

RESEARCH ARTICLE

The Revival of Buddhist Nationalism in Thailand and Its Adverse Impact on Religious Freedom

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Abstract

Triggered by the sense of crisis, the Thai state and Thai Buddhism are renewing their traditional relationship kindled by the monarch-led reform over a century ago. Thai Buddhism is reviving its lost aura and hegemony while the political conservatives are looking for legitimacy and collective identity in a time of democratic regression. The result is the rise of the Buddhist-nationalistic movement, Buddhist-as-Thainess notion. The phenomenon has grown more mainstream in recent years. These extreme Buddhists pressure the government to adopt a new constitutional relationship that brings the two entities closer to a full establishment. They also target both religious minorities as well as non-mainstream Buddhists. The revival of Buddhist nationalism foretells rising tension as well as diminishing religious freedom.

Keywords: Thai Buddhism; royalist nationalism; Thai Constitution; Dhammakaya; anti-Muslim movement

1. Introduction

Violence has recently surged across the world of Theravada Buddhism. Everywhere, Buddhists abandon the language of human rights once lovingly embraced.¹ The war against Tamils in Sri Lanka and the plight of Rohingya in Myanmar are two examples that shocked the world.² In Thailand, the Malay Muslim insurgency has continued into its seventeenth year.³ These conflicts are not religious, *stricto sensu*, but the result of political amalgamation of Buddhism and nationalism—the two topics that generate overwhelming passion from believers.⁴ The dangerous mix makes the religion of peace hardly peaceful at all.

Lately, Thailand has been experiencing the rise of Buddhist extremism. A product of decades of hypernationalistic indoctrination and unhealthy political circumstances, many Buddhists, in both the monastic and the lay communities, are known for their ultrasensitivity, inclination to violence (at least verbally), disregard of the universal norm of human rights, and advocacy for Buddhist supremacy. The phenomenon should not be taken lightly because these extremists are the central force behind the anti-democratic movements that resulted in the military government, the National Council of Peace and Order (NCPO), and radical changes in a legal framework regulating religious affairs.⁵ If Buddhist supremacy is

¹ King (2011), pp. 103–6.

² BBC (2018).

³ Liow (2016), pp. 99–134.

⁴ *Ibid.*, p. 18; Helbardt, Hellmann-Rajanayagam, & Korff (2013).

⁵ See Ukrist (2008); Heikkilä-Horn (2010); Dubus (2017), pp. 31–9.

installed, freedom will pay the price. This paper is as much about a religious strife as it is about a larger political struggle. The revivals of Buddhist nationalism and subsequent skirmishes are symptoms of two problems: the hegemonic and identity crises. Thailand embraces Buddhism as part of the national identity and reacts violently whenever this traditional identity is challenged by rapid liberalization. Recently, Thailand has witnessed the rise of hyperconservatism, especially royalism with which Buddhism is closely intertwined. The paper begins by tracing the origin of Buddhist nationalism back to its formative years a century ago. Then, it looks at factors that have contributed to the recent tensions. The last part focuses on how Buddhist nationalism impacts religious freedom through changes in the constitutional as well as actual policies on religion.

2. The origin of Buddhist nationalism

The marriage of Buddhism and nationalism occurred under the colonial crisis and is strengthened every time the next crisis strikes. By the late nineteenth CE, Siam, as Thailand was then known, found itself flanked by the British and French empires—the precarious situation that triggered the massive reform. When its survival was threatened, Siam had to prove itself as a modern civilized nation. However, Benedict Anderson noted that Siam's nation-building and nationalism are unique among its Southeast Asian neighbours because they were royally sanctioned projects.⁶ Instead of a popular nationalist movement, Siamese aristocrats led the reform that transformed traditional Siam into modern Thailand. As a result, Thai nationalism is what Thongchai Winichakul describes as royalist nationalism. Conventional historiography tells the story of a nation constantly under attack from, for example, Burmese invasion, European colonization, Communist insurgency, and even economic crisis.⁷ Only by the good Buddhist king is Thailand saved. The monarchy is the vital element of the modern Thai state. Buddhist nationalism is subsumed under a royalist one.

In order to preserve its independence, Siam had to fulfil two tasks: modernization and nation-building. In theory, modernization transitioned the traditional cosmic society into a rational scientific one.⁸ A new nation-state must be built where all tributary kingdoms are brought together under a single entity. A modern monarch is supposed to no longer rely on a mythical religious source of legitimacy. However, in reality, modernization takes place in a local context. In the Thai case, where Buddhism is deeply ingrained, modernization occurred without secularization. Buddhism played an essential role during this critical transition from ancient Siam to modern Thailand by providing a collective identity for nation-making as well as political legitimacy for state-building.⁹ As a result, the modernization reform can actually be interpreted to fit the traditional Buddhist ideal of kingship.¹⁰

Buddhism views monarchy and Buddhism as two indispensable partners. A community of monks must rely on nearby villages for support of reverence and alms. At the highest level, the king must be the patron of the whole *sangha*, or the monastic communities, in his kingdom. In return, the merit that the monarch gains will bless his kingdom, hence further legitimizing his regime.¹¹ The mutual interest binds the two realms inseparably. A good leader must take care of not only the temporal, but also the spiritual realm.¹² Known as the

⁶ Benedict (1979), p. 200 and his criticism of that development at p. 211.

⁷ Winichakul (2016), pp. 25–53.

⁸ Keyes, Kendall, & Hardacre (1994), p. 4.

⁹ Liow, *supra* note 3, pp. 6–7.

¹⁰ Streckfuss (2011), pp. 79–80.

¹¹ Jory (2002b), p. 53.

¹² Reynolds (1972).

“Two Wheels of Dhamma,” the good leader must undertake the task of advancing both wheels: temporal and religious. The royal patronage means support, such as reverence, donation, as well as protection, from contestation with rival religions to schism within the sangha.¹³ If the king fails to fulfil his duty, he depletes his merit and dooms his subjects.¹⁴ He may then be replaced by a more meritorious contender.¹⁵ The belief forms the foundation of the traditional political theory with the king at the top of the sociopolitical hierarchy and the kingdom’s wellbeing reflects the king’s personal morality. The Two Wheels of Dhamma theory endorses the royalist–nationalist narrative. The king is therefore tasked with protecting his subjects as well as safeguarding their religion. He then enlists Buddhism to help with his modernization project.

Another critical role of Buddhism is to provide a new national common identity, such as a shared history, to bind all members of this newly created community and distinguish it from other communities.¹⁶ A result of this conundrum is the Buddhist reform under three successive kings. Some old incompatible elements were to be abandoned while new “traditions” were added.

King Mongkut (1851–68) began the purification of Buddhism even before his ascension to the throne. Christian missionaries, emboldened by their scientific and philosophical advancement, had openly challenged Buddhism’s archaic and uncivilized practices.¹⁷ Prince Mongkut then reinterpreted Buddhism by rejecting supranatural elements while focusing on philosophical aspects in the canon.¹⁸ This rationalistic Buddhism was in contrast to the vernacular animistic version practised by folks.¹⁹ Mongkut’s intellectual quest was picked up by other aristocrats, including his son, King Chulalongkorn (1868–1910). Chulalongkorn established the Sangha Council, the official body to govern the entire sangha. The sangha administration was a twin of Chulalongkorn’s new public administration. Siam was turning its tributary states into provinces under the centralized government so Chulalongkorn tried to assert his power, once confined to Bangkok and adjacent towns, to the whole newly annexed kingdom.²⁰ The Sangha Council helped to subjugate all local variants that used to be under the local lords’ patronage to the Bangkok monarchy. Through co-optation and rewards, the Sangha Council brought the Yuan sect of the north and the Forest Monk of the north-east under the orthodoxy and orthopraxy of Thai Buddhism.²¹

Finally, King Vajiravuth (1910–25), Chulalongkorn’s son, invented the official Thainess trilogy of Nation, Religion, and King. The king was inspired by the British “God, Country, and King” when he was studying at Cambridge. Similar to God, which denotes the Christian faith, the term “religion” or *sat-sa-na* in the Thainess trilogy, similarly referred exclusively to Buddhism.²² Vajiravuth described Siam as the Buddhist nation and reiterated the 700-year history and its prevalence in every aspect of life as the unique characteristic of Thais.²³ He repeatedly preached the duty to preserve the last stronghold of this diminishing faith from colonial danger.²⁴ Buddhism was represented by the white stripe in the tri-coloured national flag the Vajiravuth designed.

¹³ Ishii (1986), pp. 41–4.

¹⁴ Samudavanija & Thamrongthanyawong (1980), pp. 46–51.

¹⁵ Jory (2016), pp. 18–9.

¹⁶ Keyes, Kendall, & Hardacre, *supra* note 8, p. 5; Winichakul (1994), pp. 3–6.

¹⁷ See Winichakul (2015), pp. 80–3.

¹⁸ See Jory (2002a); Gray (1986), pp. 69–74; Jackson (1989), pp. 43–5.

¹⁹ See Terwiel (2012), pp. 1–5.

²⁰ Vickery (1970), p. 863.

²¹ Ishii, *supra* note 13, pp. 69–71; Kamala (1997); Easum (2013).

²² *Sat-sa-na* has been understood as “generic religion” only since as early as 1997; see Keyes (2016), p. 47.

²³ Ishii, *supra* note 13, p. 163.

²⁴ *Ibid.*, pp. 162–3.

Thus, the three kings had saved Buddhism, and Siam, in three different ways. Mongkut contributed to the intellectual reform while Chulalongkorn's administrative overhaul created the official order under the Sangha Council. Mongkut's new Buddhism gave Thais an identity as opposed to the advancing Western civilization. Vajiravuth incorporated it into the official state ideology. According to the conventional narrative, solidarity under Buddhism and the monarchy saved the nation from the Christian predator. The modern Thai nation was born with royalism and Buddhism its midwife.

Most importantly, the legacy left a deep impression in the Thai mentality. The Mongkut–Chulalongkorn–Vajiravuth Buddhist reform was the finest example of the royalist–nationalistic narrative as well as the traditional ideal of Buddhist leadership. The reform reaffirmed the belief that Buddhism could only survive by the patronage of the ruler, not by separating the two realms. When the absolute monarchy was abolished after the 1932 revolution, civilian and military leaders continued to embrace the concept. Thai political leaders must take care of Buddhism's wellbeing. Whenever the plan to reform the sangha is discussed, it is referred to the Two Wheels of Dhamma ideal, to foster a closer relationship, not a distancing one.

3. The crisis and revival of religious nationalism

Buddhists constitute 94.6% of the population.²⁵ Buddhism is, and will definitely always be, the dominant religion. However, Thailand has recently witnessed individuals as well as groups of Buddhists, monks, as well as laypeople advocating for greater state recognition, support, and protection of Buddhism. With demographic and cultural superiority, fear of losing the dominant status is unreasonable. But religious and political crises spawn that anxiety. The sangha is suffering a hegemonic decline while rapid liberalization threatens political conservatives who then long for traditional authority and identity.

3.1 The Sangha Council's hegemonic decline

The trouble within the monastic order began at least from 1973 onward. When the Cold War ended, political and economic liberalization began. The Sangha Council lost its key alliance. Military dictatorship (1957–76), which promoted conservative values, including Buddhism, was coming to an end.²⁶ Incoming elected politicians no longer sought their legitimacy from religious endorsement, but from ballot box and gross domestic product figures.²⁷ Amidst these changes, the Sangha Council fell behind.

The Sangha Council's archaic organization is inadequate for the fast-changing world.²⁸ Its strict adherence to seniority produces a small band of powerful octogenarians who have spent many decades in a detached community. Their age and attitude are therefore ill-equipped to catch up with the new Thailand. Conservative monastic education fails to produce liberal-minded monks who can connect with the younger generation.²⁹ Meanwhile, the economic miracle in the 1970s transformed Thailand from an agricultural third-world country into an industrialized developing economy, suddenly shifting the social and demographic structure.³⁰ The new urbanized generation was then less exposed to the traditional institutions such as a temple. A Western-educated middle class grew.

²⁵ Human Rights Resource Center (2015), p. 483.

²⁶ Suksamran (1993), pp. 130–7; Sunthorn (2002), pp. 68–71.

²⁷ Jackson (2002), p. 85.

²⁸ McCargo (2004), pp. 158–9; Jackson, *supra* note 27, pp. 80–3.

²⁹ See the Report of the Committee for Reform of Guidelines and Measures for the Protection of Buddhist Affairs below.

³⁰ Phongpaichit & Baker (1996), pp. 162–6.

The society's worldview became more pluralistic and Thai Buddhism was no longer a cohesive force.³¹ Buddhist political ethics had to compete with Western values, namely the rule of law, democracy, and constitutionalism.³²

Moreover, the Sangha Council is unable to assert the sense of discipline among monks. Thai sangha has possessed a large amount of wealth. Through donation, temples own vast amounts of lands and bank accounts go over millions of bahts. This wealth gets no proper audit.³³ Without transparency, reverence and wealth inevitably corrupt the sangha, which is rife with scandals, from sex to drugs, from fraud to gambling, even wildlife trafficking and murder.³⁴ The numbers of monks are in decline and fewer people visit temples.³⁵ Several Buddhist intellectuals sounded the alarm of such a decline.³⁶ But the sangha's conservatism prevented any change to the order that would have restored public trust. Since 2001, the sangha has been mobilizing its network of monks to demand more authority and attention from the state while protesting against any policy that might undermine its waning aura.³⁷

The decline of the sangha did not directly translate into the decline of Thai Buddhism. When hegemony withered, new movements flourished. They offered an alternative that suited new lifestyles better.³⁸ A few outstanding alternatives were the new rationalistic movement of Buddhadasa and the fundamentalist Santi Asoka, a reactionary to materialism of modern life.³⁹ A group of women defied the all-male Sangha Council by founding the female-monk movement.⁴⁰ Many Thais, however, embrace the free-market idea and go with the evangelical temple of Dhammakaya.

Dhammakaya was known for its innovative thinking. Abbot Thammachaiyo was university-educated so his main targets were wealthy businessmen and the university-educated middle class. The controversial temple employed aggressive marketing techniques such as light and sound accompanying religious rituals, satellite channels to communicate with its diasporas overseas, futuristic buildings, and well-choreographed parades of thousands of followers in public.⁴¹ Dhammakaya's teaching was simple. It equated the amount of money to the amount of *boon*, or merit, that it manufactured and offered to followers. Merit would elevate a person's social, economic, as well as soteriological status.⁴² The higher the merit one accumulates, the richer, happier, more powerful, closer to nirvana he becomes. Dhammakaya encourages its followers by highly exaggerated, unbelievable stories of heaven to buy more in order to get even bigger returns.⁴³ In sum, it answered what the Sangha Council lacked. The ambitious sect offers an easy-to-understand teaching, fascinating rituals, and the sense of belonging for thousands of people across the world. Yet, it drew heavy criticism, too. The public inevitably compared Dhammakaya's success with the Sangha Council's decline.

It was not entirely clear why people disliked Dhammakaya. Buddhist intelligentsias may engage in theological debate on Dhammakaya's "misinterpretation" of self and nirvana⁴⁴

³¹ *Ibid.*, p. 127.

³² See Dressel (2018); Dressel (2010).

³³ Nada (2014), p. 107.

³⁴ E.g. Jackson, *supra* note 27, p. 82; McCargo, *supra* note 28, p. 158; AP (2004); Guynup (2016).

³⁵ Boonmoon (2011); McCargo, *supra* note 28, p. 159.

³⁶ Phra Paisal Visalo (2000); Phra Dhammapitaka (2002), pp. 71–4.

³⁷ See Kularbkeaw (2013).

³⁸ Jackson, *supra* note 27, p. 85; Phongpaichit & Baker, *supra* note 30, pp. 127–33.

³⁹ Satha-anand (1990).

⁴⁰ Seeger (2006).

⁴¹ See Scott (2009), pp. 80–1; Bangkok Post (2015).

⁴² Ishii, *supra* note 13, pp. 15–20.

⁴³ Mackenzie (2007), pp. 58–64; Scott, *supra* note 41, pp. 102–24.

⁴⁴ See Somdet Phra Buddhakosajarn (2007).

but, for ordinary people, it seemed to be unfamiliarity with the unorthodox extravagant practice. Objectively, other conventional temples also simplified merit to the amount of donation and got no less wealthy. Some worship deities and spirits from various origins such as Ganesh, Indra, Vishnu, Guan Yin, or even King Chulalongkorn.⁴⁵ Others engage in mythical activities, exorcizing or using fortune-telling to predict the next lottery result. None of these can be found in the canon but they conformed to the ideal type of Thai Buddhism: humble gesture, traditional architecture, and stories of typical miracles. Dhammakaya is un-Buddhist and, therefore, un-Thai.

Heresy and blasphemy are not crimes in Thailand. The Sangha Council, nevertheless, has an absolute power to expel a monk, or the whole movement, from the order. Once expelled, one must stop wearing the saffron robe or face a charge of impersonating a real monk.⁴⁶ Moreover, there is an offence for contempt of Buddhism.⁴⁷ Still, despite its immense power, the Sangha Council rarely exercises its power. It relies mainly on the state's assistance in dealing with the dissident problem by charging them with a secular offence.⁴⁸ Only Santi Asoka was expelled. Dhammakaya, on the contrary, was able to foster support within the sangha.

3.2 Identity crisis and democratic backsliding

The Asian Economic Crisis hit Thailand in 1997. On the one hand, the crisis encouraged Thais to carry out the political reform that produced the 1997 Constitution, the most progressive one. On the other hand, it spurred localism as an antidote to globalization. Many conservatives questioned the current state of Buddhism and demanded a reform similar to that of politics.⁴⁹ In 1998, the government investigated Dhammakaya for the embezzlement of donations.⁵⁰ But Dhammakaya proved politically well connected. Ultimately, Thaksin Shinawatra ordered a case to be dropped in 2006.⁵¹ The sangha raja ruled that Abbot Thammachaiyo was guilty of theft and, according to the disciplinary book of Vinaya, should be disrobed.⁵² His wish was not entertained by the council. The botched attempt upset the conservative fraction.

Meanwhile, rapid democratization brought Thaksin Shinawatra, a former telecommunications tycoon, into power in 2001. His wealth and massive popularity enabled him to quickly dominate Thailand's political landscape.⁵³ Thaksin challenged many traditional institutions, namely the monarchy, Buddhism, and the judiciary, attempting to totally control them.⁵⁴ His affiliation with Dhammakaya fuelled that anger further. Thaksin's rise therefore understandably stimulated fear and a sense of crisis. Perceiving democracy as failing, the conservative force turned to moral politics, emphasizing the ruling by a morally upright man over establishing a government of law, for which they were accused of corruption.

Buddhist conservatives formed an alliance with the anti-Thaksin camp. Many of these "reformists" were supporters of the 2006 and 2014 coups.⁵⁵ Buddhist nationalism and liberal democracy become opposing views. Santi Asoka was always present, providing both

⁴⁵ Phongpaichit & Baker, *supra* note 30, pp. 131–2.

⁴⁶ Penal Code, s. 208.

⁴⁷ Sangha Act B.E. 2505 (1962), s. 43.

⁴⁸ See Jackson (1988) and the case of Phra Phimontham in Jackson, *supra* note 18, pp. 94–111.

⁴⁹ Kularbkeaw (2019), pp. 9–10.

⁵⁰ Scott, *supra* note 41, pp. 136–7.

⁵¹ *Ibid.*, pp. 155–6.

⁵² *Ibid.*, pp. 138–9.

⁵³ Hewison (2010), pp. 122–4; Ginsburg (2009), pp. 96–7.

⁵⁴ Ukrist, *supra* note 5; Hewison, *supra* note 53, pp. 127–30.

⁵⁵ Satasut (2019), pp. 97–102.

spiritual support as well as labour at protesting sites. Another infamous figure was Buddha Issara, who advocated violence against immoral politicians.⁵⁶ The latest culmination of events was the 2014 coup when the military junta, the NCPO, ousted the government of Yingluck Shinawatra, Thaksin's sister. Prayuth Chan-Ocha, the head of the NCPO and the prime minister, relied heavily on the claim of moral superiority to legitimize his regime in place of popular support, which he lacked. Thus, his government was susceptible to pressure from Buddhist conservatism.

The identity crisis was exacerbated by the growing fear of Islamic terrorism. As part of Chulalongkorn's state-building, Siam had annexed the Patani Sultanate.⁵⁷ The "Deep South," as it became known, shares none of the collective identity that Vajiravuth imagined. The majority are Muslim Malays, not Buddhist Thais. Their history is not of salvation by the monarch, but of multiple rebellions against the Bangkok conqueror.⁵⁸ With religious, ethnic, cultural, and historical differences, the Deep South is unsurprisingly restive. The Bangkok government tried both to accommodate the locals, with the application of sharia, and to force assimilation, with the hijab ban.⁵⁹ Nothing has worked. Originally, it was a political struggle by Malay aristocrats whose privileges were taken away; the fight has gradually taken a more religious dimension. It has become the fight to preserve Malay identity as much as the local version of Islam.⁶⁰ Insurgents are recruited via Islamic study groups in local schools who have "borrowed" the language of jihad.⁶¹ The global war on terrorism after 9/11 helped to frame the conflict as such, for both the government and the insurgents. The latest round resumed in 2004 and has claimed thousands of lives, both Buddhists and Muslims. Because Buddhism is considered part of the oppression, monks have been slain and temples burnt—a crime that infuriated most Thais.⁶²

Several governments have tried to appease the Muslim minority with the accommodation of local belief and practices, by easing the uniform rule and creating an Islamic banking enterprise.⁶³ Unfortunately, the government ended up pleasing no one. Human rights violation by the security forces continued to upset Muslim Malays while Buddhists perceived these attempts as a sign of defeat, adding insult to injury. They criticized the government for being too lenient on these Muslim "thugs." The conflict aroused an Islamophobic sentiment beyond the Deep South. Fake news began to widely circulate about the Muslims' secret plan to convert Thailand into an Islamic state.⁶⁴ Islamophobia was further inflamed by recent development in Myanmar where Veerathu was regarded by several Thai monks as the Buddhist hero.⁶⁵

4. Impact on religious freedom

Buddhist nationalism is not monolithic. Buddhist-related policies are driven mainly by at least two rivalling strains of Buddhist nationalism. Although both share the goal of more state support and Buddhist supremacy, they have different goals and agendas. Driven by the hegemonic decline and religious conflicts, those within the sangha establishment

⁵⁶ Dubus, *supra* note 5, pp. 62–72.

⁵⁷ Liow, *supra* note 3, pp. 101–2.

⁵⁸ *Ibid.*, pp. 106–7.

⁵⁹ Syukri (1985), pp. 87–8; Gilquin (2002), p. 73.

⁶⁰ Liow, *supra* note 3, pp. 124–7; Harish (2006).

⁶¹ Liow, *supra* note 3, pp. 115, 122.

⁶² Jerryson (2011), p. 53.

⁶³ *Ibid.*, p. 491; The Islamic Banking Act B.E. 2545 (2002).

⁶⁴ See Satha-anand (2003), pp. 206–8. An example of anti-Islam rumours can be accessed at http://todaysofia.blogspot.com/2016/02/blog-post_24.html (accessed 4 November 2020).

⁶⁵ See Jerryson (2017); Prachatai (2016b).

envision the order to rise to prominence again. But the reformists, critical of the sangha, see Buddhism reform as part of the larger political reform to purify Thai morality and reinstate the national identity. These goals eventually led to several conflicts, particularly over a reform under the junta and the Dhammakaya scandal.

The timing seemed perfect for Buddhist nationalists because the NCPO's supporters are from the conservative bloc. They expect the autocratic NCPO to provide more attention and privileges to Thai Buddhism. This section assesses freedom of religion at two levels: official policies and actual practices. It looks at state and non-state actors in the past six years. The NCPO made a big promise on reviving the sangha but delivered little. Still, these new policies bring serious changes toward extremism to Thailand's policy on religion.

4.1 Change in the legal framework

First and foremost, nationalist Buddhists successfully lobbied for a change in the constitutional relationship. Thai constitutional law always guarantees religious freedom and religious discrimination is not allowed.⁶⁶ All Thais are free to believe and practise their faith but Buddhism enjoys the special status of being the *de facto* state religion. This results in discriminatory accommodation of religions. The long-standing policy on religion is best encapsulated in the monarchy clause of Thai Constitutions: the king must be Buddhist and the upholder of religions, the compromise between the traditional model of Buddhist kingship and the modern concept of freedom.⁶⁷ This mentality applies to the government, too. In 1997 and 2007, Buddhist groups pressured the Constitution drafters to officially recognize Buddhism as the state religion. In both the 1997 and 2007 rounds of drafting, the drafters were able to resist the call, citing the concern of flaring religious tension. As a compromise, the drafters adopted the official policy that: (1) the state has the duty to support and protect Buddhism and other religions; (2) the state encourages religious harmony; and (3) the state promotes citizens to practise and live according to the teaching of their faiths.⁶⁸ The state has the constitutional duty to be accommodating to all religions, with Buddhism the first and foremost nonetheless, while religious harmony must not be upset. Among five official recognized religions, Buddhism receives a larger allocation of resources and attention from the state than Islam, Christianity, Hinduism, and Sikhism.

Unfortunately, the 2017 Constitution surrendered to the call for deeper establishment. Although the policy guideline falls short of the full establishment, the new guideline takes a completely different direction. The 2017 Constitution's Policy Guideline departs from the three-point guideline of the two previous Constitutions. It maintains that the state has the duty to support and protect Buddhism and other religions, but not to uphold religious harmony nor promote religious practices. New emphasis is given on support and protection that:

the state shall encourage and promote study and dissemination of Dhamma of Theravada Buddhism for the development of spirit and wisdom, and provide measures and mechanisms to prevent the desecration of Buddhism in whatever forms, and encourage Buddhists to participate in the application of those measures or mechanisms.⁶⁹

Attention is directed at Theravada Buddhism and the concern is not about subsidy, but about protection.

⁶⁶ Thai Constitution B.E. 2560 (2017), Arts 31, 27, para. 3.

⁶⁷ Thai Constitution B.E. 2475 (1932), Art. 4; Ishii, *supra* note 13, p. 153.

⁶⁸ Thai Constitution B.E. 2540 (1997), Art. 73.

⁶⁹ 2017 Constitution, Art. 67.

The overall tone of the policy guideline was no longer accommodating, but hostile and protective. The drafters claimed that the change reflected the public's desire to safeguard Thai Buddhism against desecration, although they did not specify that threat.⁷⁰ Most interestingly, the protection is granted only to Theravada school of Buddhism. Many Thais believe that Theravada is the most authentic, uncorrupt form of Buddhism.⁷¹ However, recognizing Theravada Buddhism is problematic. The term conventionally refers to the southern lineage of Buddhism, surviving in Sri Lanka and Southeast Asia as opposed to Mahayana, the northern school prevalent in East Asia. However, besides the history, there seems to be no significant theological difference.⁷² Under the Theravada umbrella, Thai temples are so diverse in practice and teaching that many of them show strains of Mahayana beliefs and practices. With broad and ambiguous coverage, this Theravada exclusivity would allow the state to outlaw, discriminate, or harass a variant of Thai Buddhism at will.⁷³ It is speculated that the NCPO is targeting the Dhammakaya, which they consider un-Theravada, but the drafters never confirm this.

The speculation is further substantiated by the 2017 freedom-of-religion clause. Formerly, the Constitution guaranteed freedom of religion, sect, and creed, but the 2017 clause discarded sect and creed.⁷⁴ This abandonment suggests intolerance against non-conventional Buddhism. Another change is that national security is added to the list of reasons for which restriction of religious freedom can be justified. The change suggests that religious difference is now considered a matter of national security, which justifies state intervention.

The immediate reaction to the revised clauses was predictable. Muslim Malays in the Deep-South provinces voted against the 2017 Constitution in the national referendum and a series of bombings greeted the new charter.⁷⁵ Apparently to pacify the region, the NCPO quickly issued the NCPO Order 49/2559, stating that, first, it was still committed to freedom of religion and the religious-harmony policy with Buddhism as the dominant religion.⁷⁶ Second, it confirmed the constitutional order to protect Theravada but promised that the rights of Mahayana and other religions would still be guaranteed. Lastly, it ordered all government mechanisms to encourage Thais to foster religious harmony and practice in accordance with the government's policy. But the order does not provide a clear direction. The 49/2559 order was issued in accordance with section 44 of the 2014 Interim Charter, which granted the NCPO unlimited, unaccountable, and dictatorial power. It is unclear how the two mandates could be reconciled, as one was the nominally supreme law of the land, but the other was issued by the absolute ruler of the land.

The new constitutional mandate is only part of the larger effort to reform Buddhism. At a legislative level, the result is less clear. Here, the two strains of Buddhist nationalisms fought over radically different agendas. The NCPO appointed many lay reformists into its administration who then pushed for more accountability and oversight, which the Sangha Council rejected. In 2014, the National Office of Buddhism, the government's liaison with the Sangha Council, proposed a Buddhist patronage and protection Bill. The Bill would not only provide more funding and new bureaucratic agencies, but also strengthen orthodoxy and orthopraxy by criminalizing monastic offences including breaking celibacy, drinking alcohol, or deviating from the canon. Most importantly, it wished to reinforce better

⁷⁰ Secretariat Office of the House of Representatives (2019), p. 102.

⁷¹ *Ibid.*, pp. 102–3.

⁷² See Anlyo (2014).

⁷³ Prachatai (2016a).

⁷⁴ 2017 Constitution, Art. 31.

⁷⁵ McCargo, Saowanee, & Desatova (2017), pp. 87–9.

⁷⁶ The National Council of Peace and Order, Order No. 49/2559 (2016).

monastic governance by punishing abbots who failed to discipline their disciples. The Bill was abandoned after a strong protest from the Sangha Council.⁷⁷

In 2015, the National Reform Council (NRC), a policy-making body under the NCPO, released its report on Buddhism reform. It identified the cause of decline as: (1) the lack of transparency in wealth management; (2) a centralized structure that failed to enforce discipline; (3) inadequate education that allowed a heretic idea, such as that of Dhammakaya, to flourish among Thais; and (4) the state's ignorance to support the faith.⁷⁸ The proposed NRC Bill to reform monastic-wealth management is that any income by a monk must not go into a personal account, but into the monastic one, and a temple audited as just any secular corporate body would so be required.⁷⁹ These proposals upset many monks, who wished not to be governed by laypeople.⁸⁰ When the government tried to address the accountability deficit, the sangha insisted on retaining autonomy, privileges, and monopoly over Buddhism, rejecting the secular standard and external oversight. The reform came to a stalemate because the Sangha Council wished for more power granted by the state whereas the government focused more on accountability and transparency, and hence less authority.⁸¹ No legislation has been passed.

The only tangible change is a series of Amendments to the Sangha Act in 2017 and 2018 that returned the authority to appoint and remove members of the Sangha Council to the king.⁸² The king's intervention is the only exception to the rule that laypeople should not govern a monastic order because the Buddhist kingship tradition hails the king as the most meritorious person and dictates his serving. Whether the new development is able to defuse the sangha's anxiety and, therefore, stop fuelling the nationalistic sentiment remains to be seen.

4.2 Religious minorities

The constitutional change is only a symptom of rising Buddhist nationalism. According to the rigid identity constructed over 100 years ago, Thai Buddhism considered both a non-conformist sect and a non-Buddhist minority as threats to its authority. In order to re-establish the Buddhist supremacy, many critics of the sangha wish to eliminate a dissident within the order: the Dhammakaya Temple. Somehow, it seems almost as though they are blaming the controversial temple for all the troubles of Thai Buddhism.

The Dhammakaya Temple had, for a long time, avoided confrontation with the authority until it was implicated in the sangha-raja-succession dispute. When the sangha raja, the supreme patriarch of the Thai sangha, passed away in 2013, the law dictated that the most senior abbot would succeed to the office. However, the rightful candidate, Phra Somdej Maha Ratcha Mungkalajarn, or Somdej Chuang, was accused of being a Dhammakaya sympathizer. His ascension aroused fear among Buddhist nationalists that the heretic sect was about to take over the Sangha Council.⁸³ The recent strife coincided with the 2014 coup. The NCPO was pressured by its supporters to solve the schism. The dispute got more complicated when the NCPO came to power because it identified Dhammakaya as Thaksin's sympathizer, making Dhammakaya the NCPO's political enemy.⁸⁴

Dhammakaya enjoyed support from the sangha. The Sangha Council ignored the government's objection by confirming the nomination of Somdej Chuang. The junta then

⁷⁷ Larsson (2018), pp. 206–7.

⁷⁸ Committee for Reform of Guidelines and Measures for the Protection of Buddhist Affairs (2015), pp. 5–11.

⁷⁹ *Ibid.*, p. 6; see Thegumpant & Tanakasempipat (2017b).

⁸⁰ Thegumpant & Tanakasempipat (2017a).

⁸¹ Kularbkeaw, *supra* note 49; Satsat, *supra* note 55.

⁸² Tonsakulrungruang (2018).

⁸³ Dubus, *supra* note 5, pp. 13–5.

⁸⁴ *Ibid.*, pp. 52–60.

delayed Chuang's nomination. The Department of Special Investigation (DSI) opened an investigation into tax evasion for imported vintage cars of which Somdej Chuang was named a recipient.⁸⁵ Dhammakaya was also once again under another investigation for money laundering of more than 1,400 million Thai bahts from a credit union.⁸⁶ Disciples claimed that these investigations were simply tactics to harass Dhammakaya for refusing to back down on the nomination. DSI repeatedly summoned Thammachaiyo for testimony, to which he refused. The abbot claimed that the warrant was a ploy to arrest him. Eventually, he was named an accomplice and was dismissed from the abbotship. His honorific title was removed. DSI then attempted to raid the temple. Dhammakaya called for thousands of followers to form a human shield.⁸⁷ Twice DSI could not get in.

In 2017, immediately after King Vajiralongkorn ascended to the throne, the NCPO amended the sangha-raja-succession rule in order to allow the new king to appoint the sangha raja at his will. The king bypassed Somdej Chuang to appoint Phra Somdej Maha Muneewong. Perceiving the appointment to be signal of royal endorsement of the crackdown, the Thai army raided the Dhammakaya Temple. Under the emergency power, the army shut down the whole area to prevent resupplying. The phone signal was cut, and so were utilities. With no food or communication, the temple was severely weakened. Two casualties were reported. One follower died of asthma, as an ambulance was blocked.⁸⁸ Another committed suicide in protest.⁸⁹ There was heavy propaganda against Dhammakaya as un-Thai and un-Buddhist, turning the public against this sect and justifying the use of force. Dead Dhammakaya followers received no sympathy from the hysterical masses. There was much resemblance to the anti-democratic protest during 2013–14 where those who dared to think differently were labelled as un-Thai and deserved death. Domestic opinion was incompatible with the international standard of human rights, according to which the Dhammakaya Temple should have had freedom to practise and manifest its version of Buddhism without being subject to harassment.⁹⁰ Within a few days, they broke into the temple. Thammachaiyo had already fled. The physical temple may exist but the Dhammakaya phenomenon was largely over.

One major factor that contributed to the success of this military operation was the royal intervention in the form of an appointment of a non-Dhammakaya sangha raja. The move suggested that the monarchy had sided with the NCPO, and hence the Sangha Council's acquiescence. However, this implicit consent was not shared by every member. Many monks were sympathetic to Dhammakaya's ambitious expansion and its downfall. Sympathy came beyond the border as monks from Myanmar expressed their support for the Dhammakaya Temple.⁹¹ Some of them did not like to see a lay force persecuting the holy men. The anti-junta camp considered the accusation to be a façade to crack down on the government's opponent.⁹²

What began as a sectarian dispute ended as a political persecution. Despite an uneasy feeling among monks, the downfall of Dhammakaya reaffirmed the notion of royalist Buddhist nationalism; the Sangha Council was too incompetent to discipline its ranks, so the king took the matter into his own hands. The sangha-raja appointment reinvigorated the state–sangha relationship. The Sangha Council issued several orders to discipline

⁸⁵ *Ibid.*, p. 54.

⁸⁶ *Ibid.*, p. 61.

⁸⁷ *Ibid.*

⁸⁸ Charuvastra (2017).

⁸⁹ Bangkok Post (2017).

⁹⁰ See Streckfuss & Templeton (2002), pp. 74–8; US Department of State (2018), p. 7.

⁹¹ Mann (2017).

⁹² Taylor (2017).

the order, such as banning the advertising and selling of amulets within the temple's premises⁹³ and forbidding the selling of cage birds and fish.⁹⁴ The attempt resembles the idea of Mongkut's reform, which denies local animism and emphasizes "true" or "intellectual" Buddhism. But some orders appear to have twofold purposes. A controversial order to control the inappropriate use of social media seemed to be directed at critics of the NCPO.⁹⁵ The sangha would remain subservient to the authority. However, it may not be accurately addressing the root of the current problem. These orders, which target minor practices, suggest that the Sangha Council views the crisis as the problem of a few rogue individuals and temples. Without a structural overhaul to enforce more effective command and accountability, how long monks could follow these orders remains to be seen.

On the one hand, non-Buddhist minorities face discrimination, such as a smaller allocation of financial accommodation. On the other hand, they are subject to less intervention. The government leaves internal affairs to their own churches as long as religious minorities do not pose a threat to national security. In comparison to the Dhammakaya Temple, the NCPO shows reluctance to persecute Muslim minorities. The NCPO exercised extreme caution in dealing with the Deep-South problem. A conflict is often initiated by non-state actors or low-level agencies. Islamophobia has been growing fast. Incidents follow the global phenomenon in which nationalists resent the government's policy to accommodate minority beliefs. Across the country, locals objected to the building of a mosque.⁹⁶ A mob protested against the standardization of halal food.⁹⁷ The Deep-South violence fuelled the growth of such sentiment.⁹⁸

However, unlike the anti-Dhammakaya, the anti-Muslim movement was not endorsed by the state. The NCPO even arrested Phra Maha Apichart, the controversial anti-Muslim monk who described himself Thailand's Veerathu, when Apichart travelled near the Deep-South area, apparently trying to provoke physical violence. He was immediately arrested without charge and was talked into leaving monkhood.⁹⁹ Apichart's case was notable for the absence of any protest from the Sangha Council, despite the humiliating treatment of a holy man. But the government's response is more likely a practical calculation to avoid immediate violence than an acceptance of religious pluralism. It avoids addressing the concern of Islamophobia. The main policy is still to maintain Buddhist supremacy. Where the risk of violence is low and the pressure is high, the government yields to Buddhists' pressure. Apichart was later admitted into the royal guard.¹⁰⁰

In 2018, a Muslim schoolgirl asked for permission from a kindergarten in the Deep South to wear a hijab. The school is publicly funded but situated on the Buddhist temple's land. In Thailand, student uniform is mandatory. Muslim students have long fought for hijabs, long-sleeved shirts, and long trousers, and recently the rule was relaxed in many places.¹⁰¹ The Ministry of Education (MOE) regulation allowed a Muslim student to choose whether to wear a normal uniform or one compatible with Islamic requirements.¹⁰² It also allowed a school to adjust the uniform requirement but the principal refused.¹⁰³ However, the Sangha Council Resolution 2/2554 ruled that Muslim students must comply

⁹³ Thepgumpanat & Wongcha-um (2017c).

⁹⁴ IUCN (2017).

⁹⁵ Thepgumpanat & Wongcha-um, *supra* note 93.

⁹⁶ Pathan, Tuansiri, & Koma (2018), pp. 8–16.

⁹⁷ Manager Online (2017).

⁹⁸ Pathan, Tuansiri, & Koma, *supra* note 96, pp. 84–8.

⁹⁹ The Nation (2017).

¹⁰⁰ Satasut, *supra* note 55, p. 218.

¹⁰¹ Satha-anand (1994).

¹⁰² The Ministry of Education Regulation on Student Uniform B.E. 2551 (2008), s. 12.

¹⁰³ *Ibid.*, s. 13.

with tradition, custom, Thai values, Buddhist values, and the temple's decision.¹⁰⁴ Initially, the government agreed with the girl's plea, seeing it as an opportunity to promote religious harmony in the precarious region.¹⁰⁵ But after the angry Buddhist parents, monks, and nationalists protested, the government waived. MOE quickly issued a new regulation which prescribed that Muslim uniforms can only be worn after agreement between the school and the temple upon whose land the school is situated.¹⁰⁶ The new MOE regulation dismissed any opportunity for a Muslim girl to wear a hijab. It deferred the decision to each local temple, many of which show a negative attitude towards Muslim minorities. She decided to continue wearing a hijab and the principal continued to discipline her. At the moment, the case is pending in the Administrative Court.¹⁰⁷ As the Buddhist-nationalist sentiment grows and the government ignores it, similar incidents can be expected with more frequency.

5. Conclusion

Amidst all the unrests, protests, and coups that have continued for two decades, the principle of Buddhist supremacy might be one of the very few topics that transcend all divisions. People from all sides of any conflicts find the idea of Buddhist supremacy appealing. Buddhist nationalism can be found among the conservatives as well as the more liberal faction, in the elite as well as in the grassroots movement, in the Dhammakaya and the anti-Dhammakaya rallies, in the anti-Thaksin and pro-Thaksin camps. Buddhism has become an indispensable part of the "DNA" of Thainess. The military dictatorship might be more susceptible, but even a civilian government would find itself struggling to contain extremism. Actually, civilian politicians might as well play along to court the majority of Thais who are Buddhists. When Thailand is done with the question over military intervention, the next hurdle for its democratization would be how to deal with the demand for Buddhism to be the state religion.

The entanglement of Buddhism and the Thai state means that Thai Buddhism has embraced the royalist-nationalistic narrative, perceiving itself to be in constant danger, needing state intervention. There is a sense of crisis shared by both the political conservatives and the monastic order that prompts them to renew their alliance according to the Two Wheels of Dhamma theory. This reform is reactionary to the more liberal pluralistic world. Ironically, the success of the reform a century ago is now an obstruction to adapting Thai Buddhism to the new wave of modernization. Buddhist nationalists wage war against anyone who fails to conform to the concept of one Buddhism, one nation. Not only did dissidents, such as the Dhammakaya or the Muslim Malays, have to suffer; members of the sangha are also deprived of basic rights in order to maintain the Thainess-Buddhism dominance.

Do the new constitutional order and recent policies alleviate the fear of nationalist Buddhists and de-escalate a religious tension? Without a new, more democratically compatible interpretation of Thainess and a structural overhaul of the Sangha Council, the prospect of Thai Buddhism making a revival is unlikely. Angry monks want to have their cake and eat it too. They ask for a reform without changing the status quo. All Thai Buddhism is doing is raising religious tension even higher. Eventually, that will plunge Thailand into deeper religious-political violence.

¹⁰⁴ The Sangha Council Resolution 2/2554 (2011).

¹⁰⁵ Isara News Agency (2018).

¹⁰⁶ The Ministry of Education Regulation on Student Uniform (No. 2) B.E. 2561 (2018), s. 3.

¹⁰⁷ Manager Online (2018).

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