

***Fighting for Virtue: Justice and Politics in Thailand.* By Duncan McCargo. Ithaca and London: Cornell University Press, 2019. Hardcover: 261pp.**

The March 2019 elections in Thailand generated one major surprise: the unexpected electoral success of the progressive Future Forward Party. However, the fate of this new *bête noire* of the Thai establishment was not unexpected to anyone attuned to what is often referred to as the “judicialization” of Thai politics over the past twenty years. Indeed, the Constitutional Court, as part of what Duncan McCargo calls the “network monarchy”, quickly took a leaf out of the playbook for how to deal with an earlier (perceived) threat to the established order: former prime minister Thaksin Shinawatra. The Future Forward Party was therefore immediately forced to run the gauntlet of the Thai judicial system, with the ultimate outcome regarded as a foregone conclusion by many observers. The Constitutional Court first prevented party leader Thanathorn Juangroongruangkit from taking his seat in parliament, and then, in February 2020, dissolved the party. Thanathorn still faces criminal charges and though it may dismay many it would surprise few if he eventually receives a prison sentence.

McCargo’s new book, *Fighting for Virtue: Justice and Politics in Thailand*, does not deal directly with these recent developments. However, it does provide valuable background and insight into the workings of the “political trial” as a phenomenon in contemporary Thai politics, of which these were the latest manifestations. And there is a direct link to the main pivot around which McCargo’s exposition turns—an organogram depicting a supposed plot to overthrow the Thai monarchy. Thanathorn, as it happens, is one of the allegedly treasonous individuals named there (p. 113).

The book is divided into three sections. The first three chapters provide background on the *habitus* of Thai judges, with an emphasis on their recruitment, education, socialization and career trajectories. Emphasized here is the almost monastic character of the life of a Thai judge; the intimate intertwining or fusion of throne, bench and Buddhism; the subservience of the courts not only to the monarchy but also to the military, whose coups and decrees they unflinchingly validate; and, finally, the collective intellectual impoverishment of the Thai judicial system, revealed to embarrassing effect by progressive legal scholars such as Worajet Pakeerat and Piyabutr Saengkanokkul (the latter of whom in 2018 co-founded the Future Forward Party).

Chapters Four, Five and Six provide an ethnographic account of three trials that took place in 2012. The trials are directly tied to the organogram of a vast conspiracy to *lom jao* (fell the monarchy) that the Thai military had produced in April 2010. This was a “fake news”, psychological warfare operation that preceded the violent crackdown on the massive Red Shirt protests in the streets of Bangkok that took place less than a month later. The lead defendants in the three trials that started two years later all had some connection to the organogram (albeit in one case it is a matter of mistaken identity). In his description of these trials, Duncan McCargo especially highlights the equally absurd and tragic elements of the court drama that ensued as the Thai state pursued citizens alleged to have committed “compassings”, or thought crimes, and as it inflicted extraordinarily harsh sentences on those unable to prove their innocence. This section is the book’s strongest in terms of empirical depth and methodological sophistication; it demonstrates how the exploration of the micropolitics of court trials can illuminate larger political processes.

The final two chapters deal with the many trials against Thaksin Shinawatra and those associated with him. McCargo here engages in a polemic with Eugénie Meriéau, arguing for the superiority of his “network monarchy” against her conception of Thailand’s “deep state” which the Constitutional Court is supposedly part of. This discussion generates more heat than light. Reflecting a similarly conspiratorial view of Thailand’s undeniably opaque politics, both conceptions of such hidden political dynamics are sufficiently vague to make them impervious to falsification.

The book’s concluding message is a rather perplexing one. McCargo presents the Thai experience as “an extreme illustration of the shortcomings of legalistic fixes” and argues that “fudging legal niceties to achieve a workable outcome” would be superior to a “rigid attachment to the letter of very imperfect laws” (pp. 211–12). Indeed, McCargo advocates for a “radical anti-legalism” and issues a call to arms to “roll back judicial power all over the world” (p. 218).

This is a somewhat surprising note on which to end the book, in light of the fact that McCargo throughout has provided plenty of evidence that the Courts of Justice and the Constitutional Court often have been willing to fudge legal niceties in order to achieve political outcomes that, at least temporarily, seemed pragmatic and workable. Exhibit A is a 2001 Constitutional Court decision which allowed the then newly elected Thaksin to stay in power; Exhibit B is the forbearance it showed Prime Minister Yingluck Shinawatra

in a 2012 trial. Indeed, McCargo views the Constitutional Court as “a highly adaptive institution that blew with the changing political winds” (p. 216). It is not clear how that characterization is compatible with the simultaneous contention that Thailand’s travails are due to legalism running amok.

Whatever the case may be, one should perhaps be careful what one wishes for—lest it come true. As a consequence of King Vajiralongkorn’s ascension to the throne and the brazen assertion of royal authority, the judicialization of Thai politics may now, as McCargo predicts, have “peaked” (p. 217). There are, as this illustrates, more ways than one to roll back judicial power—and the one now under way in Thailand is not particularly compatible with the egalitarian and democratic values cherished by McCargo.

Fighting for Virtue makes an original contribution to critical debates about the rule of law in Southeast Asia. It will be an essential point of reference for anyone interested in understanding the morbid politics of the final decade of King Bhumibol’s reign. For both these reasons, it deserves to be read widely.