Human Rights and Thai Democracy

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On 24 January, 2003, the residents of Pom Mahakan (Mahakan Fort), were served with what threatened to be a terminal, three-month deadline to comply with the order to leave their home site. Their community nestles behind the fortified perimeter wall at the intersection of Rajadamnoen Avenue and Mahachai Street, in the lee of the Temple of the Golden Mount and fronting the historically significant Paan Fa pier and bridge, which, perhaps significantly for what follows, marks the upper perimeter of the main violence of spring, 1992 (see Klima 2002, 118).

The eviction order marked a particularly tense moment in what had already been more than a decade of struggle, litigation, protest, and harassment, as the residents tried to defend their right to remain on the site where they had emerged from a phase of great social difficulty as a vibrant, cohesive community with a remarkable sense of collective responsibility and mutual support. In the process, the residents have evolved a well-conceived land-sharing plan, in which, in exchange for the right to continue to live on approximately a quarter of the acreage, they propose to accept collective responsibility for its overall maintenance, for the creation of socially productive amenities such as dance and kick-boxing schools and craft production and display facilities as well as a variety of food stalls, and for the management of the important vernacular architecture threatened, no less than its inhabitants, by the official plan to turn the site into a grassy void—a so-called public park.

That project, conceived within the larger framework of the government-sponsored Rattanakosin Island Plan, would replace an inhabited communal space with a manicured twin to the park at Phra Sumen Fort, where natural vegetation was destroyed to make way for a formal park that increasingly attracts nocturnal vagrancy. Phra Sumen nicely illustrates the fundamental dilemma of the Bangkok Metropolitan Administration (BMA): charged with implementing a plan not of its own making, and inevitably responsible for addressing its social
consequences, the BMA must work with a newer central government that may well have its own doubts about the original vision.

The BMA has not responded creatively to the challenge. Following the plan rather than its own social policies, the BMA proposes to evict all 283 residents now remaining and to build a public park between the fortress walls and the canal. Senior BMA officials—it is important to identify the specific agency at work here, rather than criticizing a complex political and administrative entity as a whole—reject not only the residents' arguments, but the supporting objections of three entities with official international and national competence to judge the issues: the National Human Rights Commission; the United Nations Committee on Economic, Social and Cultural Rights (letter of 13 May; see Ploenpote 2003a); and the elected president of its own legislative council. To the first, the BMA bureaucracy offered only a harsh refusal to compromise; to the best of my knowledge it has not bothered to reply to the second; and to its own elected president it has not made any public response beyond a terse reiteration to the media of its intention to proceed with the eviction.

To the numerous professionally and ethically concerned academics—representing planning and architecture, history, archaeology, sociology, political science, tourist development studies and social anthropology—the BMA has similarly responded with stony silence. While the eviction has so far not gone forward, the wear and tear on the community’s ability to survive and its interference with ordinary breadwinning activities, has been sustained only by the extremely visible and international nature of the support, which includes the personal engagement of officials of various agencies connected with the Thai state, by volunteer work by students from several institutions, and by the seemingly indefatigable support of activists from a range of other communities in some of which Pom Mahakan residents had themselves lent a helping hand in the past. That support has in fact been remarkably consistent and well maintained, and has included the staging of two major conferences—one at Thammasat University on 31 May 2003 and one at Chulalongkorn University on 26 August of the same year (see reports in The Nation and Khao Sod)—at which the articulate self-defense of the residents meshed with the technical and legal knowledge of scholars with direct and practical knowledge of the community and its problems.

While historic conservation as such is not the principal focus of my attention here, it is worth noting that one concern regards the preservation of the old wooden houses at the site; at least one historic conservation official, speaking on condition of anonymity (itself an indication of the atmosphere?), warmly supported the idea that the best way of preserving these historic dwellings and of the site as a whole would be to encourage the land-sharing scheme proposed by the residents and rejected out of hand by the BMA. Not a few cultural critics have strongly argued for what is the most obviously sensible as well as humane solution (e.g., Chatree 2003; Sisak 2003; Suchit 2003).
In this instance, moreover, the defense of human rights converges with the preservation of cultural property at the level of national interest. Thus, conversations among conservation experts, Thai and international, has revealed deep concern that the BMA's present stand, beside its social implications, threatens the safety of a rare complex of vernacular architecture. These experts want the domestic architecture to be considered within the same framework of heritage policy as those monumental works, in Thailand comprising principally temples and palaces, to which conservation policy has often been disproportionately directed.

The shift in conservation priorities shows how far behind the development of public sentiment and knowledge the municipal authorities may have remained. The preference for temple and palace over vernacular architecture is itself the expression of an older structure of power, one that does not fare well within a system of democratic representation, but that often survives longer in the deeply entrenched habits of bureaucrats than their supposed masters in the legislative body would like. (There has been a great deal of complaint about the inapplicability of the term "civil servants" in this context.) It is instructive to compare the emergence of democratic decision-making as a way of life in Pom Mahakan—including an active commitment to the conservation and maintenance of historic sites that will have national as well as local resonance—with the bureaucratic refusal to engage the community in constructive dialogue; in the absence of any obvious alternative explanation, one may well wonder whether what officials most fear may in fact be the residents' increasingly enthusiastic knowledge and experience of representative participation.

Where collective decision-making is not the mode of operation, the exercise of power employs a highly destructive weapons, that of fear. Fear may in turn generate determination to persevere (see also Askew 2002, 155), but every communal decision ignored by the authorities is fraught with the corrosion of uncertainty. On 29 April 2003, the residents barricaded themselves in between the fortress wall and the canal, stretching a net across the canal to stop the authorities from attacking from the rear and blockading all the entrances to the physical space from Mahachai Street. Despite high tension, nothing happened that morning, and eventually the main entrance was reopened. Months later, the residents, aware of their legal responsibilities and wishing to demonstrate their responsible custodianship of the site and its access to the canal and associated transportation network, opened the other entrances, although they maintained an uneasy, round-the-clock watch that still continues. The BMA had presumably opted for prudence, since the community had not yet exhausted all legal processes.

When soldiers appeared at the site on 13 June, residents feared that the military visitors’ goal might be to spy out the land (see Anon. 2003a). In fact, at least some police officials are more sympathetic to the residents’ cause than the BMA would like, knowing as they do—and in spite of unofficial BMA claims to the contrary—that the community leadership
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has made a strong commitment to keep drug-peddlers out of their space. But soldiers represented another level of authority altogether, and the BMA did nothing to reassure the community. In the end, the soldiers’ arrival turned out to be a surveying exercise carried out, at least in part, for and under the supervision of the Fine Arts Department, which has responsibility for the maintenance and conservation of the actual fortress walls. Another, two-stage moment of tension thus occurred when the community lost its case in the Administrative Court in late August, but again nothing occurred at the site itself, and the community voted—with considerable trepidation—to reopen the subsidiary gates on the Mahachai Road. As of this writing, no further direct action has been taken, but the ceaseless psychological and economic toll of the continuing uncertainty plays havoc with the residents’ lives.

It is worth noting that the vote to reopen the gates was taken after a lively public debate that illustrated how far the community has traveled on the road of democratic experience. Much of its confidence comes from the increasingly certain knowledge that disagreement does not necessarily convey either disrespect or hostility but is the essence of democratic cooperation, that the relative taciturnity of community women is giving way to a more assertive role (particularly in defense of broadly domestic interests), and that decisions can also be reversed quickly whenever necessary at one of the frequent public meetings of the community. Residents are proud of what this implies; while concepts of “development” (Thai kaanpathanaa) have quite variable political resonance (see, e.g., Fisher 1995; Gupta 1998), the residents of Pom Mahakan speak more easily of self-development (kaan phathanaa tun cong), a phrase that speaks volumes about their eagerness to enter the stream of modernity, but to do so on terms that leave them with their collective and personal self-respect intact. Their creation of a rotating credit fund, their community meetings, the leaders’ evident tolerance of divergent opinions, and the skill with which the community converges to manage the occasional outbreak of abusive behavior (as in the very rare instances of public drunkenness) without humiliating the offender—all this demonstrates the residents’ commitment to their vision of a place in the sun of a tolerant Thai modernity.

I have had the extraordinary privilege of watching this vital political and social sensibility grow. When I first arrived on the scene in March 2003, community leaders and supporting activists were staging a series of protests. The residents’ major arguments for remaining were already well defined in cultural terms: they were the inhabitants of a set of “ancient” wooden houses built between the Second and Sixth Reigns; they represented “traditional” occupations, including the hand-manufacture of ascetics’ images (“nesii dolls”) and bird-cages and food production and vending; they depended on their close association with the highly developed tourism of the area (which includes Khaosan Road) for a living; they had in some cases lived on the site for several generations; and they were loyal Thai
citizens who desired only to develop this site as a living tribute to national tradition.

The BMA countered that many of the inhabitants were not “original” to the site. This is a central theme in its arguments against the community, and rests on the notion that there should be some sense in which a single community, having installed itself on the site, had “always” retained its homogenous character. The BMA also pointed out that many of the inhabitants had already voluntarily accepted early installments of compensation for their displacement; this is true, but the residents complain that they were never given an adequate explanation of what was involved and would willingly return the money. Pointing out that few if any residents held documented legal title to their land, the BMA classified the majority as “squatters”—an action, denoted by the Thai term buk ruk (invasion), which the inhabitants reciprocally attribute to the BMA. Finally, the BMA argues that the public good would be better served by the construction of a public park, attractive to tourists and integral to the administration’s supposedly ecology-sensitive plan of expanding the green spaces within the city, than by the survival of a slum community allegedly plagued by drug problems and by petty criminality. We should note, however, that the BMA has never cited any tourism expert’s evidence that such a park would in fact attract interest, while officials have ignored foreigners’ views that an empty, uninhabited park in this secluded space would provide a perfect haven for, precisely, pushers and addicts.

In short, the confrontation has all the classic features of the worldwide battle between a majestically uninformed “high-modernist” vision of the ideal city and a socially responsible environmentalism that recognizes the social fabric as integral to the survival of city life. James C. Scott (1998) has written eloquently on this topic, pointing out that high-modernist models of order follow an aesthetic that treats the rhythms of everyday life as irrelevant to state attempts to simplify and thereby control the lives of its citizens. He also points out that such plans have usually failed. Their partial genesis in French urbanism can hardly be irrelevant to a scheme in which the Pom Mahakan community, and conceivably others along with it, are slated for removal in anticipation of the rebirth of Rajadamnoen Avenue as the much-touted “Champs Elysées of Asia.” Baron Haussmann would have been proud of the durability and geographical migration of his vision.

The high-modernist vision is also grounded in what some commentators have justly described in another context as “documentary legal fetishism.” This mode of argumentation, however, which is based on a literal understanding of what constitutes evidence of ownership, does not cover all the relevant issues. The BMA is not the undisputed sole owner of site, which is compounded of temple and private ownerships largely but not entirely now bought out by the BMA (none of it belongs to the Crown Property Bureau). The BMA invokes its responsibilities as the agency charged with implementing the Rattanakosin Island plan, a state project. But former BMA leaderships interpreted that charge more flexibly and with greater
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cconcern for the social effects of intervention. There is also increasing evidence that the present BMA leadership's views do not always evolve in tandem with those of the central government, as we especially see in the discord over Bangkok Governor Samak Sundaravej's attempt to suppress the public commemoration of the 30th anniversary of the 14 October student uprising. Moreover, the new Constitution allows for increased latitude of legal interpretation, particularly inasmuch as it offers ways of challenging the documentary fetishism of older modes of governance.

A culturally flexible respect for human rights would in fact probably work in favor of the national authorities and of the Pom Mahakan residents alike. On 5 September 1999, the Thai state endorsed the United Nations convention according to which governments wishing to carry out evictions must show that these are the consequence of some compelling necessity and that all other possible avenues have been exhausted. That United Nations conventions are themselves often intended as culturally neutral, high-modernist constructions, in which there should therefore be no place for opportunistic pragmatism, might seem to disallow appeals on the grounds of cultural exceptionalism, especially in light of the state's own present orientation to efficiency-based models of governance. A literalist approach from either side produces only impasse: either the residents are in violation because they cannot prove documentary title, or the municipality risks forcing the state to violate its existing international commitments.

But this impasse is far from inevitable. The community has itself shown the way out, by adopting an approach that grounds human rights "in the shared moral spaces of everyday life" and "respond[s] to claims and entitlements not made in the language of legality" (Wilson and Mitchell 2003, 13). By proposing a land-sharing arrangement that would actually save the BMA the administrative headaches of oversight by managing what the residents have come to view as their segment of a national heritage (moradok), they have met the state's modernist rationalization of national tradition on its own terms; they have supported the central government's campaign against inefficiency and waste; and they have generated democratic procedures that remain deeply respectful of the Thai symbolic hierarchy. Like others before them (Askew 2002, 151), they have represented their willingness to compromise as quintessentially Thai; this probably explains some officials' defensive incantation that the residents are "obstinate" (deo)—to which residents retort, reasonably enough, that the obstinacy is all on the other side. Clearly, bureaucrats and residents actually understand each other well; they speak the same language of essentialism. But it would be ironic were the residents' well-crafted accommodation to succumb to narrowly bureaucratic interests. If it succeeds, it will demonstrate unequivocally that safeguarding the right of secure residence does not necessarily subject the state to policies made in the wealthiest capitals of the world.

Leaving the specific application of the new constitutional provisions for human rights
to experts in jurisprudence, I am thus more concerned here to examine these rights in terms of the pragmatic interests of all the parties most directly concerned. One senior politician, now retired, sternly assured me that the Governor would in fact not be swayed by appeals to international law and that to attempt anything of the sort was therefore "not practical"—a fair, if depressing, assessment, on the available evidence. Nevertheless, all parties have an interest in asking what would cause the greater suffering, the greater benefit to society as a whole, and the least conflict with external forces. It may therefore be significant that the central government, as of this writing, had not yet expressed support or criticism of the BMA's actions.

Thawatchai Woramakhun (left) explains the community plan to Samart Maluleem of the BMA on 29 July 2003. ©Comelia Mayer Herzfeld.

The BMA, by contrast, seems intransigent. When, in early March 2003, the National Human Rights Commission ruled that the eviction would violate the residents' human rights, a senior BMA representative retorted that the Commission had "no power to prevent" such action (The Nation, 4 March 2003; my emphasis). In other words, "might is right." But matters are not so simple; appeals to older notions of power entail considerations of symbolism that conjoin images of Thai ness with modernist conceits. Indeed, the resulting
discourse of purity, pollution, and cleansing distinctly recalls similarly traditionalizing experiments with social hygiene by such high-modernist regimes as that of Mussolini’s Italy (see Horn 1994). This fascination with purity has been especially prominent in the Governor’s pronouncements. It is not clear, however, that the elected state government necessarily endorses the responses of the conservative municipal leadership now in power.

Yet that leadership continues to refuse engagement. As Marc Askew has remarked, the public maintenance of order as this plays out in present-day Bangkok is itself a mode of generating power and legitimacy with deep historical roots. Thai state officialdom views the growing strength of local-level communal solidarity with unease (Askew 1994, 131-3); its development in the countryside, partially under middle-class and academic encouragement, has now permeated the social world of the urban poor, producing a rhetoric and a set of practices all designed to resist the imposition of a homogenizing order on their world. One can thus easily treat the present stand-off as resulting from the authorities’ defense of structures and practices of the sakdina system, itself the foundation both of much present-day Thai administration and of the economic dominance of Bangkok itself (Askew 2002, 24-5). Viewed thus, the BMA’s attempts to exact fearful respect appear to reconstitute older idioms of power.

But it is important not to confuse historical explanation with politically expedient justification. Pragmatic considerations should not allow space for the extremes of either high-handed, largely Western-inspired universalism or local exceptionalism. If intrusive universalism threatens the sovereignty of the modernist nation-state, special pleading on the grounds of local culture undercuts its claims to transparency and good governance and thus risks reclassification as corruption. Like the comparable institution of rüsvet in the post-Ottoman Balkans, clientilist practices now officially deemed corrupt have hardly vanished from the Thai scene (see Pasuk and Sungsidi 1996, 6; cf. Campbell 1964). Such hierarchical arrangements are also reflected in the BMA’s refusal to heed the National Human Rights Commission over the Pom Mahakan controversy; such power perpetuates itself through the repetitious performance of high-handedness. (It is less clear that the unannounced but duly noted passage of a senior BMA bureaucrat from the main entrance to the Paan Fa pier was intended to intimidate the community, but its actual effect was to stir outrage at yet another official refusal to witness the community’s extraordinary development; significantly, this was the same official who had insisted on characterizing the community as riddled with drug addiction and similarly dire social problems.)

The distinction between elected officials and unelected bureaucrats deserves comment. While the Governor of Bangkok is an elected official, most of those who have pronounced on the case are not, while the one elected BMA Council member (and indeed its current president), Samart Maluleem, who has expressed a public opinion strongly endorsed the residents’ rights (see Anon. 2003b; Ploenpote 2003b). It is true that other elected officials,
in the past, have been critical of the community. None (to the best of my knowledge) has spoken out against the residents during the present phase, however, and this, I suggest, indicates a growing public realization (krasae, “current,” as one activist put it) that the media, already increasingly sympathetic to the community’s plight, now comprehensively reject the BMA’s position (see, notably, Anon. 2003c; Ploenpoate 2003a; Pravit 2003a and 2003b). As a result, perhaps, public opinion seems increasingly unsympathetic to the continuing pattern of innuendo—a strategy that itself is arguably an actionable violation of rights.

The BMA’s attempt to portray Pom Mahakan as a source of disorder is thus in the throes of collapse. Order, important in Thai power relations, is also a cross-culturally recognizable aspect of classification (see, notably, Douglas 1986). What one group of social actors may treat as a polluting presence, others may treat as normal, or even as in some sense sacred. Bureaucrats try to manage the attribution of order and its inversion, often retroactively so as to suit their current policies. We can thus examine official policy as itself the cultural expression of a power dynamic, and its contestation as a political game in which the stakes are rights in the definition of cultural priorities and social rules. When Governor Samak, during the preparations for the 2003 APEC meeting, ordered the round-up of stray dogs and homeless people as belonging to a single class of polluting influences and thereby violating basic principles of Thai decorum (see Tambiah 1969), there were cries of outrage. The struggle at Pom Mahakan can therefore in some sense be seen as a struggle over whether the margins should be defined as polluting a clean image of Thaiiness (khwasampenthai) or as the hallowed survivor of massive foreign assaults on essential Thai identity. In the first instance, despite the specific echoes of sakdina hierarchy, the images deployed actually seem to come from largely Western sources of ideas about order. In terms of heritage politics, while there is again an appeal to an internationalized and largely Western-derived notion of heritage (on which, see Askew 1990), both the residents and their supporters have been able to appeal to notions of the Thainess of merit-making and respect for the ancestors. And, in an age in which some Buddhist leaders have enjoined ecological sensibility, the threat that the BMA might actually uproot sacred trees to build a park, much as it did at the Phra Sumen Fort, has a peculiarly anti-traditional resonance.

The emphasis of modernist notions of planning on organized green spaces that we see in official plans for developing Rattanakosin Island betrays, as Woranuch (2002) observes, a Western inspiration more suited to the servicing of tourism than to the needs of local residents. This fits a pattern of intensifying homogenization (see O’Connor 1990), against which the Pom Mahakan residents now offer to create a small monument to older ways of life. To the extent that it requires the wholesale displacement of population in favor of architectural splendor, it also conflicts with the policy enunciated by the BMA under the earlier, socially more attuned administration of Pichit Rattakul (see Bangkok Metropolitan
When the Master Plan for the Rattanakosin Island originally appeared, initial reactions were varied, but critics complained from an early stage that it relied too heavily on an idiom of open spaces that did not represent Thai tradition. I do not intend here to enter the lists over what constitutes that tradition, or indeed what purposes such systematic essentializing might serve; these questions, which are both discursively problematic and politically sensitive, have a long history, ironically, in the concept of property-owning as the basis of personhood in the West (e.g., Handler 1985; see also Jackson 1995). The European origins of the idea of culture as a possession, today enshrined in the language of inheritance as heritage, actually suggest that the community’s claims to a culturally emblematic status are in harmony with the vision of the national rather than of the municipal authorities, posing a strong counterweight to the BMA’s invocation of the responsibility vested in it by the state through the Rattanakosin Island project.

Indeed, moradok (“heritage”) has already been spatialized and rationalized as part of the state’s expropriation of the familiar (see Askew 1996). The residents’ appeal to a collective notion of national heritage and ancestornood thus works effectively to portray the BMA as invasive and anti-traditionalist. Spirit shrines and sacred trees, for example, although the object of individual and kin-group reverence, are now largely understood as a collective property representing the ancestry of the Thai people as a whole; if the municipal authorities proceed, they would be guilty of disrespect and sacrilege at the national level, not merely against the community. The residents have thus shown that international human rights are compatible with a modern, state-oriented understanding of national tradition.

They have also emphasized that Thainess as the basis of their rights, and have displayed it in numerous dramatic forms. As has long been customary in Thai protests, they invoke the symbols of national legitimacy; a huge national flag faces the entrance area from within, and protests are always carried out under the benign gaze of the King’s portrait. (By the same token, officials displayed deep irritation when it transpired that a copy of the residents’ appeal to the United Nations was sent to the King.) Residents organized a lively homage to the Queen on the occasion of her birthday, complete with a firework display. No political party symbols appear either on such occasions or at protests, in marked contrast with what happens in many other countries; an ideology of transcendent unity prevails over partisan identities.

The BMA’s arguments seem intentionally high-modernist and anti-traditionalist—a paradox, given the sense of sakdina attitudes lurking in its actions. One of its propositions deserves particularly careful analysis because, while it appears to invoke the aura of antiquity, it actually follows a demographic logic that has little to do with the fluid cultural boundaries and tributary arrangements of pre-twentieth century Thai polities (see Tambiah 1976, 121). This is the argument that the current population of Pom Mahakan is not composed of “original”
(dang doen) residents. There are several aspects to this claim, prominent among which is the contention, upheld by the Administrative Court, that the residents mostly lack documentary title to the land (see Ploenpote 2003c). Aboriginality has been a powerful weapon in indigenous rights movements. But that is not really what is at stake here. Bangkok is itself not particularly old in terms of Thai history; legitimacy often rests less on age than on connections with the royal foundation of the city.8 The BMA contends that the Pom Mahakan residents do not constitute a community as such, since they arrived at various times and from various places. There is, for example, one family of southern origin and Muslim religion; others came less than 40 years ago from communities closer to Bangkok, from Isaan, and elsewhere.

No one in the community denies this heterogeneity. On the contrary, it makes the Pom Mahakan community especially representative—indeed, a microcosm—of Bangkok. Communities that have a unitary history stretching back a hundred years or more do exist, but to make this a requirement for residential rights would still disqualify an alarmingly high proportion of the city’s population. Nor does it make any sense in terms of social process. To the extent that the residents have been able to create a sense of community without prejudice of religion or place of origin, and to assume responsibility for the guardianship of buildings judged old or even “ancient” (boran) in local terms, they exemplify adaptability that has long been upheld as a particular strength of Thai society.

Heterogeneity is only problematic for administrators, both because it complicates control (as Scott notes) and because it represents symbolic disorder. The BMA’s concern with this issue must be read in the context of its repeated attempts to “cleanse” the appearance of Bangkok in a way that reflects supposedly international concepts of purity but simultaneously, as the residents acknowledge, perpetuates local structures of power (amnaat). One of the most dramatic such attempts was the clumsy concealment of slum dwellings in 1991 in anticipation of the World Bank meeting (see Klima 2002, 40); it backfired dramatically because foreign observers (especially journalists) could hardly avoid noticing the subterfuge. Such clumsiness often marks official attempts to shield “cultural intimacy” (Herzfeld 1997) from potential foreign critics, especially those thought to represent the globally dominant neoliberal successors to colonialism.

Such is the story of the “untidy,” “crowded” (se’ad) community clustered behind the imposing white walls of Pom Mahakan. Official attempts to dislodge it reveal discomfort with the community’s variegated history. The impossibility of establishing a common point of origin or documentary basis for the residents’ claims enhances the picture of disorder, bureaucratically understood. But if we shift our angle of vision slightly, we perceive instead an emergent and robust sense of order. The community has exhibited remarkable social cohesion, suggesting that common origins and archival testimony may not be the best indicators of a community’s ability to thrive.
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To be sure, there is no clear chronological point of origin. But that is true of most urban societies, and indeed—official historiography notwithstanding—of most nations. Antiquity is sometimes useful, but it does not necessarily guarantee either security or recognition. Even if most inhabitants of modern Rome would point to the tiny local Jewish community’s great antiquity and do occasionally speak of the Roman Jews as the guardians of the city’s most ancient traditions, for example, few Romans would concede to the Jewish community the exclusive right to the Roman past; local recognition of its great age ultimately failed to protect it from the Nazi destruction. Many Romans joke about their rural origins, but that does not stop them either from claiming romanità while also conceding that it might easily be contested.

They have easily absorbed the distinctive local language idiom, social habits, and shared memories of the city. Thus it is with Bangkok, where, despite occasional hostility to later arrivals, we find no absolute chronological benchmark defining Bangkok identity (except the foundation of the city in 1782 or its refoundation four years later [Askew 2002, 16]) and no generic unwillingness to accept the residential rights of people with a variety of ethnic and religious backgrounds.

The heterogeneity of Pom Mahakan thus in fact makes it in some sense typically Bangkokian. The residents have also shown themselves adepts at the democratic participation officially promoted by the state. Their ambitious land-sharing scheme, rejected by the BMA, represents a genuinely collaborative effort in that direction, and their success in creating a public garden—recently defaced by the BMA, which, significantly, dumped garbage from the APEC festivities on the area and was then forced to promise to restore it to its pristine state—clearly displayed their ability to create and maintain a public space in trust for the city as a whole.

Rights are arguably less a matter of factuality than a moral commitment, one to which the modern, liberal, democratic state must be committed if it is to sustain its own logical coherence. By the same token, however, rights must be consistently applied, or they will make no sense. It makes no sense for a state to sign international conventions at the very moment at which subsidiary authorities, as here, act in violation of the principles enshrined therein. Such internal dissonance reinforces the impression that the central government does not endorse some of Bangkok Governor Samak’s actions; this was strongly evident, for example, in its reaction to his attempt to suppress the public commemoration of the 14 October massacre. If, then, collective eviction is carried out by a local authority in defiance of a state’s pledge to international agreements, the challenge to rights also threatens the legitimacy of the entire structure of authority.

Human rights include the right to protection from the use of fear as an instrument of power. In that sense, if the BMA’s claim that the community suffers from drug problems that
could only be solved by removing it to another location could be validated, there might be an argument for doing precisely that. Evidence, however, has not been forthcoming. I first heard the accusations about drug abuse from a senior official of the BMA, who, having expressed warm support for my project of investigating the social aspects of the Rattanakosin Island Plan only a year earlier, advised me not to work with this community because it was so plagued with drugs and problems of domestic violence that I would hardly get a representative picture. These charges have not been repeated in public; indeed, a newspaper that a few years ago dared to level them at the community was taken to court and forced to apologize. That newspaper is now a strong supporter of the community, which is why residents refused to locate the incident more precisely in time and place or identify the journalists concerned. But its retraction and subsequent reversal of its attitude offers the BMA a good example for emulation. There is surely no necessary loss of authority in openly admitting to an incorrect assessment, whereas the use of innuendo to visiting scholars can only eventually result in the exposure of power tactics; this will be as counter-productive as building a wall to hide a slum from curious journalists.

The residents understand that power is the issue, and in this they fully share the analytic perspective of recent scholarly commentary on human rights (Wilson and Mitchell 2003, 5). Power inspires fear, which thereby increases power; the absence of transparent intent only enhances the effect. The soldiers who appeared at the site in June were apparently intending to carry out some survey work at the behest of the Fine Arts Department; the degree to which the BMA was actually involved in their arrival remains unclear. Such veiled, inchoate power generates fear. But to base authority on fear leads to questions of legitimacy within a constitutional democratic framework. Administrators seem to be trying to invoke a very different idiom of legitimacy through the unresponsive, implicit invocation of the structures of the sakdina system.

Unresponsiveness is in fact the BMA’s favored weapon in this confrontation. Representatives of those engaged in organizing the Thammasat conference on 31 May, including myself, approached the BMA to discuss possible dates for the event. We were received by a very courteous official, who politely listened to our clear proposal that the BMA should try to send representatives to explain the administration’s policy and reasoning. The date eventually selected on the basis of that meeting was intended to serve the BMA’s convenience. Despite these efforts, it transpired that the BMA had sent no one; indeed, it hosted a major planning meeting on the same day. While it then seemed pointless to invite the BMA to participate in the conference at Chulalongkorn University, the authorities were presumably aware of this event, if only because of the extensive media coverage; once again, no BMA official stood up to speak. My attempts to contact senior officials were consistently rebuffed with the response, variously conveyed, that the Governor had already signed
the eviction order and so there was nothing to discuss. Despite this unpromising stand, in September a BMA official, speaking in public at an unrelated university event (in which I was also participating) did concede that there should be some renewed conversation with the residents.

The theme of "conversation" (kaankhuykan) is central to understanding the power dynamics here. Residents repeatedly complained that the senior BMA hierarchy "refused to discuss" (mai yawm khuy) the situation with them; the Thai term is indicative of the sense of standoff, in that residents' response, repeated on numerous occasions and often following leaders' exhortations to express their views openly and without fear of ill consequences flowing from disagreement, was, "The community will not surrender" (chumchon mai yawm). Thus, the standoff is conceptualized, as often happens on such occasions, as a situation in which the more powerful party fears direct negotiation with the residents because the legitimacy of its position rests on policy created at a still higher level, rather than on popular will. When challenged on this point, some BMA officials did say that residents had previously resisted talking with them, and this is a point that residents do not deny—arguing, however, that they were afraid of engaging in an unequal negotiation under conditions in which the transparency of the engagement could not be assured. They are now more confident of their ability to present a coherent case; is this what the officials fear? The recent international visibility of the Pom Mahakan case and the virtually unanimous support of the community by the media has palpably changed that situation, however, so that now it is the authorities who apparently fear to engage in a "conversation" the consequences of which might prove incompatible with decisions ostensibly already taken. They might also recall that the one key idiom of protest is itself billed as "conversation": two speakers, each equipped with a microphone, engage in a public dialogue in which a resident answers a visitor's leading questions about the cultural heritage and long history of the community and its struggles. On the occasion of my very first visit to Pom Mahakan, when I was still unaware of the details, I was invited to "converse" in this way; I accepted, but pointed out that I knew little of the background and would not unequivocally offer support unless I could first take stock of the residents' cause and assess it for myself—a stand that seems to have assured me respect rather than resentment. It is clearly not the residents of Pom Mahakan who have cause to fear a detailed exposure of what has happened.

One argument invoked at several points by the BMA was the existence of a budget for the construction of the public park at Pom Mahakan. As at Phra Sumen, one specific goal was to "cut and trim and move out the original trees in order to open up the fort itself to clear visibility and concurrently to tie up the trees and decorate them so that they will be beautiful, shady, and pleasant." The budgetary allocation for work on Pom Mahakan in 2003 was 18,760,000 baht, suggesting that the BMA intended to spend a considerable amount of money
on contractors’ fees. The work, scheduled to begin on 1 October 2002, had not commenced a year later. By early September 2003, the residents’ own park was clearly emerging; their birthday homage to the Queen was launched from the fortress walls, from which the residents—not the BMA, which had merely strung a set of fairy lights along it—had cleaned away the unsightly excess tree foliage. While budgetary allocations must be spent, lest they not be continued into the future, the residents’ initiative has released a significant sum for more imaginative and efficient use. As a knowledgeable former BMA senior official assured me, such adjustments are legal as long as the broad categories of expenditure are maintained.

The budgetary allocation could therefore now be used to integrate the older houses, duly refurbished, into the structure of the public space; to rehabilitate the remaining dwellings and improve sanitation and other services (although it must be said that the residents have erected numerous signs enjoining cleanliness and maintained public hygiene to a degree that shames some of the city’s more visible streets); and to set up the proposed kick-boxing school and other recreational areas—the residents’ service to the cause of presenting lived Thai culture to an international tourist public. The creation of an organic relationship between park and community would rapidly lead to the latter’s economic security, relieving the BMA of the increasing financial strain that relocation and its attendant problems would predictably generate and assuring it of growing prosperity and economic integration at the symbolic heart of the city. The present standoff not only violates the human rights of the Pom Mahakan residents specifically; it also arguably violates the economic and social rights—or at least reasonable expectations—of Bangkok’s population as a whole.

The current policy depressingly reproduces Mussolini’s policies in the center of Rome—arguably a more instructive parallel than Haussmann’s Paris. Mussolini wanted to remove potentially subversive and “degenerate” populations from the ancient city center as part of a policy of public “cleansing,” while resuscitating the imperial grandeur of ancient Rome. His construction of a majestic avenue straight through the zone of the ancient forums swept aside an entire quarter. * Seventy years later, the suburbs to which he exiled the displaced residents are festering grounds for drug abuse, underworld activity, deep poverty, political subversion and cultural separatism, and resentment ready to flare up in open rebellion against the despised state bureaucracy. It is hard to imagine that the BMA would dare cite this parallel in presenting its reasoning to the central government. One hopes, however, that the government, for its part, will recognize in time that the BMA’s neglect of the residents’ rights makes bad policy at the national and international levels.

The further irony of the situation as it now stands is that the land-sharing arrangement proposed by the residents, and rejected by the BMA, would work very much to the BMA’s advantage. The residents do not claim rights in the whole area; moreover, they are eager to serve the larger community by tend ing to the park and its associated natural and cultural
features. The BMA has not yet suggested how it will staff the park’s supervision. For an administration ostensibly so concerned with the issue of drugs, however, it exhibits a strange insensitivity to past history and the experience of other large cities worldwide: the creation of an empty, inadequately supervised space between a canal (an easily accessible waterway) and a very high, thick wall would offer multiple opportunities to dealers and their clients, especially at night. By the same token, tourists would shun this space; local residents would fearfully keep their children well away from the area. And such a succession of probable disasters would almost certainly depress the value of the surrounding land, much as has happened throughout the major cities of the United States and elsewhere. The residue of this policy would be a shameful monument to poor planning, neglect, and violation of the rights of the people of Bangkok.

If the authorities instead decided to proceed with the residents’ plan, or at least with some modified version of it, they could reasonably claim that they had changed their minds once they realized that the community itself had changed, and that the community might never have changed so radically had it not been for the pressure that the present situation brought to bear on it. In that case, the residents’ sufferings to date will at least not have been in vain, and the BMA would be able to claim credit for flexibility and imagination in the face of a rapidly changing situation.

Whatever happens, Pom Mahakan is now a visible sign on the map of political issues in Thailand and on the international roster of human rights concerns. Such transformations are by their very nature not reversible; the greater publicity that this situation has engendered in turn assures the residents of continuing world interest in their plight. They were initially surprised, even incredulous, that a community of fewer than 300 people would attract that kind of worldwide concern, and that respected scholars from several countries (including, especially, Thailand) would listen to their views as being the most deeply experiential testimony available. But the issues that they face do not concern them alone. The BMA has probably, and correctly, calculated that what happens at Pom Mahakan will affect the progression of events in the rest of the area covered by the Rattanakosin Island Plan. But what is it they really fear? If the BMA, in concert with the academics who have studied the Pom Mahakan situation from several angles, can determine a set of reasonable criteria for determining which communities have a right to remain in place, they may well discover that the residents of other communities would not be averse to negotiating an equally reasonable exit, with reasonable compensation.

In that case, all will benefit: the residents’ socially generated rights will triumph over the arid legalism that may be the West’s worst bequest to the rest of the world; the BMA will emerge as a champion of good governance; and Bangkok, currently one of the most undisciplined examples of urban planning in the world, will develop a distinctive style of
internally negotiated and democratically managed adaptation to the exigencies of Thai life in the modern era. Bangkok will then represent the principles of humane development to the rest of the world. And Pom Mahakan will stand as a tribute to the victory of decency in a world too often bereft of it. The authorities have already announced that there will be "no evictions" as a result of its latest plan for the beautification of the Rajadamnoen Avenue area (Anon. 2003d). Have they changed their minds? It is not yet too late to offer this gift to Bangkok and the world.

Notes

1 I would like to thanks Marc Askew and Charles Keyes for their helpfully insightful readings of an earlier draft of this essay. I am also grateful for the opportunity of initiating parts of the present discussion in The Nation ("The Global Importance of a Small Community," 28 July 2003) and Krungthep Thumakit (กทม. ข่าวที่มีความสนใจ, 13 August 2003).

2 See, for example, the web site of the "Friends of Pom Mahakan International Committee": http://www3.telus.net/wiredup/

3 This externally-directed commodification of Thai culture exemplifies the hegemonic pattern of "crypto-colonialism" in a late phase (Herzfeld 2002). Woranch Charungratanapong (2003) has recognized it specifically in the architectural choices made in the Ratanakosin Island Project in the age of tourist consumerism. See also Peleggi 2002.

4 Wilson and Mitchell 2003, 10; Navaro-Yashin 2003. The rejection of asylum rights for people who come from states unrecognized by the host society, which thereby destroys legally with one hand what it has given politically with the other, is an extreme case; but, to anticipate my account here, for a Thai court to refuse title in the absence of formal documentation, long alien to vernacular Thai culture, exhibits the same logical weakness.

5 This was the International Covenant on Economic, Social and Cultural Rights; other conventions signed by Thailand, including that on Elimination of all Forms of Discrimination Against Women (9 August 1965) and Rights of the Child (27 March 1989), similarly proscribe forced eviction, especially in the absence of appropriate economic protection.

6 Wilson and Mitchell (2003, 13) rightly point out that culturally sensitive policies that do not offend local sovereignty are essential to the effective development of humanitarian projects.

7 Personal communication, 2003.

8 This is evidently more significant, in the larger scheme of the Thai national policy, than considerations of national or ethnic homogeneity; the Muslim community of nearby Baan Khrua, descendants of prisoners-of-war brought from Cambodia, were able to invoke the royal sanction whereby their community had originally been legitimated (see Askew 1998: 996) and perhaps also, as was suggested to me, to play on fears of inflaming Muslim minority anger. The pride with which most Thais speak today of the assimilationist tendencies of their society also suggests that the BMA's invocation of "original" title will not fall on sympathetic ears in the wider public, and that in fact it conflicts with the long-term thrust of what many observers have come to regard as a remarkably successful policy orientation.
This abutted the area in which I conducted fieldwork in 1999-2000.

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