sides unsatisfactory and can choose trying to develop a critical view by still continuing to use the concept as an analytical tool. Moreover, this kind of an approach, limiting the alternative ways of handling the concept of civil society with only those two, has had an unproductive effect on the literature and hence constitutes the major reason for the vicious circle that seems to be characterizing civil society debate for a while.

The second reason underlying the deadlock that the literature on civil society has found itself in is the dominance of the liberal perspective on the concept. It would not be wrong to argue that despite the variety of usages and conceptions of the term "civil society", there is an obvious dominance of the liberal perspective on the use of the concept and this has been the case in Turkey as well as in the world. However, this approach suffers from very crucial shortcomings that increase the frustration and dissatisfaction with the concept. To mention briefly here, by overemphasizing the confrontation between state and civil society; concentrating upon the civil society as a checking mechanism over state's actions; by depicting civil so-

ciety as the realm of 'harmonious collective action' and as the 'living space of pluralism and active citizenship', in short with its emphasis on civil society in association with the notion of consensus and resolution of conflicts, this approach has the danger of turning a deaf ear to the power relations and the consequent inequalities, domination, marginalization and exclusion of certain voices within the civil society. Consequently, the dominance of the liberal conception has played the most important role in rendering the literature increasingly infertile.

It is important for an understanding of various approaches to the study of Turkish politics to look at the way(s) the concept of civil society has been employed as part and parcel of a number of academic works. This amounts to drawing a map showing the usages of the concept of civil society which displays a diversity in terms of the meanings attached to the term and the context in relation to which the concept has been used. Indeed, this is a three-dimensional venture: first, it includes an effort to highlight various approaches in terms of in what context and why the concept of civil society is made the focus of attention in Turkey; second, it aims at seeing various approaches in terms of the meanings associated with the term civil society; in other words, various approaches in terms of different conceptualizations of civil society that one comes across in the literature in Turkey; third, on the basis of the first two, it tries to highlight the dominant trend –which is the liberal perspective as was explained above– with an aim of facing the ambiguities of the concept in its currently prevailing usage.

### **A Synopsis of the Various Approaches within the Literature on 'Civil Society in Turkey'**

Regarding the question of 'in what context is the concept of civil society focus of attention', it can easily be observed that the concept of civil society is at the centre of analyses which are concerned with the question of the 'confrontation between strong state and weak civil society in Turkey'. So, in a great majority of cases, the context within which the concept of civil society is discussed is this dichotomy of strong state-weak civil society. The dominant trend in those analyses is to view this confrontation as a 'fact of life' of Turkish political-social life and to elaborate on the concept of civil society within the framework of this problematique. Indeed, it is interesting to see that this is a common attitude shared by a number of analysts with different political standpoints and backgrounds.



Considering this dominance of the view that takes the strong state-weak civil society dichotomy as a 'fact' and more importantly as the major question to be handled in relation to the concept of civil society, it is not surprising that it is the liberal perspective that has been dominant in the literature in Turkey. In other words, civil society has usually been conceptualized in accordance with the basic liberal premises on the state-society-individual relationship. As mentioned above, this is mainly due to the overemphasis on the 'problems associated with a strong state dominating (civil) society' and on the need to delimit the state's sphere of activity and its dominance over the society. A discussion on civil society is considered as essential since the existence of civil society as an autonomous sphere of activity, as the realm of freedoms, voluntariness, activeness, free competition of pluralities is deemed crucial as a checking mechanism over the strong state which has always had a desire to control and dominate every sphere of socio-political life and subjugate the demands coming from the society for effective levels of participation. Consequently, it would not be wrong to argue that this occupation with the strong state-weak civil society dichotomy and the problems stemming from it is the main determinant of the liberal stance in Turkey.

This hegemony of the liberal perspective characterized by a stress on the particular 'strong state tradition' accompanied by a weak civil society is directly reflected in different conceptions of the term employed by scholars in the literature. First of all, the most widely used conception of civil society is the liberal-individualist-pluralist conception. It is interesting to see that being the most widely used conception, this view is shared by a considerable number of scholars with different political-philosophical standpoints. For instance, there are cases in which the scholar may be a declared socialist and yet he/she may be employing the same liberal-individualist-pluralist conception of the term 'civil society' in his/her analysis of the confrontation between strong state and weak civil society in Turkey. Second, the liberal perspective puts its blueprint on other alternative conceptions that can be carved out in the literature. More specifically, besides the liberal-individualist-pluralist conception one also comes across the Hegelian, liberal-conservative and liberal-republican conceptions of civil society in Turkey.

There are two important points that need to be highlighted regarding all of these liberal-oriented conceptions. First, all of them unite in the way they

contextualize the question of civil society in Turkey which means that they all focus on the concept of civil society with an ultimate aim of discussing the problems of the confrontation between a strong state and a weak civil society. A tendency to see the state and civil society as two distinct entities, to view the confrontation between the two (indeed the dominance of the former) as 'the major conflict' at the expense of underestimating the conflicts and power struggles within the civil society as well as the reflections of these conflicts and struggles in the state, emphasizing civil society as a means to limit and control the state's power and its sphere of activity all comprise the common ground that unite these liberal-oriented approaches and conceptions of civil society. As can be seen, then, at the most basic level all these liberal-oriented conceptions of civil society share a consensus-oriented perspective regarding the notion of civil society. They share the presumption that the conflicts and struggles stemming from differences in terms of interests and identities can be handled through the liberal idea of 'pluralism' and of 'rights and liberties' which amounts removing the hold of the state on the society. This is the way that liberalism manifests itself in these different conceptions.

There is a second point to be highlighted regarding the varieties of liberal-oriented conception of civil society: despite this liberal common ground they share, these conceptions of civil society are distinguished from each other in terms of their different responses to the question why would the 'strong state-weak civil society dichotomy' be a major problem for the political life in Turkey. In other words, although they jointly conceive the weakness of the civil society (or the dominance of the state) as the foremost problem to be handled, they are at variance when it comes to explain the underlying reasons for such an argument. Hence, it would be inaccurate to categorize them under the same title of 'liberal conception of civil society'. In that respect it seems possible to distinguish four approaches from each other: the liberal democratic-consolidation-oriented perspective that sees the strong state-weak civil society as a barrier for the (liberal) 'democratic consolidation' in the country; the liberal-conservatism-oriented perspective that views the existence of over empowered state as harming and/or curbing the natural path of development of the society; liberal-republican-citizenship-oriented perspective according to which the domination of the state over civil society has been an obstacle on the emergence and development of republican notion of 'active citizenship; and liberal-socialism-oriented perspective that blames the strong state-

weak civil society dichotomy as an impediment for the growth of a socialist movement at the grassroots level.<sup>28</sup>

Even though the literature on civil society in Turkey has been dominated by the liberalism-inspired approaches and this is most evident in the fact that the most discussed theme in the literature on civil society in Turkey is the question of the confrontation between a dominant state and a weak civil society, there are also alternative conceptions of civil society with a critical attitude toward this dominant perspective. These critical approaches are inspired mainly by Marx's and Gramsci's elaborations on the concept of civil society and hence follow the line of thinking that emphasizes the uneven relations of power characterizing socio-political life. However, the number of such critical works has, at least so far, been limited compared to those inspired by liberalism. At the heart of these critical studies rests a challenge to the conventional distinction between state and civil society. They rather view the state in relation with not outside and/or above the struggles and conflicts stemming from the uneven power relationships within the civil society. Hence, they urge for an analysis of those webs of power relations manifesting themselves in inequalities, exclusions, dominations, marginalization of various kinds and their reflections at the state level.

An upshot of this very brief literature review on is that there seems to be a need for a shift in the analysis of the relationship between civil society and democracy in Turkey from a perspective that focuses on a 'democracy-friendly-civil society' to a perspective that focuses on 'democratic civil society'. This, in turn, is closely related with a change in the way 'democracy' is conceptualized toward an approach that takes into account the unequal power relations within civil society, not only the unequal power relation between state and civil society. This kind of a critical attitude toward the dominant (liberal-oriented) usage(s) of the concept of civil society is required in order to be able to increase the explanatory potential of the concept in dealing with the question of what kind of a democratic political community can respond to the needs of an age characterized mostly by the coexistence of difference and inequality?

### **The Dynamics of the Civil Society Practice in Turkey**

Civil Society Organizations (CSOs) in Turkey

There is widespread agreement today that there is an established associa-

tional life in Turkey. However, there is also a general agreement that the quantitative data with regard to CSOs in Turkey does not mean much by itself and that other criteria should be taken into account when there is an effort to evaluate the contribution of civil society to the democratization of the country. Those criteria that should be taken into consideration include certain organizational features of the CSOs such as the overall rate of membership and the activity of the members, the level of internal democracy, the (non)existence of horizontal relations among the CSOs and the increasing level of professionalization.

A field research conducted in 2011 found that the number of CSOs in Turkey (including associations, foundations, trade unions and professional organizations) is about 150.000.<sup>29</sup> Indeed, considering the population of the country, compared to Western European countries, the number of CSOs is still very low. Kalaycıoğlu also gives statistical data about the number of voluntary associations in Turkey and presents the change in those numbers since the 1930s. He argues that although the number of associations has been steadily increasing, and although these quantitative data is an important indication that there is an established associational life in Turkey, he also shows that the overall rate of membership in voluntary associations is quite low.<sup>30</sup> Moreover, he expresses his doubts about the activities of the members: "It is also not certain what proportion of the members pay their dues regularly or take part in the activities of those organizations... Active membership seems to be a scant commodity in Turkey." Consequently, he argues, there seems to be a large number of small organizations, with even smaller critical masses of active members that vie for the attention of the masses and the political elites alike."<sup>31</sup> We now know that half of the CSOs in Turkey are composed of only 6-20 volunteers, and nearly half of them have an annual budget below 10.000 Turkish liras.<sup>32</sup>

Another point that is mostly problematized by analysts regarding the CSOs is the state of horizontal relations in associational life. Şimşek argues that "(f)or a civil society to support democracy there must be a certain quality of interaction aside from the quantity of actors and groups in associational life. There must be a positive dialogue and solidarity when necessary between civil society actors."<sup>33</sup> He quotes Nilüfer Göle saying "only the interactions and the establishment of horizontal relations between different social actors and political ideologies can lead to shared, discursive relations and civic culture. Only this shift from identity politics to interactive politics can counterbalance the totalitarian tendencies embedded in civil society."<sup>34</sup>

Şimşek is not optimistic about the existence of such relations among the CSOs in Turkey. As was mentioned above, Kalaycıoğlu also accuses the CSOs in Turkey for being “better at rivalry than mutual cooperation”. This is supported by the statistical data that 30% of the CSOs in Turkey have no interaction and no cooperation with any other CSO in the country; and those CSOs that have no international connections make up the 63%.<sup>35</sup>

So, low level of communication, interaction and cooperation is a major drawback of the CSOs of different types in Turkey. Harald Schuler, writing about the Alevis as a social movement in Turkey, argues that it is not sufficient for the Alevi movement to try to form an alliance with particular political parties, i.e. the social democratic parties. He says that in order to get their demands met, the Alevis have to start a discussion with Sunni groups in a less prejudiced way.<sup>36</sup> He comes to that conclusion after an analysis of the degree to which the Alevis have succeeded in influencing the policies and propagandas of the social democratic parties. His analysis shows that the Alevis have not been able to convince those parties to integrate the political demands of the Alevis into their discourses. Hence, he suggests, the Alevis should try to find other allies in the society than the social democratic parties and in order to do this they have to be open to any discussion about their demands with other social groups even if those groups are their “rivals”. Kemal Can directs a similar criticism towards Ülkü Ocakları. He argues that despite the counter-declarations of the leadership, the movement continues to be an inward-looking movement closed to any interaction, cooperation, or communication with other CSOs.<sup>37</sup> The main concern of the Ülkücü movement<sup>38</sup> has been to bring the representatives of the movement to the rank and file of the state bureaucracy and government rather than to get engaged in a power struggle with other CSOs and/or to try to influence them.<sup>39</sup>

The (non)existence of internal democracy within the CSOs and high levels of professionalization are other criteria that the studies focusing on the organizational features of the CSOs in Turkey take into consideration.<sup>40</sup> Both are seen as impediments for a pro-democracy civil society to develop. Both of them are indeed related with the way that the CSO members make sense of associational life. Tanıl Bora, for instance, deals with that issue within the context of a comparison between the right-wing professional organizations with capital and entrepreneur grassroots and the left-wing organizations of educated and labour-oriented expertise groups in that re-

spect. He argues that in the former the members express the importance they give to their association by pointing out its power and the services (hizmet) it provides. However, we see a different picture in the latter in that the members of these associations tend to see associational life, organizational activities and togetherness as valuable things in themselves. Similarly, a great time and effort is spent to contemplate and discuss the organization itself in those organizations and the notion of civil society is thought together with such notions as democracy and freedom.<sup>41</sup>

Hence, the literature on CSOs, generally revolves around such notions as lack of solidarity and cooperation among these organizations due in large part to the lack of dialogue/communication and interaction; scarcity of active members; lack of internal democracy and high levels of professionalization within these organizations. These issues are seen as problems since they are viewed as handicaps on the way of a "democracy-friendly civil society" which is supposed act as a counterforce to the dominance of the state power. Hence, this focus upon the organizations and civil society in the sense of associational life is another indication of the dominance of the liberal conception of civil society within the literature in general. Moreover, the themes cited above are discussed without also adding to it the dimension of power analysis. In other words, the increased levels of communication, interaction, and solidarity are deemed necessary however these are not the only types of relations that should be concerning those who are interested in an "active civil society". Without recognizing this, the concept of civil society in its liberal sense continues to search for consensus to be achieved through liberal pluralism, dialogue, cooperation etc. However, such concepts are empty without a concomitant effort to uncover the concrete mechanisms of power at work determining who and to what extent can make his/her voice heard and also who are excluded from this pluralism, cooperation, dialogue, and interaction.

### **Islam and Civil Society**

The question of the relationship between Islam and civil society in Turkey is also one of the most discussed issues. This is at the same time a central theme dealt with by the Islamist groups themselves. Actually this can be seen as a part of a general question of whether or not religiously oriented groups can be counted as civil societal elements. The answers to this question has a wide range but two opposing views –one affirmative and one negative– can be taken as representative to display the main lines argumentation regarding this issue.

For instance, Sarıbay argues that there are certain Islamic cultural factors that obscure a convergence between civil society and democracy.<sup>42</sup> He claims that civil society has a normative dimension which prescribes certain codes of behaviour and certain values which are based upon a notion of "the other" and comply with the existence of a "questionable authority."<sup>43</sup> However, he argues, in Islam the notion of *ümme*t rejects any division and/or differentiation on the basis of social class, ethnicity, and race since Islam sees division (*bölünme*) not as a sociological phenomenon but as a sin.<sup>44</sup> Non-muslims, who are "the other" in this case, have been referred as "infidel" (*kafir*) since the time of the Prophet.<sup>45</sup> Moreover, in Sarıbay's interpretation, the importance given to unity (*tevhid*) in Islam has evolved in time towards an appreciation of absolute authority of the political leadership and it is obvious for him that such an appreciation is in direct contradiction with democracy and civil society both of which rejects any superior external authority.<sup>46</sup>

Indeed, the origins of this view can be found in Ernest Gellner's work<sup>47</sup> where he cited Islam as one of the rivals of civil society on the grounds that Islam displays unique characteristics as a religion in terms of its immunity to secularization.

Since secularization is viewed as the only way to generate liberal individuals who are the *sine qua non* of civil society, this view rules out the possibility of its existence in the absence of secularization. Therefore, Islam appears to be the "other" or the "rival" of civil society.<sup>48</sup>

As Ayşe Kadioğlu states, however, "Gellner's views on the incompatibility of Islam and civil society seem to be based on a universalist as well as an Orientalist view of Islam. They characterize Islam as a pathological religion that hinders movement towards Western societal arrangements."<sup>49</sup> This approach has two important flaws according to Kadioğlu: First, it takes secularization as a universal category at the expense of ignoring the different paths followed by different societies in terms of their experiences with secularization. In that respect Kadioğlu makes a distinction between secularization as a process versus secularization as a project:

In Turkey, for example, this process has been turned into a project and has come to be identified with civilization at the time of the founding of the Republic. Instead of a means for a more rational societal arrangement, secularization became an end, a *telos*... Gellner's assumptions confuse the

outcome with the cause by blaming Islam for the lack of secularization.. It is possible to argue that it is not Islam that is the rival of the civil society but laicism, i.e., the imposition from above of secularization as a deified project. Hence, contrary to Gellner's view, Islam is not the rival of civil society due to its unique immunity to secularization, but it is the very nature of the secularization project in Turkey that paves the way for Islam's continuous politicized status.<sup>50</sup>

The second flaw of Gellner's approach is that it misleadingly portrays "Islam as an undivided whole and those who choose to be Muslims as adherents of a homogenous worldview. Liberal and community oriented views coexist within Islamic organizations and at times confront each other."<sup>51</sup> Kadioğlu supports this argument through an analysis of three Islamic non-governmental organizations by showing that each of these organizations has a different approach to concepts such as politics, democracy, feminism, anti-discrimination, identity and difference.

In a similar manner, Barbara Pusch's earlier study on Islamist women's associations and her interviews with the members of those associations show that these groups perceive no contradiction between the concepts of democracy, civil society, human rights and the Islamic principles.<sup>52</sup> They view these concepts as frameworks within which they can voice their demands for an "Islamic way of life" as a legitimate demand closely related with democratization.<sup>53</sup> Çaha also, argues that "the Islamic groups constitute the most active and widespread element of civil society in Turkey."<sup>54</sup> According to him, those groups have several important functions and missions that increase their importance in terms of state-society relations. For instance, in Çaha argues, the economic dynamism of those groups has been contributing to the consolidation of a liberal economy in the country; the tarikats and other religious communities protect certain ethical values like protecting individuals from bad habits, moral degeneration, illegal earnings etc.; these groupings help to bind the individuals who have lost their traditional ties as a consequence of urbanization; and finally the Islamic groups have become important centers for opposition outside the mainstream politics of Turkey.<sup>55</sup> According to Çaha, these are the "important missions of Islam in general and Islamic groups in particular from the point of view of a democratic and civil society."<sup>56</sup>

Recently, however, the discussion on the relationship between Islam, civil society and democratization has acquired a new dimension. Indeed, during



the rule of the Justice and Development Party (Adalet ve Kalkınma Partisi-AKP) that came to power in 2002, religion has always been an inseparable part of political debates in Turkey. From the point of view of this study, one of the most important manifestations of this has been the rising number of Islamic –or religious- civil society organisations in Turkey and a parallel discussion on their role in the democratization or de-democratization of the polity. In this respect, there are two important (and interrelated) issues that are significantly important from the perspective of democratization: the ideological-political affinity both among these CSOs on the one hand, and between them and the AKP on the other hand; and the rising popularity of the concept of philanthropy to such an extent that civil society activism has come to mean nothing but charity.

The first appearance of religiously oriented CSOs in Turkey was in the mid-1980s. It is often pointed out that the military regime of 1980-83 played an important role in the increased activity of these groups. This is due to the fact that the Turkish-Islam- Synthesis was formulated at that time as a state policy with an aim to re-introduce Islam as the core of the Turkish national identity. The rationale behind this policy was to fight against the threat of “communism” which was perceived by the state as a threat to national security. In this context, the religiously oriented CSOs found a space to organize. Most of these CSOs up until the 28 February Process were in close relationship with local governments of the Welfare Party, the representative of the tradition of political Islam (Millî Görüş) in Turkey. In the aftermath of the military intervention of 28 February 1997, however, the state control and restrictions over these organizations was tightened with the justification that they were a threat to the principle of secularism of the Turkish Republic. So, during the period between 1997 and 2002 these Islamic-oriented groups demanded greater freedoms, democracy and human right and they cherished the significance of civil society for their demands. A recent study on Islamic CSOs in Turkey has revealed that these organizations commonly view the coming to power of the AKP as “the victory of a sympathetic political party [allowing] these groups even greater freedom to pursue their religiously inspired interests.”<sup>57</sup> They state, “the conditions for NGOs have improved since the implementation of reforms to the civil society sector. They find that the regulatory and reporting requirements have been eased, and that they are freer to express their opinions in public.”<sup>58</sup> Ironically however, Sarkissian and Özler observe that the approaches of all these organizations toward some of the most debated is-

sues of Turkish politics are very similar to and sometimes even identical both with each other and also with the discourse of the ruling AKP:

Despite our open-ended questions posed toward a seemingly diverse group of organizations, we found common and at times identical framing of the answers from all different kinds of religiously oriented organizations... We also note that the framing of these issues strategically fits with the ideological and moral affinities of the AKP.<sup>59</sup>

Another important point that deserves attention with regard to the Islam, civil society and democracy relationship is, as was mentioned above, the rising number of charity organizations, and among them the number of religiously motivated (Islamic) organizations.<sup>60</sup> Intentionally or unintentionally, these organizations have been playing a very important role in changing the discourse on social rights and the welfare state: They have been acting as the agents of poverty reduction which is indeed a major responsibility of the state in Turkey as the beginning of the Article 2 of the constitution states "The Republic of Turkey is a democratic, secular and social state governed by the rule of law". Indeed, what Turkey has been experiencing is in line with a global trend of decline of the welfare state and social citizenship. This is a general trend of de-politicization of poverty by assigning it to civil society organizations and by idealizing and romanticizing such concepts as charity, pity, compassion, family and community ties; by decreasing the duties of the state while increasing the obligations of the citizens; by encouraging the activity of these CSOs. Such a discourse, however, is a backlash in terms of democratization because it curbs the development and consolidation of a conceptualization of democracy built upon the values of equal citizenship rights. Rather it constantly (re)produces a discourse which puts the poor at the mercy of the well-off. Since the academic literature on civil society in Turkey is largely characterised by an obsession with the danger of a so-called "strong state" (as was analysed above), this literature also has been influential in the reproduction of the cliché of the "need to roll back the state".<sup>61</sup>

### **Turkish Political Culture and Civil Society**

Another tendency within the literature on civil society in Turkey is to problematize certain elements in political culture for being detrimental to the development of a strong civil society. Kalaycıoğlu for instance argues that Turkish culture is "deeply penetrated by a sense of interpersonal distrust"

and he refers to two different surveys conducted in 1995 and 1999 indicating that “more than 90% of the Turkish voting age population declares that fellow human beings cannot be trusted.”<sup>62</sup> Besides lack of trust, “Turkish culture appears to be characterized by lack of social tolerance of dissent.”<sup>63</sup> So, the result is “a highly fragmented and curtailed civil society.”<sup>64</sup>

Sefa Şimşek also talks about lack of tolerance as a characteristic of Turkish culture and argues that the existence of civility, by which he means tolerance and respect for different views and interests, is a qualification of a pro-democracy civil society. In Turkey, he argues, “the state, or any group in civil society tends to see its outlook as the only truth or the best one of all, and tries to impose it, if capable of doing so, on other groups.”<sup>65</sup> Besides, he sees the existence of an individualistic culture as a necessary quality for a pro-democracy civil society to exist and talks about the lack of such traits in Turkish culture. He argues that in Turkey people tend to create a great cult around leaders rather than developing their own identities with some autonomy from their family, group or community.<sup>66</sup>

In addition to these points, Turkish political culture is also criticized due to “a visible statist orientation ... that stresses community over the individual, uniformity over diversity, and an understanding of law that privileges collective reason.”<sup>67</sup> These references to trust, tolerance of dissent, respect for differences and individualistic culture point at –once again– the central traits of the liberal-individualist-pluralist conception of the term. As a characteristic of this conception, there is reference to the state’s unwillingness to recognize different views and interests as well as to the need for this within the civil society. However, as expected, there is no questioning of factors that may curb certain groups’ capacity or ability (potential or real) to make themselves recognized and respected as “differences”.

### **Women and Civil Society in Turkey**

Although Turkey currently has quite a bad record in terms of gender equality (economically, politically and socially),<sup>68</sup> the women’s movement in Turkey has a long history and it has indeed had a successful record in getting women’s issues onto the political agenda. Today there is a highly institutionalized women’s rights movement; the number of women’s rights organizations (WROs) has increased tremendously in 2000s; and different WROs with opposing ideological viewpoints has developed a capacity to cooperate.<sup>69</sup>

There are several issues to be covered under the title of women and civil society in Turkey. One of them is the low level of women's political participation and their representation in the high ranks of politics. A recent study has analysed the discourses of both public authorities and non-governmental organizations and explored their explanations for levels of political participation of women in Turkey.<sup>70</sup> The NGOs interviewed in this research put forward four different reasons: The first approach "identifies the issue with reference to the indifference of women against politics. In parallel with this, the representative of a women's organization points out that fear is the most prominent reason behind women's restricted political engagement."<sup>71</sup> Second, it is pointed by the representative of a WRO that sometimes a WRO can "prefer not to be involved in politics". This representative explains that

the foundation in which she works does not prefer to be involved in politics, since its target group is mainly women who are living in poor neighbourhoods and who are mostly housewives having no chance of being active in social life. She describes the main priority of the foundation as to encourage women for gaining self-confidence and economic independence and to provide them opportunities for facilitating their involvement in social life in a more active manner, rather than being involved in political activities.<sup>72</sup>

The third explanation offered by WROs for the gender gap in political representation is that some WROs "perceive political involvement as 'risky' and [thus] abstain from being associated with politics."<sup>73</sup> Surely, there is another standpoint among the WROs that regard the gender inequality in political participation as a political problem, as a matter of exclusion and discrimination. Indeed, to raise awareness on this has always been of highest priority of women's movement in Turkey.

The women's movement in Turkey is divided along religious, ethnic and class lines. There are WROs as proponents of different political dispositions such as Kemalism, socialism, liberalism, feminism and it is also possible to talk about Islamist WROs as well as a Kurdish women's movement. Interestingly, a very distinguishing characteristic of WROs in Turkey is their capability of cooperation and collaboration –leaving aside these differences– when at stake is the fight against gender hierarchy. However, this could be both an advantage and a disadvantage for the future of the movement.<sup>74</sup> The problem is related with the fact that "the concern with 'getting things

done' alongside project-based activism might result in the internalization of a managerial style of politics. The consolidation of this style might lead to the domination of 'problem solving' as a code of conduct."<sup>75</sup> So, this style of conduct has an important shortcoming:

...although issue-based policy formation is a plausible starting point for achieving cooperation within the movement, it is insufficient in terms of the search for an alternative style of politics. For such a stance might assume a universally shared womanhood, involving the risk of reproducing either 'white woman dominance' or essentialism.<sup>76</sup>

### **European Union and Civil Society in Turkey**

As Ahmet İcduygu explains, Turkey's involvement in European integration concerns civil society in two related ways: "as an object of structural change and as a participant in European integration":

In the case of the former, the civil society arena is characterised by growing numbers of CSOs and by their activities and discourses. As agents of change, CSOs participate in the process of European integration not only by supporting or opposing the EU, but also by promoting the idea of civil initiation.<sup>77</sup>

It is usually supposed that the promise of EU membership can help Turkey's democratization transforming state-society relations. One can assume that this may be the main reason why CSOs have vigorously tried to lobby the EU institutions to gain the necessary support for their activities. However, İcduygu puts forward a counter argument to attract attention to the limits of this presumption: "the involvement of CSOs in EU integration has been very much preoccupied with interest-based, pragmatic approaches, such as involvement through capacity-building, fund-demanding or -providing, or pro-EU campaigning."<sup>78</sup>

This criticism implies that the involvement of CSOs in EU integration "should go beyond the questions of organisational strengthening or EU promoting" and it "should transform the efforts of strengthening CSOs into contributing to the normative aspects of civil society in state-society relations in both Turkey and Europe".<sup>79</sup> So far the practical aspects of this involvement has been of priority at the expense of its normative dimension. Selcen Öner offers an alternative analysis of the way the CSOs in Turkey approach to the EU integration and their roles in this process. Indeed, Öner suggests, on the basis of interviews with a number of leading CSOs

in Turkey that the normative dimension of the involvement of the CSOs in EU integration may not be so weak. At the heart of her analysis there is the distinction between 'EU-ization' and 'Europeanization' according to which 'EU-ization' is a formal process of alignment with EU law, policies and institutions, whereas 'Europeanization' is a 'wider normative and socio-political context' used by domestic actors.<sup>80</sup>

From this theoretical perspective, "in spite of slow momentum of the negotiation process between Turkey and the EU, 'Europeanization as a context' which provides social learning atmosphere and reference points for CSOs is going on."<sup>81</sup> This is most observable in the fact that the "Progress Reports of the EU Commission and the rulings of ECHR are still used as key reference points by Turkish civil society, especially by those CSOs dealing with human rights, freedom of speech and media freedom."<sup>82</sup> The research shows that this is true even for those against EU membership.

Another aspect of EU integration process that is valued most by the CSOs in Turkey is that they find EU functional in overcoming the ideological differences and polarization in Turkish civil society. Although Turkish CSOs usually come together with those who have similar ideological characteristics, there has been an increasing tendency to act together with European and other foreign CSOs and a culture of cooperation has been gradually developing among Turkish CSOs under the influence of Europeanization.<sup>83</sup>

EU integration process is also at the centre of a serious debate among the CSOs in Turkey. As was mentioned previously in this study, one of the main problems for Turkish CSOs is financial. The low number of active members, volunteers and the low level of donations are the main factors behind this. Some CSOs claim that public authorities were also selective in giving funds to favoured CSOs.<sup>84</sup> Under these conditions, it is not surprising that the "EU is the primary source of funding for Turkish civil society; so many CSOs depended on them for survival." However, since some CSOs emphasize the importance of financial independence for institutional independence, they rely on voluntary donations and membership fees, preferring not to take state funding, whether from Turkey or outside, or from international organizations, including the EU<sup>85</sup> this is a debated issue among the CSOs in Turkey.

Finally, it should be mentioned to conclude this section that some CSOs in Turkey perceive Gezi park protests, which shook the country during the

whole month of June 2013, as “reflections of Europeanization of Turkish civil society and increasing dynamism of Turkish civil society which have been influential on rising awareness of Turkish public opinion about the importance of pluralist democracy, individual liberties, freedom of speech and freedom of the media.”<sup>86</sup> This, in turn is in line with the 2013 Progress Report of the Commission on Turkey,

“The wave of protests in June is the result of the broad democratic reform that has taken place in the past decade and the emergence of a vibrant and diverse civil society that needs to be respected and consulted more systematically at every level of decision making ...”

### **Concluding Remarks**

It was argued at the very beginning of this study that the debate revolving around the concept of civil society –in general and particularly in Turkey- has found itself within a vicious circle. There are two major factors creating this impasse in the literature on the concept of civil society: one is the diversity of meanings attached to the concept i.e. the diversity of conceptions which is thought to render the concept “confused and confusing” and the consequent “division of the contemporary world of social theory between skeptics and the faithful (those who reject it as a fraud or illusion and those who privilege it as the normative ideal); the other is the dominance of the liberal approach to civil society. This study suggests that neither side is satisfactory and hence rather than trying to join in one of either camps it chooses to recognize the validity of the concept without romanticizing it. This study agrees with the claim that what civil society “is” can be grasped only by looking carefully at what its constituent structures do, how they are organized and what political and economic forces are at work. When used with these points in mind, civil society is still a valuable analytical tool that is helpful in understanding a polity. This chapter can be seen as a case in point, because it has tried to illustrate that any discussion on civil society in Turkey has implications for an understanding of many key issues of Turkish politics in general. So, as was shown in this study, an analysis of civil society in Turkey, can have much to say about democratization, active citizenship participation, the relationship between Islam and democracy, women’s rights and gender equality, and the European Union integration process in Turkey.

## Notes

- 1| Jean Cohen and Andrew Arato, *Civil Society and Political Theory*, (Cambridge: The MIT Press, 1992), 1.
- 2| *Ibid.*, 29.
- 3| J. Howell and J. Pearce, *Civil Society and Development: A Critical Exploration*, (London: Lynne Rienner Publishers, 2001), 1.
- 4| Kumi Naidoo, and Rajesh Tandon, "The Promise of Civil Society," in *Civil Society at the Millennium*, ed. Kumi Naidoo (West Hartford, CT: Kumarian Press, 1999), 1.
- 5| Michael Edwards, *Civil Society*, (Oxford, Cambridge: Polity, 2004), 2.
- 6| See Edwards for the increasing numbers of the CSOs at a global level. He gives recent statistical data from several countries.
- 7| Şerif Mardin, "Civil Society and Islam," in *Civil Society: Theory, History, Comparison* ed. John A. Hall (Cambridge : Polity Press, 1995).
- 8| Edwards, *op. cit.*, 5.
- 9| The latest statistical data about the CSOs, their categorization on the basis of their areas of interest, membership profiles and numbers has been recently provided in Ahmet İçduygu, Zeynep Meydanoğlu Deniz Ş. Sert, *Türkiye'de Sivil Toplum: Bir Dönüm Noktası*, CIVICUS Uluslararası Sivil Toplum Endeksi Projesi (STEP) Türkiye Ülke Raporu II, TÜSEV Yayınları, Mart 2011 No: 51.
- 10| John Ehrenberg, "Beyond Civil Society" *New Politics* 6, no.4 (1998): 1.
- 11| Robert Fine and Shirin Rai, "Understanding Civil Society: A Preface" in *Civil Society: Democratic Perspectives*, eds. R. Fine and S. Rai (London: Frank Cass, 1997), 1.
- 12| Francis Fukuyama, *The End of History and the Last Man* (Harmondsworth: Penguin, 2002).
- 13| Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991).
- 14| Brett Bowden, "Civil Society, the State, and the Limits to Global Civil Society," *Global Society* 20, no.2 (April 2006).
- 15| Marlies Glosius, David Lewis and Hakan Seckinelgin, "Exploring Civil Society Internationally," in *Exploring Civil Society: Political and Cultural Contexts*, eds. Marlies Glosius, David Lewis and Hakan Seckinelgin (London and New York: Routledge, 2004), 3.
- 16| Binnaz Toprak, "Civil Society in Turkey," in *Civil Society in the Middle East*, ed. A.R. Norton (Leiden: E.J. Brill, 1996), 100.



- 17| Toprak, op. cit., 95; Ali Yaşar Sarıbay, "Türkiye'de Demokrasive Sivil Toplum," in *Global Yerel Eksende Türkiye*, eds. A.Y. Sarıbay and F. Keyman (İstanbul: Alfa Basım Yayım Ltd. Şti., 2000), 111.
- 18| Ahmet İnsel, *Türkiye Toplumunun Bunalımı*, 6th ed. (İstanbul: İletişim, 2005), 62.
- 19| Sarıbay, op. cit., 111.
- 20| Sarıbay, op. cit., 111.
- 21| Toprak, op. cit., 95
- 22| The following quote from the "Council of the European Union Decision on the Accession Partnership with Turkey" (17 January 2006) is illustrative of the EU's approach to the issue:  
 "- Facilitate and encourage the domestic development of civil society and its involvement in the shaping of public policies.  
 - Facilitate and encourage open communication and cooperation between all sectors of Turkish civil society and European partners."  
 It should also be noted that these principles are cited under the title of "Priorities" and the sub-title of "Civil and Political Rights" in the document.  
 For a detailed examination of the amendments in the law on the non-governmental activity see, "AB Uyum Sürecinde Medeni Kanun, Dernekler Kanunu ve Vakıflar Kanununda Getirilen Değişiklikler," [www.stgp.org.tr/mevzuat.php](http://www.stgp.org.tr/mevzuat.php)  
 For the general approach of the EU to the concept of civil society see "Sivil Toplum İş Başında," [www.deltur.cec.eu.int/sivil.rtf](http://www.deltur.cec.eu.int/sivil.rtf)
- 23| Robert Fine, "Civil Society Theory, Enlightenment and Critique," in *Civil Society Democratic Perspectives*, ed. Robert Fine and Shirin Rai, (London: Frank Cass., 1997), 7.
- 24| Edwards, op. cit., vi.
- 25| Neera Chandhoke, "What the Hell is 'Civil Society'?" *OpenDemocracy*, March 17, 2005. [https://www.opendemocracy.net/democracy-open\\_politics/article\\_2375.jsp](https://www.opendemocracy.net/democracy-open_politics/article_2375.jsp). Emphasis added.
- 26| Dominique Colas, *Civil Society and Fanaticism* (Stanford: Stanford University Press, 1997), 4.
- 27| Michael Edwards, op. cit., vi.
- 28| For a detailed analysis of all these approaches see, Funda Gençoğlu Onbaşı, *Civil Society Debate in Turkey: A Critical Analysis of the Usages of a Popular Concept*, (Saarbrücken: LAP Academic Publishing, 2010).
- 29| İçduygu, Meydanoğlu and Sert, op. cit., 61-62.

- 30| Ersin Kalaycıoğlu, "State and Civil Society in Turkey: Democracy, Development and Protest," in *Civil Society in The Muslim World*, ed. by Aryn B. Sajoo (London and New York: I.B. Tauris Publishers, 2002), 256. According to the data that Kalaycıoğlu gives in that article, as of 1938 there were only 205 officially registered voluntary associations in Turkey. In 1950 that figure rose to 2011, and by the mid-1950s there were about 11.000 legally registered voluntary associations, increasing to 36.000 in the mid-1960s, to 38.000 in the mid-1970s and to 53.657 by 1981. Finally, the voluntary associations officially registered with the Directorate of General Security rose to 112.000 by the mid-1990s (*Ibid.*, 253-254).
- 31| Kalaycıoğlu, *op. cit.*, 256. Emphasis added.
- 32| İğduygu, Meydanoğlu, and Sert, *op. cit.*,
- 33| Sefa Şimşek, "The Transformation of Civil Society in Turkey: From Quantity to Quality". *Turkish Studies* 5, no.3 (Autumn 2004): 67.
- 34| *Ibid.*
- 35| İğduygu, Meydanoğlu, and Sert, *Türkiye’de Sivil Toplum: Bir Dönüm Noktası*.
- 36| Schüler, Harald, "Aleviler ve Sosyal Demokratların İttifak Arayışı: Dilsel ve Dinsel Olarak Tanımlanmış Grupların Sosyal Demokrat-Laik Ortam ve Partilerdeki Rolü," in *Türkiye’de Sivil Toplum ve Milliyetçilik*, eds. Stefanos Yerasimos, Günter Seufert, and Karin Vorhoff (İstanbul: İletişim, 2000), 180.
- 37| Kemal Can, "Radikal Milliyetçiliğin En Büyük Örgütü: Ülkü Ocakları," in *Türkiye’de Sivil Toplum ve Milliyetçilik*, eds. Stefanos Yerasimos, Günter Seufert, and Karin Vorhoff (İstanbul: İletişim, 2000), 233.
- 38| Can points out that although the Ülkü Ocakları cannot be considered as a civil society organization in full sense, they are of crucial importance because of their capacity to influence the civil society.
- 39| Can, *op. cit.*, 233.
- 40| See for instance Tanıl Bora, "Türkiye’de Meslek Kuruluşları: "Kamu", "Sivil" ve "Millî"nin Muğlak Kesişim Alanı," in *Türkiye’de Sivil Toplum ve Milliyetçilik* ed. Stefanos Yerasimos, Günter Seufert, and Karin Vorhoff (İstanbul: İletişim, 2000).
- 41| Bora, *op. cit.*, 303.
- 42| Sarıbay, *op. cit.*, 111.
- 43| *Ibid.*, 109.
- 44| *Ibid.*, 109.
- 45| *Ibid.*, 110.

- 46| Ibid., 110.
- 47| Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (London: Hamish Hamilton, 1994).
- 48| Ayşe Kadioğlu, "Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic NGOs," *The Muslim World* 95, no.1 (January 2005): 23-43.
- 49| Ibid., 25.
- 50| Ibid., 25.
- 51| Ibid., 26.
- 52| Barbara Pusch. "Kamusalığa Doğru: Türkiye'de İslamcı ve Sünni Muhafazakar Kadın Sivil Toplum Kuruluşlarının Yükselişi," in *Türkiye'de Sivil Toplum ve Milliyetçilik* ed. Stefanos Yerasimos, Günter Seufert, and Karin Vorhoff (İstanbul: İletişim, 2000), 484.
- 53| Pusch. op. cit., 484.
- 54| Ömer Çaha, *Aşkın Devletten Sivil Topluma* (İstanbul: Gendaş Kültür), 275.
- 55| Ibid., 287-292.
- 56| Ibid., 292.
- 57| Ani Sarkissian and Ş. İlgü Özler, "Democratization and the Politicization of Religious Civil Society in Turkey," *Democratization* 20, no.6 (2013): 1014-1035.
- 58| Ibid., 1020.
- 59| Ibid., 1021-22.
- 60| For an analysis of these organizations (their ideology and organizational features) see, İpek Göçmen, "The Politics of Religiously Motivated Welfare Provision" (PhD thesis, Universität zu Köln, 2001). Accessed <http://kups.ub.uni-koeln.de/4194/>.
- 61| Funda Gençoğlu Onbaşı, "Güçlü Devlet-Zayıf Toplum İkiliği, Hayırseverlik ve Yoksulluk," 7. Uluslararası STK'lar Kongresi: Çanakkale On sekiz Mart Üniversitesi Çanakkale; 03 - 05/12/2010 Proceedings Book, 389-393.
- 62| Kalaycıoğlu, op. cit., 256-257.
- 63| Ibid., 257.
- 64| Ibid., 257.
- 65| Sefa Şimşek, "The Transformation of Civil Society in Turkey: From Quantity to Quality". *Turkish Studies* 5, no. 3 (Autumn 2004), 63.
- 66| Ibid., 62.
- 67| Kalaycıoğlu, op. cit., 250.
- 68| For statistical data see, <http://www.ka-der.org.tr/tr-TR/Page/Show/400/istatistik.html>

- 69| Simten Coşar & Funda Gençoğlu Onbaşı, "Women's Movement in Turkey at a Crossroads: From Women's Rights Advocacy to Feminism," *South European Society and Politics* 13, no.3 (2008): 325-344.
- 70| Tulin Sener, "Civic and Political Participation of Women and Youth in Turkey: An Examination of Perspectives of Public Authorities and NGOs," *Journal of Civil Society* 10, no.1 (2014): 69-81, DOI: 10.1080/17448689.2013.862083
- 71| Ibid., 75.
- 72| Ibid.
- 73| Ibid.
- 74| Coşar and Gençoğlu Onbaşı, op. cit.
- 75| Ibid., 340.
- 76| Ibid., 340.
- 77| Ahmet İçduygu, "Interacting Actors: The EU and Civil Society in Turkey," *South European Society and Politics* 16, no.3 (2011): 381-394, 384. DOI: 10.1080/13608746.2011.598351
- 78| Ibid., 392.
- 79| Ibid., 392.
- 80| Selcen Öner, "Internal Factors in the EU's Transformative Power over Turkey: The Role of Turkish Civil Society," *Southeast European and Black Sea Studies* 14, no.1 (2014): 23-42, DOI: 10.1080/14683857.2014.882089
- 81| Ibid., 37.
- 82| Ibid., 38.
- 83| Ibid., 34.
- 84| Ibid., 34.
- 85| Ibid., 35.
- 86| Ibid., 37.

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## CONCLUSION

N. Ganesan

The five case studies presented in this edited volume present the reader with the different possible configurations for the emergence and types of civil societies in different countries. As Mark Thompson noted in the introductory theory chapter, it is the state and its nature that in turn inform civil society of the operational rules and how they evolve in turn. Understandably, societies with authoritarian governments have far lesser possibilities for articulating an agenda that is not sanctioned by the state. Consequently, transgressive civil society or that which engages in actions towards the realization of greater levels of democracy are naturally much more difficult in such situations. Yet, Mark Thompson also informs us that civil society is perfectly capable of challenging a bourgeois state or that defined by elite interests. And here he refers to the possibility of a Peronist styled populist civil society, a Leninist styled civil society that challenges the bourgeois establishment and a Gramscian styled civil society that is counter hegemonic. The latter two may well undertake revolutionary activities that challenge the state and vested elite interests.

Within a much less revolutionary framework there exist a number of other possibilities. The most regularly cited and celebrated one is the liberal democratic model with a push for greater enfranchisement. In this instance civil society is characterized as being in a symbiotic relationship with the state and working towards an enlargement of the common pool of social capital. Thompson refers to this as the Arendtian framework. Naturally, this is the preferred articulation of civil society since it has a positive goal orientation, is able to achieve its means through voluntary associations and persuasion and is also able to work with the state. An inclusive notion of the good and a non-confrontational attitude towards the state makes this approach the favoured one. This is also the model that leads to the kind of social capital referred to by Robert Putnam. If such engagement occurs within a civic tradition at the local level, he refers to it as being in the Rousseauian tradition of citizenship based actions. However, civil society may also work to preserve vestiges of the past rather than opt for something new. Such a situation would approximate the Burkean neo-conservative model.



Of these different formulations and their potential trajectories we can add a number of further observations that then make the playing field much more interesting. The first of these is the fact that civil society organizations may espouse mutually exclusive agendas. Burkean-styled conservatives may well utilize markers that are not common frame of references. Alternatively, such groups may further specific ethno-linguistic agendas. The situation becomes even more interesting when we consider the fact that elements of civil society may very well be uncivil or utilize uncivil methods to achieve their associational aims. In such a situation, the intention is not to be transgressive in an universalist sense but rather a specific one. In such situations it is then incumbent on the state and its agencies to provide sufficient protection for civil and religious liberties. Needless to say, such situations become exaggerated in countries with complex and plural societies that are an amalgam of multiple identities. The liberal democratic form of political organization provides individual guarantees to life, liberties and property so that these are then protected by state agencies within a legal framework that includes norm enforcement and sanctions for violators of these norms. The Indonesian and Malaysian cases studied in this book point towards the difficulties associated with the management of such contestation in a non-liberal democratic framework. And if the state or its agents choose to take sides, especially against minorities, the situation becomes much more charged and potentially prone to violence.

The theory chapter therefore provides us with a schema to measure or classify the type of civil societies found in the case studies examined in this book. And to assist us with this attempt the authors have identified important civil society organizations in their countries that are representative of the domestic political situation. In a number of these cases, the authors have also referred to the theoretical framework and made their own assessments.

In the Indonesian case, the authors point out how civil society can both expand and contract the democratic space that is available in the country and how uncivil organizations constrict such space. The Indonesian case also appears to demonstrate how civil society can co-exist with Islam. The Nahdlahtul Ulama (NU) is then identified as the archetypical example of an Islamic organization that is at once tolerant, moderate and respectful of the country's pluralistic nature within the liberal tradition. The Front Pembela Islam (FPI) on the other hand is identified as the counter hegemonic force to modernism and pluralism. It is described as subscribing to

an extremist and mutually exclusive understanding of Islam. One could also regard the FPI in Burkean neo-conservative terms but the authors have chosen to portray the organization within a Gramscian framework, the reason for this probably owing to the willingness of the organization to challenge the tolerant national political culture and its frequent resort to violence to achieve its aims. Nonetheless, the authors also remind us that the present situation was not always so and that NU's youth wings, ANSOR and Banser were previously involved in the violent anti-communist purge from 1965 to 1968 when some 500,000 Indonesians were killed. And NU itself seems prone to a dualistic understanding of its own role with one of the dominant factions preferring social work alone rather than involvement in party politics.

The FPI's attention and violence is described as being focused on those who are perceived to contribute to social ills like the consumption of alcohol and prostitution. Such activities are regarded as a movement away from the group's desired Islamic way of life. It is also described as targeting foreign countries and their nationals whose actions are perceived as un-Islamic. Interestingly though, the organization often couches its activities within the ambit of civil law which is meant to give its actions some amount of political and legal legitimacy. The country's civil society situation is then described as vibrant but not necessarily supportive of democracy. In this regard it is arguable that the Indonesian situation is not always transgressive but has the potential to be regressive as well.

The Malaysian case is examined within the framework of a plural society and the constraints inherent within such a formulation. The author is clearly keen on establishing the importance of bridging social capital in the Putnamian sense in order to overcome the provocations of exclusive organizations that champion issues of ethnicity and religion. Wong Chin Huat also traces the political history of the country and how the notion of equality of the races was always pitted against Malay supremacy in the country. He then goes on to identify 1970 as the decisive year following the racial riots of 1969 and the ousting of a previously liberal Prime Minister as the events that changed the equation in favour of Malay supremacy. The dominant political party within the current Barisan Nasional coalition government, United Malays National Organization (UMNO) is the identified as the organization that has consistently championed Malay and Muslim interests.

The national election of 2008 is then identified as the turning point in the country's national politics since a broad-based opposition coalition has managed to challenge UMNO and make significant electoral gains. This Pakatan Rakyat (PR) has in turn united a disparate opposition and challenged the hegemony of the ruling coalition and UMNO as the dominant party within that coalition. The state that is controlled by UMNO is then accused of attempting to turn the tide of electoral defeat by creating and condoning ethno-religious tensions. Examples of the condoning disorderly behaviour coupled with the threat of violence are then described as the relocation of a Hindu Temple in one case and the arson attacks against churches in another. Similar threats of violence is also reported against the Penang state government which has been controlled by the political opposition since 2008.

Wong describes the state as a sophisticated authoritarian one that is able to favour the country's Malay-Muslim majority and condones and sanctions the threat of violence in order to retain its political preeminence. The confrontational situations with minorities involved members of UMNO as well as militant or uncivil groups that are quietly condoned by UMNO. And the truth of the matter is that such groups have grown in strength and numbers and is tacitly supported by the government in order to retain political control over the country notwithstanding electoral outcomes. Since a significant segment of the opposition vote comes from minority communities that feel disenfranchised by UMNO and its policies, the threat of violence is sufficient to deal with the situation since there is no appetite for such violence.

The collective fear of ethnic riots that has taken hold of the country and especially the minority communities is therefore cleverly utilized by the ruling coalition and UMNO to stave off transgressive challenges that will in turn displace them from power given the current trajectory. Wong argues that the civil societies try in turn to blunt this approach to power by emphasizing procedural wrongs. Such an articulation is described as a tactic to ensure procedural justice to obtain fairness for aggrieved parties. Wong clearly regards the situation as a transgressive attempt to further democratic norms and this is done through the use of what he calls bridging social capital.

The Philippine case stands out as a bit of an outlier compared to the rest of Southeast Asia. The reason for this observation is rooted in the country's martial law experience and how civil society sought not only to expand democratic space but thwart the authoritarian state. And since there were strong leftist and communist organizations, the battle was fought along both ideological and functional lines. And the struggle against the oligarchic state has continued into the post-martial law period after 1986. The early thrust of civil society, especially those that were ideologically inclined is described as being in the Marxist and Leninist revolutionary tradition aimed at the overthrow of the state. The situation may also be interpreted within the Gramscian tradition since the state was often regarded by civil society organizations as the oppressor. Alongside both these leftist ideological traditions, Teresa Tadem also invokes the Rosseauite notion of the civic republican tradition at the local level for the provision of much needed services and lobby groups that protect the rights of women.

In the Thai case study Viengrat Netipo looks at the two most dominant national movements in recent political history and then examines their motivations and aims. The Thai Rak Thai (TRT) political party of Thaksin Shinawatra and the Red Shirt movement that it spawned is described as a mass based social movement. Its intention was to transform the domestic political situation to be much more inclusive of the rural population. In this regard it was transgressive and in the liberal tradition. Its political vehicle and civil society organization was the United Front of Democracy against Dictatorship (UDD). She then goes on to describe how a number of key activists brought the movement together and performed the role of a charismatic leadership to challenge established elite interests. The UDD clearly has the markings of a populist Peronist type of transgressive civil society.

The Yellow Shirts, on the other hand, are described as reactionary and keen on the retention of traditional power. Comprising of intellectuals, the upper classes and the urban middle class, this civil society was given form in the People's Alliance for Democracy (PAD). This group projected an image of being better educated and richer and wiser than those from the rural areas that supported the UDD. The Yellow Shirts subsequently transformed itself into the People's Democratic Reform Committee (PDRC) and was led by Suthep Thaugsuban who was previously from the Democratic Party. This group claimed the King as the Head of State and was involved in mass protest movements to rid the country of what was described as

the “Thaksin regime”. It sought to “return power to the people” although all its statements and machinations sought to undermine a democratically elected government and return power to an unelected elite. The PDRC that clearly had the sympathy of the elite establishment and the military then provided an excuse for the military to stage a coup in May 2014. The PDRC is described as anti-democratic and adept at the use of a royal nationalism that sought to disenfranchise the rural poor. In this regard, it was reactionary and ultra conservative in a Burkean sense but since it utilized violence it was also uncivil.

The Turkish case is described largely in terms of a reaction to military intervention in domestic politics in 1980. It is described as being inspired by the global ascendancy of neo-liberalism with civil society organizations playing an important part in the transgressive and transformative process. The activities are also described as being broadly against the strong militaristic state that in turn led to a weak society. The Islamist and Kurdish groups are also described as important actors that challenged the official state ideology and the ideological unity of the nation and country. Hence, it constituted a challenge to the centralizing tendency of the state. This challenge was within the framework of a liberal pluralistic tradition as well as perhaps the Rousseauian notion of civic involvement.

The mid-1990s are described as period when Turkish civil society benefited from the integration process into the European Union and the structural adjustments that such integration required. The general interpretation of post-1980 developments is within a liberal framework of pluralism and tolerance and in contradistinction to the centralizing tendencies of the state. The situation is also somewhat reminiscent of Marxian and Gramscian elaborations of state-society relations characterized by the uneven nature of power relationships. Notwithstanding the general progress made in the last three decades the author laments the generally small civil society organizations with equally low levels of membership. The absence of internal democracy within them and the high levels of professionalization are also seen as impediments to transgressive activities. Added to this is lack of solidarity and cooperation among civil society organizations to obtain a united front in their efforts against the centralizing tendencies of the state.

Based on the typology offered in the introductory chapter, it may be hypothesized that the Thai Yellow Shirts fall well within the Gramscian conception of elite civil society. Conversely, as noted earlier, the Red Shirts fall well within the Peronist populist civil society category. The Philippine case can be regarded as both an admixture of the Leninist and Gramscian models. The state is clearly elitist in the Gramscian sense and civil society organizations attempt some measure of counter hegemony to the state. Additionally, given their general leftist orientation and calls for the use of violence against established elite interests, they also fall within the Marxist-Leninist tradition.

Then there are exclusive and inclusive conceptions of civil society that indicate whether they are transgressive or not. And the Indonesian and Malaysian cases offer examples from both ends of the spectrum. In the case of being inclusive and transgressive, the Indonesian NU serves as the prime example while in the Malaysian case that role is performed by the opposition coalition, Pakatan Rakyat. On the other hand, the FPI is a classic example of an illiberal and reactionary organization that frames its interests in mutually exclusive terms. There are numerous such civil society organizations in Malaysia many of which are tacitly supported by UMNO that itself has come to subscribe to some notion of Malay supremacy. What is clear in both the Indonesian and Malaysian cases is that the state and its agencies are capable of thwarting such extremist civil society organizations that threaten violence or deploy it to achieve their aims. In this regard, the state is perfectly capable of playing the role of an honest broker if it so chose. However, the examples offered suggest that states often support organizations that entrench their legitimacy in turn even at the expense of law and order. This development clearly sets a dangerous and negative precedent that rewards those who resort to uncivil means to achieve their objectives.

The Turkish case study generally points in the direction of transgressive civil society. The military and the strong centralizing tendencies that it advocated in turn allowed for a common cause to evolve among civil society organizations. Although the Islamic and Kurdish groups may profess mutually exclusive aims, to the extent that they have not espoused violence, they may be regarded as transgressive. The liberal drift and the sprouting of civil society catering to the needs of women are also well within the liberal mould and transgressive.

The Philippine and Thai case studies point to an interesting conflict between populists on the one hand and elites on the other. And since their interests and aims are diametrically opposed it is to be expected that there will be a conflict. The important question is whether such conflict is played out in a civil way or not. Since elite interests and agencies are often privy to the instruments of state power violence is always a possibility. The possibility for civil society organizations being transgressive in such a situation is rather difficult. The Thai case makes that situation abundantly clear. Nonetheless, it is equally clear that states and governments are increasingly expected to abide by international norms of civil behaviour and the acceptance of broad-based civil liberties. Hence, international societal norms may well serve as the positive nudge over time for the evolution of transgressive civil society in Asia.

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