

From Buddhist Constitutionalism to the State Religion: The Predominance of Thai Buddhism in the Political Society¹

Chayanin Nuisin^{2*}

*Corresponding author E-mail: supersymphony@yahoo.com

History Article

Received: 1 September 2025,
Revised: 6 November 2025,
Accepted: 10 November 2025

ABSTRACT

Thailand has historically maintained a profound and enduring connection with Buddhism, wherein Buddhist principles have long constituted the dominant moral and cultural framework of Thai society for many centuries. Even the nation has undergone significant transformation from the modernization reform of the 19th century to the Democratic Revolution of 1932, Buddhism has still played the enduring role in shaping political legitimacy, national identity, and even legal system. Buddhism was not only linked to the legal system in ancient times, but recent decades, Thai Buddhism has become increasingly intertwined with constitutional practice.

This article is to examine the notion of “Buddhist constitutionalism” within Thai political society, encompassing the influence of Buddhism on the legal framework and political sphere—including the proposal to designate Buddhism as the state religion. Furthermore, it argues that Buddhist values and doctrines have permeated the constitutional context, while simultaneously circumscribing the role of secular values—such as rights, liberties, and social justice—that ought to hold the prominence in the public sphere and political community, especially in the modern democratic state.

Keywords: Secular values, Thai Buddhism, constitutionalism, Buddhist constitutionalism, the State Religion

© Published by The Philosophy and Religion Society of Thailand (2025)

¹ This article is part of a doctoral dissertation “Limitations of Secular Values in Constitutions of the Kingdom of Thailand: A Critical Study of the Concepts of Rights and Liberty” Thai Studies Center, Chulalongkorn University.

² Ph.D. Student, Thai Studies Center, Chulalongkorn University, Bangkok 10330, Thailand

Introduction

It is widely recognized that numerous legal systems around the world have been influenced by, or have evolved from, religious principles. In this respect, law inevitably embodies moral undertones, particularly in regard of collective judgments of right and wrong. However, in modern societies, both the legal system and morality are deemed to require a secular orientation; without such separation, the state would effectively become a religious one. By upholding a conception of morality that is not rooted in any single religion, the modern state secures the legitimacy of its own existence. Therefore, the morality endorsed by the modern state is not the “moral code of the religious,” but rather a statutory norm articulated as “good morals for the people” (Mamout, 2014, pp. 44-45). The phrase “good morals for the people” in many laws invokes ethical standards or moral values that are not drawn from the teachings of any specific faith (Mamout, 2014, pp. 46–47).

From the perspective of legal philosophy, Thailand is regarded as a secular state that supports a preferred religion or religions without declaring an official religion in the form of a modern democratic state. However, in practice Buddhist values have played an important role in shaping political legitimacy, national identity, and even constitutional practice.

In fact, Thailand is often perceived as “a Buddhist country.” with roughly 95 percent of its population identifying as Theravada Buddhists. Furthermore, the Thai state has reorganized the sangha into a secular-style bureaucracy, subsuming it under its nation-building agenda centered on the three pillars of nation, religion, and monarchy. Consequently, Buddhism has been enshrined as a formal pillar of national ideology, standing alongside nation and monarchy. Buddhism has profoundly shaped Thailand’s political and legal arenas, primarily through its doctrines on kamma and merit. These doctrines inform both judicial practice and public policymaking, since many citizens place greater trust in the ‘law of kamma’—viewed as a more equitable or morally robust form of accountability—than in formally legal mechanism. With the ‘special / superior status’ of Buddhism in the framework of constitutions and historical contexts, it could lead the relationship between Buddhism and the state into the ‘problematic direction,’ especially by the criteria of modern (secular) state. In this regard, Buddhism has exerted a deep and lasting influence on Thailand’s legal system, giving rise to the notion of “Buddhist Constitutionalism,” as will be elaborated later.

The influence of Buddhism on the legal system and political domains has reached its peak in the proposal to designate Buddhism as the state religion. Networks of monks, Buddhist organizations, and conservative Buddhist groups have campaigned for the inclusion in the Constitution of the Kingdom of Thailand of a provision declaring Buddhism as the official state religion. This movement has generated significant public debate and criticism. Such campaigns tend to emerge during periods of drafting new

constitutions, such as the 2007 and 2017 Constitutions. This article will examine in detail the mechanisms and dynamics underlying this proposal.

Buddhism, Thai Legal System and Buddhist Constitutionalism

The relationship between Buddhism and the Thai legal system has been a longstanding feature of Thai cultural life for centuries. In the ancient time, when law was closely bound to Buddhist principles, numerous legal codes explicitly invoked Buddhist cosmology—particularly the realms of heaven and hell—when prescribing penal sanctions. The emphasis on the moral dichotomy between good and bad *kamma* began to emerge during the Sukhothai period, notably within the *Traibhumikatha*—a canonical text that delineates the Buddhist cosmological structure of the universe, the relation between merit and power and the determination of *kamma* (Suksamran, 1993, pp. 36-37). Doctrines of *kamma* and merit are simplified and popularized via stories from the *Jataka* and *Sutta* which are significant instruments to edify common people. Hierarchical Thai Buddhism also parallels with the bureaucratic order, and is closely tied to the Thai state (McCargo, 2006, p. 156). In Thai social and cultural contexts, the moral ideal or dhamma that informs law is inevitably shaped by Buddhist doctrine, which has permeated Thai society for centuries. For natural-law adherents, custom is a principal source of justice; in Thailand key elements of custom are Buddhism and the monarchy, so the Thai legal order and its rule of law are bound to Buddhist moral values and to the monarch as exemplar of supreme virtue (Winichakul, 2020, pp. 199–200).

In this respect, Buddhism is both source and function of legitimacy in Thai political sphere. Furthermore, the Buddhist principles that have permeated Thai political society and appear encouraging to a democratic society are largely mediated through the concept of “Buddhist organic society,” which considers social harmony as the result of individuals fulfilling interdependent duties (Boonnoon, 2024, p. 107). This emphasizes hierarchical elements in Thai society from the ancient time to the present.

During King Rama V’s reign, Siam modernized by adopting Western laws and judicial systems. This brought major changes to Thailand’s legal framework and moved it away from its older, traditional system. The 1932 revolution ended absolute monarchy and introduced constitutional democracy. The new government promoted modern secular values, including civil and political rights, and these ideas have continued through later constitutions. Despite these changes, Buddhism has remained influential in Thailand’s legal and public life. Over the last thirty years, the role of Buddhism in the country’s legal order has not declined and, in many ways, has grown stronger.

The field of Buddhism and law long constituted a ‘missing discipline’—a gap within the broader study of religion and law. Fortunately, in recent years this scholarly gap has begun to be filled. Yet the subfield of Buddhism and constitutional law remains overlooked, resembling ‘a hole within a hole.’ Over the past decade, Buddhism has become increasingly intertwined with constitutional practice (Schonthal, 2018, p. 1). A

failure to engage seriously with Buddhism and public law poses a significant problem to understanding constitutional practice in Thai society—and likewise in several Southeast Asian states where Buddhism predominates (Schonthal, 2017, p. 707). In other words, without understanding Buddhism's influence on constitutional frameworks, one cannot fully comprehend how laws and politics are formulated in these Buddhist-majority polities (Tonsakulrungruang, 2019, p. 16). Buddhist teachings are disseminated to the society and people's mentality as norms, common practices and even legal traditions. In this regard, Buddhism has progressively influenced the Thai legal system. Moreover, it has become intertwined with the three pillars of national ideology—nation, religion, and monarchy—which together have come to define the country's identity (Ford, 2017, p. 243). As a part of nation-building project, it is not surprised that Buddhism, parallel to nation and monarch, was utilized for political purposes and Buddhist moralities became standardized for some qualification of a politician, in spite of having secular values in political sphere.

It has been observed, from the perspective of the philosophy of law, that Thai legal principles have been significantly influenced by the natural law school, as they are closely linked to the notion of goodness—a concept compatible with Buddhist thought, which emphasizes *dhamma* (Pakeerat, 2019). This is reflected in the recurring public demand over recent decades for “goodness” or “good people” to take part in the political society. The notion of goodness and *dhamma* express clearly in the theory of the Ten Royal Virtues which maintains that the King's power was already limited by the Buddhist principle of *Totsapitrajadhamma*. Over time, these ten virtues have been institutionalized as constitutional conventions, their legitimacy rooted in the foundational notion of *dhamma* (Mérieau, 2018, pp. 19-20). More interestingly, Buddhist terminology has served as references to translate Western constitutional concepts into the Siamese political framework in a process one could call “a Buddhicization of legal system” (Mérieau, 2018, p. 23). As we shall see, the following examples illustrate the neologisms of modern Thai statecraft: constitution (*ratthathammanun*), rule of law (*nittitham*), and good governance (*thammaphiban*).

One illustrative example of the convergence between Buddhism and judicial practice is the enduring association forged in the early 1930s between former Supreme Court President Sanya Thammasak and the esteemed monk-scholar Buddhadasa Bhikkhu. It has become standard practice for newly appointed judges—regardless of their personal faith—to participate in an introductory meditation program based on Buddhist techniques. In addition, throughout the 1970s and 1980s, at Sanya Thammasak's invitation, Buddhadasa delivered a series of lectures on Buddhist morality to these judges (McCargo, 2019, p. 76). Consequently, it is hardly unexpected that a substantial number of judges frame their perspectives within explicitly Buddhist conceptual frameworks. Notions such as *kamma*, demerit, and defilement regularly permeate Thai judicial discourse, indicating the profound integration of religious moral principles with legal reasoning (McCargo, 2019, p. 78).

Prior to analyzing the concept of Buddhist Constitutionalism, it is imperative to offer a concise overview of constitutionalism. Modern constitutionalism embodies a departure from religiously grounded sources of political legitimacy, establishing instead a system in which authority is predicated upon principles of citizenship and mechanisms of public participation. (Larrson, 2020, p. 8) However, the contemporary notion of constitutionalism, as we understand it in the present in Thai society, was introduced into the political framework with the enactment of the 1997 Constitution. The constitution was expected to bring about political reform through the application of liberal democratic government. According to Thanet Aphornsuvan, “it contained extensive powers to regulate and control government and public agencies as well as to provide for and protect individual rights and liberties” (Aphornsuvan, 2007, p. 36)

Building on the understanding of constitutionalism outlined above, we can pave the way toward the concept of Buddhist constitutionalism. To this end, we might begin our inquiry with the historical context: in recent decades, the notion of Asian constitutionalism [3] has gained prominence as a framework for distinguishing the classic, Western-derived model of constitutional law from its Asian counterparts, which seemingly lack the characteristic elements of liberalism. In the absence of these liberal elements, what often permeates the constitutional arrangements of various Asian nations are long-standing social values or religious influences that command widespread acceptance and reverence. In countries with substantial Buddhist populations—such as Thailand, Sri Lanka, and Myanmar—constitutional frameworks are typically permeated by Buddhist tenets. Nevertheless, each country articulates a distinct form of Buddhist constitutionalism. For instance, in Sri Lanka, constitutional provisions have refrained from establishing a single, state-administered sangha as in Thailand; instead, they have formally acknowledged and even deepened preexisting divisions among distinct monastic orders (Schonthal, 2017, p. 730). By contrast, Myanmar’s post-2010 charter enshrines the sangha’s moral authority within a self-consciously Buddhist nationalist framework, positioning monastic leadership alongside civilian and military institutions as pillars of state legitimacy.

Reconsidering the Thai context, the emergence of Buddhist constitutionalism can be traced to the reign of King Rama VI, when the triad “Nation, Religion, King” was first articulated in the early twentieth century. Beyond its deep entanglement with the monarchy, Thai legal thought has long underscored parallels between Buddhist doctrine and secular jurisprudence. Moreover, the rule of law in Thailand is understood as inseparable from the Buddhist law of *kamma*, especially in its approach to punishment. Accordingly, Thai legal tradition posits that human conduct is governed by two rules: the law and the law of *kamma* (McCargo, 2019, p. 77). Furthermore, the process of de-secularizing Thai constitutionalism since the 1950s has not only adopted the formal language of the constitution but has, more critically, infused its interpretive framework with principles of Buddhist jurisprudence. In particular, over the past two decades, the Thai state has increasingly sought to facilitate religion and monastic institutions through explicit legal instruments. The most prominent examples are the draft Act on the

Patronage and Protection of Buddhism B.E. 2557 and the draft Act on Promoting Buddhist Lay Patronage and Protection of Buddhism B.E. 2568, introduced by the National Office of Buddhism.

In the interplay between law and Buddhism, the Buddhization of Thailand's constitutional order is most clearly seen in the monarch's legal status. Since the first constitution in 1932, every successive charter has stipulated that the monarch must profess Buddhism and serve as the ultimate defender of all religions. Consequently, while the Thai head of state is invariably required to be a Buddhist, no constitution has formally declared Buddhism as the official state religion (Larrison, 2020, p. 8).

Since the 1932 revolution, most Thai constitutions have recognized Buddhism in some form. Especially, the 1997, 2007 and 2017 constitutions which are constitutions after coup d'états, for instance, mandate the state to protect and promote Buddhism and encourage its role in fostering morality. During drafting the three constitutions, there were some campaigns for Buddhism to be declared the state religion by many Buddhist nationalist groups. To avoid the great pressure, the committees of drafting the constitutions found the solution by acknowledging Buddhism's "special status." In the 1997 Constitution, there is a provision obligating the state to "patronize and protect" Buddhism, reflecting its cultural centrality in Section 73 as following "The State shall patronize and protect Buddhism and other religions, promote good understanding and harmony among followers of all religions as well as encourage the application of religious principles to create virtue and develop the quality of life."

The 2007 Constitution reaffirmed this duty, On the chapter concerning 'Directive Principles of Fundamental State Policies,' (แนวนโยบายพื้นฐานแห่งรัฐ) in section 79 stated that "The State shall patronize and protect Buddhism as the religion observed by most Thais for a long period of time and other religions, and shall also promote a good understanding and harmony among the followers of all religions..." According to the statement, it is undeniable that Thai state patronizes, supports and promotes all religion in the country, but it is also manifest that Buddhism is predominant over other religions. The constitution had given the reason 'why,' since Buddhism is 'the religion observed by most Thais for a long period of time.'

Further, although in the 2017 Constitution the people can exercise liberty to profess a religion as stated in Section 31 that "A person shall enjoy full liberty to profess a religion, and shall enjoy the liberty to exercise or practice a form of worship in accordance with his or her religious principles." The patronage of Buddhism has been enhanced at most in the constitution by containing the support and promotion of Buddhism in "Directive Principles of State Policies" in Section 67. For the first time, the Constitution implicitly states that "...the State should promote and support education and dissemination of dharmic principles of *Theravada* Buddhism for the development of mind and wisdom, and shall have measures and mechanisms to prevent Buddhism from being undermined in any form. The State should also encourage Buddhists to participate in implementing such measures or mechanisms." In this respect, *Theravada* Buddhism is

the most important and most supported religion over other religions in Thailand and encourage Buddhism's role in cultivating morality for the society. This constitutional arrangement has highlighted what is academically called "Buddhist constitutionalism" — a model where Buddhism is not formally established as a state religion but is nonetheless legally and institutionally privileged.

In the view of the highly influential monk Buddhadasa Bhikkhu, "politics is a matter of morality," and the two should not be separated. (Buddhadasa, 2005, p. 70-1). If rulers lack morality, the governed will inevitably be devoid of morality as well. In a similar vein, he further observed that the most pitiable constitution is the one entirely disengaged from morality. Such a constitution provides no protection whatsoever. Furthermore, when Buddhadasa addresses morality as a normative pattern of conduct that individuals ought to follow, he explicitly refers to Buddhist morality—the morality rooted in the Dhamma—rather than in any secular framework. His conception of morality, therefore, derives exclusively from Buddhist doctrinal authority. (Buddhadasa, 2005, p. 213). Subsequently, Buddhadasa Bhikkhu advanced the concept of *Dhammathipatai* (ธรรมาธิปไตย), or governance by dhamma—that is, a democratic system governed and bounded by moral principles. Summarizing Buddhadasa's view: politics involves collective problems and is often seen as corrupting, so politics requires moral guidance; politics governed by morality fosters social tranquillity and yields genuine benefit for human beings (Buddhadasa, 2005, pp. 70–79). When Buddhist doctrines are used to understand the relationship between politics and morality, political actions are guided by Buddhist ethical principles. Integrating these values into the legal system can influence constitutional norms and how laws are interpreted. However, this integration should be kept separate from matters of religious belief or practice.

The idea of designing a constitution with an explicit focus on morality has become evident over the past two decades, especially during the drafting of the 2017 Constitution. In 2015, Borwornsak Uwanno, in his role as the key mind behind drafting the constitution, was criticized that the then-new draft constitution—formulated in the aftermath of the 2014 coup—was characterized by hyper-moralism, where Buddhist morality shifts from guiding principles to an ideological absolute (McCargo, 2015, pp. 336–341). Although the aforementioned draft constitution was ultimately dismissed, the 2017 Constitution—ratified by referendum and formally endorsed by the military junta—nonetheless continues to foreground Buddhist principles and moralities, as previously examined.

However, Khemthong Tonsakulrungruang argues that Buddhist constitutionalism probably clashes with liberal democratic constitutionalism. Thai Buddhism have invented a rigid hierarchical political structure while modern democracy offers an egalitarian society. Additionally, Buddhist social theory differs from the western rule of law; it is less certain and more arbitrary. Absolutely, the guarantee of rights and liberties is possibly undermined by dhamma. (Tonsakulrungruang, 2019, p. 231).

The Predominance of Buddhism in Thai Political Society

After the processes of modernization and secularization during the reign of King Rama V - King Rama VI, the Thai state has taken control over Buddhism and exercised a hybrid form of secularization that mixed Buddhist doctrine with modern governance, rather than separating from religion. Nevertheless, it should be understood that the state's protection and safeguarding of religion is, in essence, a form of control. Moreover, when that state is secular, such control is invariably exercised to serve the interests of the state rather than those of the religion itself (Nidhi, 2011, p. 178). Moreover, the Buddhist doctrine has continued to influence state policy, legislation, legal interpretation, and the political consciousness of the people. The interpretation of legal provisions through a Buddhist moral framework could conflict with secular values. In many cases where secular values should have played a principal role, Buddhist values have interfered instead. This coexistence of secular and Buddhist values create persistent tensions, especially where rights and liberty might conflict with Buddhist doctrine. Another example is that the claim of goodness (based on Buddhist morality) over secular values like right, liberty, equality or justice has intervened political sphere which does not need 'religious goodness' as a judgment. "Good man" discourse (วาทกรรมคนดี) has also been raised repeatedly through the Buddhist perspective showing that religious Buddhist element has been used as a political criteria and instrument for many decades. [4] Hence it is unsurprising that Buddhist issues are sometimes interpreted in relation to "national security." Moral discourse in Thai society can be also tied to nationhood or to the figure of the monarch as a role model of supreme morality.

Although in the wake of the 1932 democratic revolution there were concerted efforts to devolve authority within the Buddhist monastic order—for instance, the *Sangha* Act of B.E. 2484 abolished the *Mahatherasamakhom* (Supreme Sangha Council), established *Sangha Sabha* and *Sangha Montri* to oversee monastic governance, and introduced a series of supplementary regulations to enable the sangha to manage its own affairs under the supervision of the Thai state.

Moreover, from the early 1960s onward, Thai Buddhism was deliberately mobilized as a significant instrument in the state's campaign against the threat of communism. (Potjanalawan, 2019, pp. 386-9) From this standpoint, modern Thai Buddhism appears to derive its influence primarily by serving as an instrument of the Thai state—through mechanisms such as political power and legal system—rather than emerging authentically from the faith of its Buddhist adherents. Alternatively, one could argue that the Thai state derives its legitimacy from Buddhism, while Buddhism, in turn, receives support and promotion from the Thai state. (Dubus, 2017, p. 28). These considerations align with Peter Jackson's analysis that "Thai Buddhism has not historically had an independent existence apart from the state." (Jackson, 1989, p. 14) In another way, recently among the political turmoils lasting more than a decade, we will see the exploitation of Buddhist doctrine for political benefits and the dominance of Buddhism over almost all parts of

society would accommodate them for political purposes (Jackson 1989, pp. 3-5). Buddhist moralities became standardized for some qualification of a politician, in spite of having secular or civic values/virtues in political sphere.

A concrete illustration of the predominance of Buddhism in the Thai political sphere is the new Thai parliament complex, *Sappaya-Sapasathan*. Even the name of the parliament carries a Buddhist connotation: the *Pali* term *sappaya* literally means “comfortable” or “supportive (to dhamma),” referring more broadly to a place that is pleasant or favorable for performing good deeds or generating good *kamma*. The building complex is rooted in Buddhist cosmology. The central *stupa* represents Mount *Sumeru*—the sacred cosmic axis in the *Traibhumi* concept—while the plan unfolds as a sacred mandala. Traditional Thai-Buddhist motifs crowning the structure function remind officials and politicians of morality, goodness or right things.

The conceptual framework behind the design rests on five ideals: (1) Nation, (2) Morality, (3) Wisdom, (4) the Monarchy, and (5) the People (Parliament Museum, 2011). The interesting point is the second ideal. Although the design does not explicitly specify what kind of morality—or which religious tradition—it represents, the use of Buddhist cosmological symbols and adapted Thai Buddhist architectural forms strongly suggests that this notion of morality is rooted in a Buddhist foundation. This is consistent with how concepts of morality and ethics frequently appear in Thailand’s constitutional context and political discourse.

The architectural design of Thai parliament, intentionally informed by Buddhist symbolism, embodies the expectation that situating the institution within Buddhist principles will purify political life in accordance with Buddhist ideals. This expectation is, however, conceptually flawed. The political domain is essentially secular and worldly rather than spiritual: its primary aim is not spiritual liberation but the organisation of collective life so that citizens can live well under a system of law and governance. In this register, concerns for social justice in the present world must take priority over otherworldly aims. Consequently, the most suitable normative framework for political institutions is a secular praxis that does not depend on the doctrines of any single religion.

Another significant domain in which Buddhism has extended its influence is education. This is evident in both the formalization of monastic education and the “Buddhicization” of the standard curriculum—most notably through Buddhist Oriented Schools (โรงเรียนวิถีพุทธ), which embed Buddhist principles into their syllabi and use monks, rather than lay educators, to teach civic morality. This initiative was launched in 2002 by the Bureau of Educational Innovation Development and remains ongoing today (Yano, 2019, p. 73). Moreover, although secular and religious educational systems remain institutionally distinct, the continuous exchange of ideas, personnel, and resources between them has increasingly blurred their boundaries. (Larsson, 2020, pp. 284-285)

Although Thai Buddhism has assumed a distinctive role in the public sphere in certain instances—for example, in the campaigns against listing an alcohol producer on the Stock Exchange of Thailand in 2005 and again in 2008, or in its endorsement of

various political movements—the predominance of Thai Buddhism remains fundamentally a product of state management. In reality, Nidhi Eoseewong argues that Thai Buddhism offers few substantive responses to pressing social challenges, whether environmental degradation, infectious diseases, or questions of social justice. This deficiency is especially evident in a rapidly changing society, where younger generations seek values untainted by religious influence. Ultimately, however, Buddhist discourse resorts to its traditional explanatory framework of *kamma*. (Nidhi, 2023, p. 241)

Moreover, national holidays in Thailand are invariably linked to Buddhist traditions and observances—such as Visakha Bucha Day and the beginning and end of the Buddhist Lent—and Buddhism remains an integral element of public life, government institutions, and state ceremonies (Mérieau, 2018, p. 2). Each year, every government office is the recipient of a royal robe presented to Buddhist monks at the end of the Buddhist Lent in a ceremony known as the Robe Offering Ceremony. This ceremony underscores the interrelationship among the monarchy, the bureaucratic apparatus, and Buddhism. Against this backdrop, the National Office of Buddhism was established in 2002 to support monastic affairs and the administration of the Sangha in accordance with Sangha legislation; to oversee the development and stewardship of religious assets; to promote and manage personnel within the religious sphere; and to perform related functions. Due to the mission of the National Office of Buddhism as mentioned, it remains the only religious tradition in Thailand to be served by its own dedicated administrative body, reflecting the superior status of Thai Buddhism over other religions. In this light, the Thai state's patronage of Buddhism entails effects on other religious minorities. Furthermore, when a state aligns itself with a religious establishment, it inevitably risks engendering issues of freedom and equality, and may even give rise to religious conflict—as exemplified by the situation in Thailand's southern border provinces, where part of the unrest is intertwined with religious concerns.

Even though the 1997 Constitution guarantees freedom of religion, the Sangha and the Thai state nonetheless retain the authority to define what does and does not constitute “orthodox Buddhism.” Consequently, critics argue that Thailand lacks genuine religious freedom, and, by virtue of the superior status accorded to Thai Buddhism, the faith has assumed an authoritarian character that is intolerant of critical voices. In this respect, it may be said that Thailand has effectively adopted a highly conservative, rigorously orthodox form of Buddhism as “a de facto state religion” (Streckfuss and Templeton, 2002, p. 78).

Toward the state religion?

The conceptual foundation of a state religion reflects the close relationship between the state and religion. From one perspective, when a state declares an official religion, that religion may serve as an instrument of the state or function merely as one of its constituent organs. Conversely, the state itself may also be utilized by religious

authorities. In practice, when the relationship between the state and religion is deeply intertwined, mutual interference or instrumentalization tends to occur as a matter of course.

In the context of Thai political society, although no Thai constitution has ever explicitly declared Buddhism as the state religion, every constitution has stipulated that the King, as head of state, must be a Buddhist (and an upholder of all religions). This effectively binds the head of state to Buddhism by constitutional implication. Historically, the monarch, as supreme ruler and protector of Buddhism, was legitimized through the Buddhist concept of merit and power (*bun–barami*), which demonstrates the close connection between the Thai state and Buddhism from the era of monarchy to the present constitutional regime. In this sense, even though no Thai constitution has formally proclaimed Buddhism as the state religion, it is unsurprising that many regard Buddhism as a *de facto* state religion.

Tomas Larsson, a leading scholar of Buddhism and politics, have pointed out that Thailand has witnessed repeated campaigns to designate Buddhism as the official state religion—particularly during the drafting of the 1997, 2007, and 2017 Constitutions. One key objective of these campaigns was to render monastic law enforceable through the secular arm of the state. (Larsson, 2018, p. 206) Although such initiatives have not succeeded, the 2017 Constitution nonetheless reveals the extent to which the Thai state aligns itself with Buddhism, particularly *Theravada* Buddhism, as reflected in the “Directive Principles of State Policies” noted above.

Under the principles of constitutional law, Thailand is not a religious state. The problem, however, lies in the efforts of certain groups and social movements to push for a greater role for Buddhism in politics and governance, or to encourage the state to grant Buddhism special patronage. This issue carries implications for several areas, including religious neutrality, freedom of religion, and the formulation of public policy. As previously noted, the idea that Buddhism should become Thailand’s official religion first emerged in public debate in 1991, but intellectuals rejected the proposal as excessively divisive (Mérieau, 2018, p. 13). Later, during the drafting of the 1997 Constitution, Buddhist organizations submitted a petition to the Constitution Drafting Committee advocating for Buddhism to be enshrined as the state religion. Although this pressure was ultimately resisted, the committee sought to reduce tensions by including in the section on “State Policies” stating that “The state shall provide patronage and protection to Buddhism and other religions.”

After the 2006 coup d’état and the new 2007 Constitution was going to be drafted, conservative Buddhist groups demanded for the establishment of Buddhism as the state religion of Thailand again. The coalition, under the name ‘Buddhism Protection Centre of Thailand’ submitted a petition signed by 300,000 people to the Constitution Drafting Committee. (Mérieau, 2018, p. 14). Even this effort has failed, these conservative Buddhist groups gained some ground. The 2007 Constitution depicted that “The state shall patronize and protect Buddhism which the majority of Thais have followed for a

long time and other religions.” In section 79. Obviously, the statement “the majority of Thais have followed for a long time” were an addition compared to section 73 of the 1997 constitution (Dubus, 2017, p. 79).

Although the establishment of Buddhism as the state religion would be rejected again, the patronage of Buddhism has been enhanced at most in the 2017 Constitution by containing the support and promotion of Buddhism in “Directive Principles of State Policies” in Section 67 as described earlier. It is clear that the article was rather controversial, drawing dissatisfaction from the three predominantly Muslim provinces in Thailand’s deep south, as reflected in their overwhelming rejection of the 2016 referendum. Under this constitutional arrangement, the role of *Theravada* Buddhism has emerged as the most prominent and most supported religious sect, standing above other religions and beliefs in Thailand, and emphasizing Buddhism’s function in cultivating morality within society. Furthermore, although the campaign to enshrine Buddhism as the state religion was unsuccessful, a number of its demand were nevertheless accommodated in the 2017 Sangha Act.

As discussed above, it may be observed that the Sangha, or Buddhist organizations, have not been particularly successful in adapting to a society undergoing rapid change under globalization. Consequently, they tend to seek a close association between Buddhism and the state, hoping for state patronage, protection, and other attendant benefits. For this reason, the Sangha has served as a central force in the campaign to designate Buddhism as the state religion (Eoseewong, 2023, p. 68). In fact, the power and legitimacy of the Sangha ultimately depend on society itself. If the Sangha were able to reform and align itself with the modern values of society, the demand to establish Buddhism as the state religion might become far less necessary. In other words, I have pondered that Buddhism has an advantage to be posited in the modern secular world, compared to other religions, because the concept of division between ‘the wheel of dhamma,’ and ‘the wheel of command/power,’ has explicitly existed.

Moreover, there is a compromise between religion and state argued by Paul Kurtz that in modern political society, “In the spirit of cooperation and goodwill [...] we can lead the good life and be good citizens and devoted parents without the trappings of religion, God, or clergy” (Kurtz, 2010, p. 9), and “we do not need to believe in God to extend sympathy and altruism beyond our ethnic and racial groupings—and ultimately to all human beings on the planet Earth [...] we need to cultivate ethical wisdom and to appreciate the intrinsic value of life for its own sake” (p. 32). When situated in the Thai context, this implies that one can be a good person, uphold the Five Precepts, and simultaneously be a good citizen in a democratic polity—without appealing to Buddhist morality as a superior value system or using Buddhism as a political instrument, especially within the political sphere.

Conclusion

From the discussion above, it is evident that Buddhism has exerted a profound and enduring influence on the public sphere, the legal system, and the political arena, serving as a normative foundation for legal traditions and as a moral basis. More specifically, Buddhism was not only linked to the legal system in ancient times; even after the modernization initiatives in Siam and the transition to a democratic regime, it has also continued to shape legislation and judicial practice. Moreover, in recent decades, Thai Buddhism has become increasingly intertwined with constitutional practice. The content of numerous constitutions reflects Buddhist principles and includes provisions—both explicit and implicit—aimed at supporting and promoting Buddhism, particularly within the constitutional framework.

Although no Thai constitution has ever formally enshrined Buddhism as the state religion, the two most recent charters have vigorously promoted and supported the faith under considerable pressure from conservative Buddhist networks. While outright designation of Buddhism as the state religion has been rejected, the latest constitution nonetheless goes a long way toward privileging *Theravada* Buddhism—recognizing it as the most prominent and supported religious tradition, elevated above all other faiths and beliefs in Thailand. However, this does not signify the end of efforts to constitutionally designate Buddhism as the state religion. Given that a coup d'état occurs again in Thailand, it is highly likely that demands to enshrine Buddhism as the state religion would resurface with conservative Buddhist force. Taken together with the foregoing analysis, it is evident that Buddhism continues to exert a pervasive influence over Thai political society, particularly within legal system and political culture.

Nonetheless, the issue of Buddhism as the state religion probably is merely a surface problem or the 'tip of the iceberg.' The more fundamental concern lies in the complicated relationship between Thai Buddhism and institutional structures within society, including the prevailing system of values and conceptions of civic virtue. These elements, in principle, ought to reflect the secular principle as expected of a modern democratic state. However, their development and public role have been constrained by Buddhist principles and doctrinal authority. Put differently, secular values—those which should be recognized and enacted within a democratic society—have yet to take root or assert primacy over Buddhist doctrines that remain deeply intertwined with political life.

We might also consider alternatives from newer philosophical and political perspectives, such as postsecularism, which do not treat state and religion as inherently adversarial in the way older paradigms do. If we accept that religion influences states and public spheres in many parts of the world, and avoid assuming that religion necessarily conflicts with the state, then treating religion as one form of belief among many allows us to recognize a plural world in which most people seek a framework for living a good life. That framework should be free and fair. From this view, society should create a neutral public domain—whether in the constitution, parliament, or other public spheres—to accommodate such diversity. The ideas outlined here can be examined in greater detail in further study.

Notes

- [3] For the study of constitutional texts, cases, and materials in Asia, for example Bangladesh, China, Hong Kong, India, Japan, Pakistan, South Korea, Sri Lanka, Taiwan, Timor-Leste and the 10 ASEAN countries. Please consider Chang et al. (2014)
- [4] The analysis of “a good man” and “goodness” in Thai society are thoroughly examined in the study “Good Man’s Politics” (Satitniramai and Unno, 2017), which shows how Buddhist moralities were linked to the political sphere and provided the conditions that led to the 2014 military coup.

Reference

- Boonnoon, Ch. (2024). *Phutthasatsana, chat Thai, kot phra song, lae ong phra mahakasat [Buddhism in Thai Culture II]*. Faculty of Arts, Silpakorn University.
- Buddhadasa Bhikkhu. (2005). *Thammik sangkhomniyom [Dhammic Socialism]*. Sukkapabjai.
- Chang, Wen-Chen, et al. (2014). *Constitutionalism in Asia: Cases and Materials*. Bloomsbury Publishing.
- Dubus, A. (2017). *Buddhism and Politics in Thailand*. Research Institute on Contemporary Southeast Asia.
- Eoseewong, N. (2011). *Bia Lai Khun [Pawns driving away the king]*. Matichon.
- Eoseewong, N. (2023). *Phra phutthasatsana Thai tai laeo? [Thai Buddhism is Dead?]*. Plakradot.
- Ford, E. (2017). *Cold War Monks*. Yale University Press.
- Jackson A. Peter. (1989). *Buddhism, Legitimation, and Conflict: The Political Functions of Urban Thai Buddhism*. Institute of Southeast Asian Studies.
- Kurtz, P. (2010). *Multi-Secularism: A New Agenda*. Transaction.
- Larsson, T. (2018). Buddhist bureaucracy and religious freedom in Thailand. *Journal of Law and Religion*, 33(2), 197-211. <https://doi.org/10.1017/jlr.2018.27>
- Larsson, T. (2020). Secularization, secularism, and the Thai state. In P. Chachavalpongpon (Ed.), *Routledge handbook of contemporary Thailand* (pp. 278–290). Routledge.
- Mamout, Arnon. (2014). *Kan baeng yae rawang rat kap satsanachak: manothat thang niti praphanya lae kotmai mahachon. [The Separation Between State and Church: Concepts of legal philosophy and Public Law]*. Dueantula publishing house.
- McCargo, D. (2006). Buddhism, democracy and identity in Thailand. In J. Anderson (Ed.), *Religion, democracy and democratization* (pp. 155–170). Routledge.
- McCargo, D. (2015). Peopling Thailand's 2015 Draft Constitution, *Contemporary Southeast Asia*, 37(3), 329-354.
- McCargo, D. (2019). *Fighting for Virtue: Justice and Politics in Thailand*. Cornell University Press.
- Mérieau, E. (2018). Buddhist constitutionalism in Thailand: When rājadhammā supersedes the constitution. *Asian Journal of Comparative Law*, 13(2), 283-305. <https://doi.org/10.1017/asjcl.2018.16>
- Pakeerat, W. (2019). *Si sip pi niti prachya udomkan beuang lang kotmai lae kan suksa Phra Ratcha Ongkan 8 Kumphu [Forty years of legal philosophy: The ideology behind law and*

- the study of the Royal Command of February 8]*.
<https://prachatai.com/journal/2019/03/81291>
- Parliament Museum. (2011, January 28). *Kan okbap akhan ratthasapha haeng mai [The Design of the New Parliament]*. Parliament Museum. <https://parliamentmuseum.go.th/2564/ar64-sappaya-sapa.html>.
- Potjanalawan, P. (2019). *Thai Pidok [Thai-Styled Tripitaka]*. Bangkok: Illuminations Editions.
- Satitniramai, A., & Unno, A. (2017). “*Kan mueang khong khon dee*”: *Khwam khit, patibatkan, lae attalak thang kan mueang khong phu sanapsanun “Khabuan Kan Plian Prathet Thai”* [“*Good man’s politics*”: *Thoughts, practices, and political identities of the supporters of “Change Thailand Movement”*]. National Policies and International Relations Division, The Thailand Research Fund.
- Schonthal, B. (2017). Formations of Buddhist Constitutionalism in South and Southeast Asia. *International Journal of Constitutional Law*, 15(3), 705-733.
<https://doi.org/10.1093/icon/mox049>
- Schonthal, B. (2018). Buddhism and constitutional practice. *Asian Journal of Comparative Law*, 13(2), 245-254. <https://doi.org/10.1017/asjcl.2018.4>
- Streckfuss, D., & Templeton, M. (2002). Human rights and political reform in Thailand. In D. McCargo (Ed.), *Reforming Thai politics* (pp. 73–90). NIAS Press.
- Thanet, A. (2007). The Search for order: Constitutions and Human Rights in Thai Political History. *Article 2 of the International Covenant on Civil and Political Rights*, 6(3), 32-41.
- Tonsakulrungruang, K. (2019). *Toward a new Buddhist constitutionalism: Law and religion in the Kingdom of Thailand* (Doctoral dissertation, University of Bristol). Explore Bristol Research. <https://research-information.bristol.ac.uk/>
- Turner, B. S. (2013). *The religious and the political: A comparative sociology of religion*. Cambridge University Press.
- von der Mehden, F. R. (1974). Secularization of Buddhist polities: Burma and Thailand. In D. E. Smith (Ed.), *Religion and political modernization* (pp. 49–66). Yale University Press.
- Winichakul, T. (2020). *Nitirat Aphisit lae Racha Nititham: Prawattisat Phumpanya khong “Nititham” baep Thai [Privileged Legalism and Royal Jurisprudence: The Intellectual History of Thailand’s Rule by Law]*. Way.
- Yano, H. (2019). Religious activities of administrative agencies and the relation between religion and the State in modern Thailand. *Journal of Community Development Research (Humanities and Social Sciences)*, 12(1), 71-78. <https://doi.org/10.14456/jcdr-hs.2019.7>