

Thai Constitutions as a Battle Ground for Political Authority

Barami versus Vox Populi

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8.1 BEYOND SANGHA AND RELIGIOUS FREEDOM

Discussions of Buddhism and constitutional law tend to focus on a relatively limited set of topics, usually freedom of religion (Khemthong 2021) and the administration of sangha (Larsson 2018; Katewadee 2019). While important, such narrow coverage implies that the modern legal system of Thailand has already broken away from the past because it insinuates that Buddhism's influence on law is presently confined to only a few aspects of law that explicitly deal with religion. Often, these studies treat law as a set of positive rules, adopted from the European and Anglo-Saxon cultures, to replace the traditional code of Buddhist-inspired *dharmasattha*. Law, especially a constitution, is taken to represent modernity.

Recently this view has been facing growing challenges. While it is true that the contemporary Thai legal system is a Western import, a growing body of literature is beginning to suggest that certain ancient elements are still active and vibrant, shaping the conscience of legislators, law enforcers, lawyers, and judges alike (Harding & Munin 2021; Thongchai 2021; Mérieau 2018; Dressel 2018; Streckfuss 2011). Thai legal scholars in particular are often criticized for a lack of awareness of these issues (Thongchai 2021, 114) given that they focus on comparative work, looking for the right model to be adapted into the local context – without realizing that it is the local context that makes these transplants problematic.

This chapter seeks to challenge these trends. It argues that Thai constitutional law, in particular in the last decade, is heavily influenced not only by the Western idea of liberal democratic constitutionalism but also traditional ideas of power derived from Thai Buddhism. Notions of *dhammarāja* are clearly important in this regard (Mérieau 2018). Yet there are other notions, relating to the king's role in political and constitutional crises and to the overall structure of the supreme law of the land. Particularly important are the ways in which constitutional design has become the battleground for ideological contestation between liberal democracy,

which relies on the popular mandate as the source of political legitimacy, and the Buddhist concept of *barami*, the perfect man. The contest has become particularly acute in recent years when Thailand has taken an undemocratic path.

This chapter examines how previously existing Buddhist notions, such as *barami*, have enabled the phenomenal rise of the judiciary and other elite agencies, which have lately become the imposing forces that steer Thailand's constitutional regime further away from liberal democracy. Even the high point of democratic constitutionalism, the adoption of the 1997 People's Constitution, turns out to have also provided resources for *barami*-type notions of public authority. The chapter begins with recent history and then turns to explicate the notion of *barami* and its continued relevance.

8.2 THE RISE OF UNELECTED ELITES

Thailand's constitutional history is a turbulent one. In 1932, Siam ended absolute monarchy and introduced the concept of constitutional democracy, but an alliance of royalist conservatives and military dictators interrupted the democratization process. Coups occurred regularly whenever the military felt that electoral politics had reached a deadlock. Still, liberal democracy clung on and occasionally emerged, first among university students and, later, the middle class (Hewison 2015). Sometimes crises arose when the two factions – military and democratic reformers – clashed. The king would intervene as a *deus ex machina* to preserve the fragile political equilibrium (McCargo 2005). Thailand's turbulent political history reflects this ongoing struggle, which resulted in a high constitutional turnover. The sixteen years since the 2006 coup have witnessed a continuation of these general trends in contemporary Thai constitutional law.

Since 2006, constitutional development has been characterized by the rise of the judiciary in politics, a phenomenon known as “judicial activism” (Dressel & Khemthong 2019, 6; Khemthong 2018; Dressel 2010). This phenomenon is characterized by the fact that judges feel empowered to assert their preference on political decisions (Barroso 2019). This activism began in 2006, together with the coup and the beginning of democratic decline. Mass protests and two coups in 2006 and 2014 undermined the democratization that had been achieved under the 1997 Constitution. Right-wing conservatives occupied key public offices, including constitution-drafting bodies, while nationalism, royalism, and moralism were offered as antidotes to the Western imports of democracy and liberalism (Hewison 2015, 57–60; Ukrist 2008). Inevitably, the last two constitutions of 2007 and 2017 tilted Thailand further toward authoritarianism.

However, attributing all of this to judicial activism is misleading. These activities involved not only the judiciary but also other unelected bodies. Judicial activism that took place in 2006 is only one symptom of a constitutional design that had reshaped politics since its beginning a decade earlier. In 1997, Thailand carried

out a major reform to consolidate its democracy and permanently end military intervention. On the one hand, the 1997 Constitution promoted the idea of popular sovereignty with a progressive bill of rights, a new electoral system that favored national-level parties, and several mechanisms to assist a prime minister to boost his leadership (Borwornsak 2010, 41). On the other hand, the charter also introduced new constitutional bodies that could serve as final arbiters, outside the usual group of army generals and the king (McCargo 1998). The 1997 drafters further identified corruption as a key threat to the democratically elected government (and key justification for previous military intervention). Therefore, the drafters suggested stronger checks and balances and better monitoring procedures by introducing a new set of watchdog agencies that were autonomous and more powerful (Thailand Research Fund 2017).

As a result, the 1997 Constitution established a number of new actors: the Constitutional Court, the Administrative Court, the Criminal Division for Political Office Holders of the Supreme Court, the National Anti-Corruption Commission (NACC), the Election Commission (EC), the National Human Rights Commission (NHRC), the Ombudsman, and the Auditor General Office (AGO). Their mission was to uphold the sense of accountability of elected politicians without external help from the military. The NACC acted as a prosecutor for high-profile corruption cases. The EC was an election organizer. The Ombudsman heard general complaints, while the NHRC focused on human rights cases. The AGO audited the government's finance. The judicialization of Thai politics occurred also because some important cases would be referred to the abovementioned three courts.

Whereas independent regulatory agencies were already part of the Thai administrative branch, these independent accountability agencies – the watchdogs – were novel and were not categorized into the same group. The 1997 Constitution intended these watchdog agencies to be non-partisan independent bodies (Dissat 2011) and placed them under neither the parliament nor the cabinet. Procedures for appointment and removal were prescribed in the constitution: a panel of professionals, representatives of political parties, as well as civic societies, would convene to nominate a candidate, who had to meet very high standards of expertise and ethics, before the non-partisan senate approved the list. Once appointed, their terms in office outlasted those of the government. They enjoyed autonomy in managing their own budget and personnel. Overall, these watchdog agencies gave an impression similar to that of the judiciary: they acted as guardians of democracy against short-sighted and self-interested elected politicians. Yet, there was no effective mechanism to watch the watchdogs. They were not subject to political oversight. Theoretically, they were still liable for criminal offences and impeachment for high crimes.¹ But their decisions would not be judicially reviewable.

¹ Constitution of Thailand, B.E. 2540 (1997), sec 303.

The first few years were promising. The Constitutional Court handed five-year bans to those politicians who failed to disclose their assets (Harding & Leyland 2010, 180). One minister was convicted for corruption, an unprecedented event.² Elections were mostly free and fair. Inquiry by NACC and AGO instilled a greater sense of transparency and accountability in the civil service. However, in late 2005 a constitutional crisis emerged. The highly popular Thaksin Shinawatra, who came into power in 2001, had skillfully dominated the parliament as well as watchdog agencies, effectively rendering the new check-and-balance mechanisms useless. His regime was tainted by human rights violations, harassment of his political enemies, and corruption (Kasian 2006). Unfortunately, through lobbying and manipulation, Thaksin was able to coopt the Constitutional Court, NACC, and EC, so that they all refused to investigate allegations of his corruption (Kasian 2006, 28–29). Their inertia led to a growing sense of distrust among the public.

The prime minister's ambitious rise alarmed many Thais who formed an opposition movement (Hewison 2010, 27) which eventually grew more radical. The anti-Thaksin movement blamed the constitution and liberal democracy for being the root of these recent political evils. A key strategy of the movement was to turn legal and political issues into moral ones. Thaksin was portrayed as a greedy, disloyal, and immoral representative of 'imported' electoral democracy. Thaksin's opponents, by contrast, were associated with patriotism, Buddhism, and, most importantly, royalism as preferable choices for Thailand (Connors 2008, 154–155; Ukrist 2008). In this way, their campaign resonated deliberately with the traditional three pillars of "Thainess": namely, the nation, the religion, and the king. Opponents of Thaksin even asked the king to take over control from Thaksin (Connors 2008, 155–156). This was the beginning of Thailand's moralistic politics, known as *khon dee* politics (politics of the righteous people), which emphasizes appointing righteous persons to public office to rule over an ignorant populace.

The first round of conflict culminated in the 2006 coup, led by radical conservatives, and fueled by animosity towards democracy. The coup leaders invited the return of the military and of several of the temporarily disbanded watchdog agencies. Members of the EC were even sentenced to imprisonment. But the 2006 coup was also a turning point in the conception and deployment of the watchdog agencies. The right-wing conservatives appreciated the role and capacity of the judiciary and agencies in imposing constraints on elected politicians. They appreciated especially the Constitutional Court's invalidation of the 2006 election (Khemthong 2018, 200–202). Thus, in designing the 2007 Constitution, conservative politicians restored and further empowered these watchdog agencies. Thailand's judiciary had long been a passive accomplice of coup makers, endorsing the legality of every coup since

² See the case of Rakkiat Sukthana at www.abc.net.au/news/2003-10-28/thai-ex-minister-found-guilty-of-corruption/1500788.

1947 (Piyabutr 2017). However, the anti-democracy camp in 2006 enlisted the judiciary as an active player in punishing its political enemies.

The 2007 Constitution hinted at the new understanding of these agencies. Firstly, Section 3 of the constitution makes the legislative, executive, judiciary, and constitutional agencies, as well as other state agencies, subject to the rule of law.³ The clause implicitly acknowledged watchdog agencies, which the new constitution referred to as the constitutional agencies, to be detached from the threefold separation of power. Secondly, the new constitution amended the rule on nominations of the watchdogs, making the process more politically isolated and homogenous. The numbers of political representatives in the nomination commission were reduced, and the commission was to be dominated by representatives of the judiciary and of other watchdog agencies.⁴ This homogeneity, together with absence of political oversight, allowed conservatives to capture the nomination process and recruit only from a pool of right-wing candidates (Dressel & Khemthong 2019). Watchdog agencies were still unaccountable, but they would now work in the interest of the antidemocratic faction. The third and most crucial change applied to the legal authority of the watchdog agencies. The constitution gave more bite to weaker bodies. Most interesting was the Ombudsman's new duty of preparing the code of ethics for other agencies, hence acting as the moral policeman for the entire group.⁵ This office gained tremendous power to oversee the other branches of the government with virtual impunity.

Post-2006 politics was characterized by the growing role of these unelected bodies in toppling democratic governments linked to Thaksin, and the endorsement of Thaksin's enemies. The EC filed a petition to dissolve Thaksin's proxy, the People's Power Party, but spared his rival, the Democrat Party, by failing to submit the complaint in time (Khemthong 2016, 180–182). The NACC relentlessly investigated Thaksin's men for failing to follow a constitutional protocol on treaty-making, as well as the rice subsidy scheme. But the NACC never pursued a case against the Democrat Party. The agency dragged its feet in investigating the Democrat Party and the Royal Thai Army's role in a deadly 2010 crackdown on Thaksin's supporters (Haberkorn 2018, 194–201). The NHRC, for its part, refused to acknowledge any human rights abuses related to that crackdown. Most importantly, the Constitutional Court disqualified many of Thaksin's allies from office and blocked key policies (Khemthong 2018 and 2019). The Constitutional Court was accused of corruption, but no action was taken (Khemthong 2018, 189). In its decisions, the court often showed distrust toward politicians while emphasizing morality as a pretense for overriding the majority's choice (Khemthong 2017). A volley of lawsuits

³ The Constitution of Thailand, B.E. 2550 (2007), sec. 3.

⁴ 2007 Constitution, sec. 206.

⁵ 2007 Constitution, sec. 280.

badly jeopardized the legitimacy of the democratic government, leading ultimately to another coup d'état.

When it became clear that the conservatives could never defeat Thaksin in normal electoral politics, another mass protest shut down Bangkok for months. On 22 May 2014, a junta calling itself the National Council of Peace and Order (NCPO) overthrew the government in a coup. Even compared with many earlier coups, it deployed excessive force by incarcerating, detaining, torturing, and even murdering thousands of people – many of whom later fled abroad (Amnesty International 2014). The unelected watchdog agencies kept silent about such abuses. The NACC and NHRC refused to investigate corruption scandals and human rights violations of the junta. The Constitutional Court raised no objection to the junta's legitimacy. Meanwhile, the EC helped intimidate dissidents in the 2016 constitutional referendum (Desatova & Alexander 2021) and the NACC charged Yingluck Shinawatra and her ministers of corruption.

Watchdog agencies continued to gain influence under the 2014 junta. The 2017 Constitution modified the nomination process by further streamlining the nomination panel for these agencies to a small group from the judiciary and fellow watchdog bodies.⁶ Given that the junta-appointed National Legislative Assembly acted as the new senate, the junta was effectively able to nominate its sympathizers and cronies into the watchdog agencies. Under the 2017 Constitution, the NACC can now investigate not only criminal cases but even cases of 'unethical conduct.'⁷ With the 2017 charter, the EC can order a new election in case of possible fraud,⁸ while the Ombudsman has powers to report directly to the cabinet if the agency fails to address its recommendation.⁹ In fact, the NHRC is the only body that has had its power diminished. It can no longer file a case of human rights violation against a state agency and is now in charge of defending the Thai government in cases of human rights reports that wrongly or inaccurately accuse the state.¹⁰

8.3 BARAMI AS POLITICAL AUTHORITY

The rise of unelected bodies, like those in Thailand, has been well documented worldwide. The phenomenon is generally associated with democratic deficits: when the existing political mechanism fails to make sound public policies, a novel institution replaces the old one, bringing with it impartial scientific or economic expertise (Vibert 2007; Veerayooth 2016). However, Thailand's empowerment of independent constitutional agencies is different. Watchdog agencies are concerned with accountability, not with regulation. They are not a response to democratic

⁶ The Constitution of Thailand B.E. 2560 (2017), sec. 203 and 217.

⁷ The Constitution of Thailand B.E. 2560 (2017), sec. 234 (1).

⁸ The Constitution of Thailand B.E. 2560 (2017), sec. 224.

⁹ The Constitution of Thailand B.E. 2560 (2017), sec. 230.

¹⁰ The Constitution of Thailand B.E. 2560 (2017), sec. 247.

shortfalls in decision-making but to perceived moral deficiencies. Therefore, Thailand's constitutionally created watchdog agencies act not as regulatory experts, but as moral authorities designed to restrain immoral politicians.

How could the few govern the many? While *vox populi* is often regarded as the source of legitimacy in a democratic regime, not all regimes or institutions reflect this. Unelected regulatory agencies may claim impartial knowledge as justification (Vibert 2007, 116), yet watchdog agencies in Thailand can claim no such expertise. Their source of legitimacy is linked instead to Buddhism, and the ancient concept of moral perfection, or *barami*.

8.3.1 Understanding Barami

A belief in karma (in Pali, *kamma*) – moral laws of cause and effect – forms the basis of Thai Buddhism. Simply put, a person reaps what he or she sows. Good deeds result in merit (*bunna*), while evil deeds generate their own negative results (Ishii 1986, 14–16; Jackson 1989, 40–41). Merit that is acquired through good deeds in this life insures a better situation in the next life. The system is not supposed to be deterministic, however, people commonly believe that they are born in their current condition because of the amount of merit and demerit accumulated in past lives. Buddhism encourages a person to constantly improve one's fortune by making new merit and avoiding committing further evil. Ultimately, a person with high merit will obtain true understanding of the Buddha's teaching and gain release from the cycle of rebirths by attaining nirvana, at which point all of one's sufferings will come to an end.

For most people nirvana is a distant prospect. Monks might be interested in this spiritual goal, but ordinary folks are generally not ready to follow such practices of renouncing the mundane world. Their goals tend to be more practical and materialistic, such as improving their worldly situation. A person of high merit is said to enjoy wealth, wisdom, or good family fortune, for example (Terwiel 2012, Chapter 9), whereas demerit produces undesirable consequences, including poverty, ailment, or demotion at work.

Thai Buddhists believe that some forms of good karma produce not ordinary *bunna*, but a quality known as *barami*. The relationship between the two, *bunna* and *barami*, is not always clear but *barami* is used principally in a political sense. Although there is no perfect translation, *barami* is understood as perfection or virtues (Jory 2016, 15–18). It can be used as 'power,' and a person with a high level of *barami* is fit to rule.

Examples of *barami* appear in stories about the Buddha's various rebirths, which treat him as a personification of dhamma (Nidhi 2012, 329–330). The stories often emphasize that, to become a buddha, a person must accumulate the ultimate level of *barami*, which could only be achieved through countless rebirths. It is a journey spanning eons and involving rebirth as various life forms, for example, an elephant, a

quail, a deer, or a prince. In each life, the buddha-to-be is described as undergoing adventures that demonstrate certain kinds of virtues. In Thai versions of these stories, many incarnations are similar to quests that the Buddha must overcome to gain more *barami*. Gradually, he perfects himself, therefore reaching the status of Buddha. These stories, known as *jātaka*, are weaved into a larger tapestry of time, connecting the previous buddhas with the coming Maitreya Buddha of the future (Nidhi 2012, 331–340).

Accounts of *jātaka* are scattered throughout Buddhist texts, both in the canon (the Tipiṭaka) and outside of it (Baker & Pasuk 2019, xix–xxi). *Jātakas* often begin with a framing story explaining how a previous rebirth is linked to the present one: an incident, *cause célèbre*, or a dispute among monks. The story often ends with some moral guidance in which characters in the story are linked to particular people in the Buddha's life, as previous incarnations, or the Buddha's close associates or enemies.

Jātakas are a major source of Buddhism through which many Thais learn about religion. Particularly in premodern times, few people read the canon, which was written in Pali on a palm leaf. Sacred books were to be worshipped, in many cases, not studied. The canonical approach to Buddhist studies would not begin until the turn of the twentieth century, when King Chulalongkorn ordered his half-brother Sangha Raja to reform monastic education (Phibul 2015, Ishii 1986, 85–88). *Jātakas* by contrast were treated as entertainment because they entailed life and death and other drama and were easy to tell orally to illiterate locals through performance (Jory 2016; Baker & Pasuk 2019, xii). Later generations 'borrowed' the religious credibility of the stories and added their local lore into the *jātaka* genre, expanding the local *jātaka* universe (Baker & Pasuk 2019, xvii–xix).

In this worldview, the Buddha stands as the most meritorious, most perfect person of our time. But there are several other individuals endeavoring to reach such exalted status. They are known as bodhisattvas (Pali: *bodhisatta*), those on the path to becoming the future buddha (Jory 2016, 17–19). Many Thai kings were identified as bodhisattva, associating their political power with moral superiority (Jory 2016, 50–54; Skilling 2007; Sweaerer 2010, 105). In this way, the concept of *barami* came to explain the king's authority over his subjects. As the most perfect man (next to the Buddha), he was portrayed as being morally entitled to the throne as well as empowered to wage wars against other less perfect monarchs. Some scholars have even described premodern Thai statecraft as a space of several smaller tributary kingdoms united by one man's charisma (Tambiah 1976, 102; Sunait 1990; Prapod 2010, 18–19).

According to some sources, the well-being of a Buddhist kingdom depended on the *barami* of this single person, which was not static, but in danger of being eroded. *Barami* could be depleted, requiring the king to practice dhamma. If the king behaved, the kingdom was supposed to prosper. Those rulers who ignored dhamma brought disasters, draughts, floods, or fires to their subjects. Folklore from northern

Thai kingdoms tells a story of a kingdom that sank overnight as a punishment for the behavior of an evil king (Chai-anan & Sombat 1980, 46–51).

One of the most important works of literature on *barami* is *Trai Phum Phra Ruang*, the “Three Worlds of King Ruang.” Composed by King Lithai in the fourteenth century as a reading on Buddhism for his mother, *Trai Phum Phra Ruang* is also a great work of political literature (Reynolds 1976; Cholthira 1974). The text describes vividly a cosmology consisting of many worlds of deities, men, demons, and other creatures covering four continents, and their people and fauna. It tells the story of the creation of the universe at the start of the last eon, drawing from many other important Buddhist texts.¹¹

The underlying message of the *Trai Phum* is clear: a sentient being’s fate is determined by its karma (Jackson 1993, 70–74). The book begins with a description of the lowest realm of hell, gradually working its way up through different realms of animals, ghosts, and demons. Lower realms are full of creatures of disgusting birth and lowly livelihood, feeding on mud and waste, and of ugly unsightly aspect. The later chapters deal with the realm of humans and gods of varying qualities. The lower heavens are full of worldly pleasures, while the higher realms enjoy more sublime ones. Within the present world, the three continents hold people of perfect appearance and longevity. They know no sadness. Their lands have food aplenty and no hardship will ever befall them. All this is because the residents of the three continents practice dhamma.¹²

The *Trai Phum* describes the political system as dominated by kings who have accumulated *barami* over their past lives (Chontira 1974, 116). According to this view, they are entitled to their throne and prestige as well as loyalty from their subjects. Such kings speak in words that are always just and fair. They dispense with wealth without reservation and, as a result of their moral character, ensure that the kingdom’s wealth grows even wider. The kings are described as *cakravartin* (Pali: *cakkavattin*), ‘wheel turners’ who have the power to defeat all others and who guide their citizens and protect dhamma (Chai-anan & Sombat 1980, 61–67). *Barami* brings kings power and wisdom as well as a fair appearance, perfect for a ruler. Other members of society are born or assigned into their places, high and low, according to their karma too.

In the fifteenth century, the Kingdom of Ayutthaya implemented its own hierarchical scheme called the *sakdina* system, in order to regulate its workforce (Akin 2017). All men and women, from a beggar to the viceroy, were assigned certain rankings, from 5 *rai* to 100,000 *rai*. All benefits and duties are conferred based on the ranking. The *sakdina* system created a social and political organization similar to the *Trai Phum*’s karma-based cosmology. On this sociopolitical pyramid, the king sits at

¹¹ This article relies principally on a modernized version prepared by the Department of Fine Arts in 2012 at Vajirayana Digital Library, <https://vajirayana.org/>.

¹² Chapter 5: The realm of human at Vajirayana Digital Library, <https://vajirayana.org/>.

the zenith as the most perfect man. Below him are courtiers, commoners, and other persons. As with the *Trai Phum*, men with higher *barami* were imagined to rule over those with lower *barami*.

These notions of *barami* came under immense pressure by the end of the nineteenth century. Newly arrived Christian missionaries challenged Buddhism, criticizing it as a mythical barbaric religion. Siamese aristocrats responded by redefining Buddhism (Thongchai 2015; Jackson 1993, 43–47). They emphasized the ‘rational’ features of the Pali canon and tried to discredit elements such as miracles as later corruptions of an essentially logical religion. *Trai Phum* and *jātakas* were downgraded from the status of sacred texts to fables (Jory 2002).

These changes to Buddhism fit with the construction of the new Thai nation-state, which emphasized the Western concept of sovereignty. King Chulalongkorn was the first Thai king to claim this kind of sovereignty, which, unlike *barami*, was absolute, static, and, most importantly, inheritable by his son. Where ancient kingdoms were loosely constructed, consisting of greater and lesser kings along with dominant and tributary states, under the new political philosophy the king’s power was imagined to reach every corner of the new Thai “geo-body” without ever waning (Thongchai 1994). Chulalongkorn relied less on *barami* and more on written legal codes.

One might assume that the era of *barami*-based Buddhist kingship was over in the nineteenth century. But is that the case? King Chulalongkorn was the first modern king, but he was also revered as a demi-god. The worshipping of Chulalongkorn suggests that the king was still viewed with high *barami*. Even those aristocrats who were pressured to undertake the reforms of modern Thai Buddhism might not have abandoned the *barami* concept entirely. For example, King Vajiravuth, Chulalongkorn’s son and successor, ordered a royal anthem called *san-tern-phra-barami*, which praises His Majesty’s *barami*. A Thai reference to a man of high power is still *phu mi barami*, meaning ‘one who has *barami*.’ When a man falls from his grace, some will say that he has depleted his *barami*, *mod barami*. Buddhism as a religious philosophy may have been rationalized and modernized, but Buddhism as a political ideology remained unchanged (Gray 1986). Many Thais seem to adopt a rationalistic version of Buddhism for their personal life philosophy and guidance, while advocating for traditional *barami*-based sociopolitical hierarchy (Nidhi 2012, 311–325). How could *barami* be preserved and popularized in the modern age?

8.3.2 Popularizing Barami

Seven hundred years are enough for belief in *barami* to seep into Thais’ deepest conscience. Few have heard of *Trai Phum* and fewer still read it. But for most Thais, men are not equal. As one Thai proverb goes, one can compete in a boat race, but one could not compete in *bun* (merit) and *wasana* (luck). The taboo of someone whose lifestyle is not compatible with his or her social status always draws criticism.

This kind of thinking is still prevalent among conservatives. As Thai politics turn more moralistic, conservative voices often chant the mantra that men are not equal. They justify the authoritarian regime by labelling ordinary people as stupid and not worthy of the right to self-governance (Apichat & Anusorn 2017, 97–116). Only good people can acquire an office of political power (Aim 2020, 151). *Barami*, I would argue, is still one of the most important sources of political authority in twenty-first-century Thailand.

Some might argue that, as evidenced by declining attendance at temples, along with a declining number of monks and temples (Channarong 2011), Thais are becoming less religious and therefore *barami* is not important. Yet, the majority of Thais learn about *barami* through contemporary and vernacular sources. For example, the story of Phra Malai is a popular narrative that also emphasizes the importance of karma (Igunma 2013). The story focuses on an *arahant* called Malai who visits heaven and hell. In hell, he documents the types of punishment related to a given action. A drinker is fed red-hot molten copper. An adulterer is forced to climb a *Bombax* tree with sharp iron thorns while being preyed on by crows. Those who insult an *arahant* would have mouths as narrow as a needle hole, and therefore, be forever hungry. Beliefs like these are deeply entangled in the Thai conscience, even among those who do not regularly attend temples. Most Thais could probably recite an evil deed and its matching punishment even without having read the tale of Phra Malai. Some monks and nuns even offer a service where disciples are told which type of bad behavior results in which type of mishap. By matching certain types of merit to a specific blessing, these monks and nuns recommend merit-making according to one's goal. It is common to find a book or a TV show that discusses a participant's past lives and the consequence of his or her karma.¹³

Several *jātakas* were turned into plays, and later, literature of prose and verse, making them popular moral tales as much as Buddhist stories. *Rathasenajātaka* became *Phra Rot-Meri*, the story of Prince Rathasena's adventure into the land of a monster queen, Meri, ending in romantic tragedy (Baker & Pasuk 2019, 57). *Suthana-jātaka* was adapted into *Suthana-Manohara*, another adventure of Prince Suthana in pursuit of a mythical half-woman, half-bird princess, Manohara (Baker & Pasuk 2019, 1). *Suvannasankhajātaka* is retold as the story of Sank Tong, a prince who was born with a golden conch (Baker & Pasuk 2019, 27). *Samuddaghosajātaka* is *Samuddhaghosa*, another adventure of Prince Samuddhaghosa who was kidnapped by a playful god and introduced, for a night, to a princess (Baker & Pasuk 2019, 75). All these stories depict a protagonist of a noble class, with beautiful aspect and exceptional courage. They were given a difficult task but received aid from gods and goddesses who believed that a man of high merit deserved better treatment and

¹³ One of the best-known figures is Mae Chi Tossapon, or Nun Tossapon, who has run the program called *Scan Kamma* (Scanning your karma) since early 2000. Nun Tossapon scans a person's karma and suggests a sometimes very controversial solution.

should not suffer. These stories are still being made into dances, cartoons, and TV series to this day.

The best-known of the *jātaka* stories is that of the Buddha's penultimate rebirth before his final incarnation, in which he is born as a king named Vessantara. The story of Prince Vessantara emphasizes the importance of generosity or giving, *dāna*. Vessantara inspires the exceedingly popular performance of *Mahachat*, "the Great Birth," where monks recite the entire beautiful prose of Prince Vessantara's adventure within a single day. The importance of this story and this celebration have been analyzed by Patrick Jory, who argues that it forms the foundation of Thailand's theory of divine kingship (2016).

Even King Bhumibol was involved in popularizing *jātaka* stories, rewriting *Mahajanakajātaka* to teach the virtue of perseverance (Bhumibol 1996). The story tells of Prince Mahachanok, who had to swim in the ocean for seven days straight before the Goddess Mekhala rescued him. It became a big hit in Thailand, and a best-selling book. Later, it was simplified and illustrated by a famous cartoonist, Chai Ratchawat (1999). It was also adapted into an opera by Somtow Sucharitkul.¹⁴ A new breed of mango was grown to honor the story in which the prince learned to resurrect a delicious mango tree which had been ravished by ignorant greedy men: the king named it "Mahajanaka mango."

These stories of *barami* and *bunna* are included in the national educational curriculum. For most Thais, the primary contact point with Buddhism is in public education, of which the first twelve years are compulsory, and where Buddhism-inspired stories constitute a significant part of the reading list. These readings reflect Buddhist thinking about karma and its effects. It does not include *Trai Phum*, but it does include the tale of Phra Malai and the *Vessantara Jātaka*.

Moreover, notions of *barami* have been a big part of the modern idealizations of kingship in Thailand. King Bhumibol himself is said to be the living example of the perfect man filled with *barami*. In the last thirty years of his reign, Thailand witnessed the rise of hyper-royalism, an excessive worship of the monarch as the morally absolute ruler (Thongchai 2016). Through this process, Bhumibol has been elevated from a hard-working developer of the nation into a semi-divine figure. Some prominent royalists, such as a public scholar, Kukrit Pramoj, told accounts of King Bhumibol's *barami*, for example, that His Majesty seemed to be able to command animals and weather patterns. Other stories tell that when the king was presiding over a ceremony, his presence stopped the drizzling rain or, in the case of a hot sunny day, brought light showers, equivalent to spraying holy water. Bhumibol was revered for possessing an innate spiritual power. These accounts are openly published in newspapers (Siamrath 2016).

During the peak of the Cold War, when Thailand was struggling against a communist insurgency, the king's *barami* became the basis to produce a powerful

¹⁴ See <www.youtube.com/watch?v=7BSvgOAVSMg>.

amulet, “Phra Somdej Chitrlada,” named after the king’s palace. The amulet needed no further ceremony of sacralization because the presence of the king was deemed sufficient to ensure it. It was distributed to security personnel, soldiers, border-patrol police, local militias, and other government employees who were fighting against communism (Art & Culture Magazine 2021; Kom Chad Luek 2012). Many military personnel confirmed that the sacred amulet saved their lives. Several senior monks confirmed that Bhumibol had great interest and knowledge in dhamma and had even attained various levels of enlightenment – implying that he was one genuine bodhisattva (MGR Online 2016). At his funeral, Thais were amazed by the news that a flock of white birds were circling his crematorium as a sign of *barami* (Matichon 2016). All of these accounts, some well documented, others anecdotal, provide the public with an image of a mythical king.

8.3.3 Barami and “Dhammacracy”

The Buddhist notion of *barami* evolved to justify absolute monarchy in premodern times, but can it become part of Thailand’s democracy today? Unfortunately, recent developments suggest that there is a problem with its use in a modern democratic system. The idea of *barami* suggests that only a meritorious and morally upright individual will rise to power. In other words, it allows only *khon dee* (good persons) into public office while excluding *khon mai dee* (bad persons). The core idea of democracy, by contrast, is basically to give the most popular person power, regardless of his or her personal moral quality. However, this risk is compensated with the limited duration of one’s political office. When Buddhist intelligentsia compares Buddhism and democracy, the conclusion is always that Western-imported ideology is inferior to the finer, and more nuanced, traditional one.

Thailand has come too far to return to absolute monarchy, which was abolished in 1932. The best the conservatives can offer is to forge a new ideology that suppresses democracy while justifying an undemocratic regime. The result of this process is “dhammacracy,” the governance of dhamma.¹⁵

The famous monk Buddhadasa is regarded as the leading scholar of modernist Buddhism in Thailand. He advocates dhammic socialist dictatorship against liberal democracy (Buddhadasa 1975; Jackson 2003, 239–242). Buddhadasa imagines a Platonic-style philosopher-king whose objective and behavior are constrained by his own inner dhammic morality. Thus, his goal could only be to serve the whole and never be corrupt. According to Buddhadasa, dhammic socialist dictatorships are more efficient than capitalist democracies, which are too individualistic. In his estimation, MPs in a democratic government will waste precious time arguing, not for the public interest, but for their own wealth.

¹⁵ The term was used, with a slightly different meaning, by Schalk to describe a Sinhalese-Buddhist concept of governance in the Sri Lankan context (1991).

This view is supported by other scholars of the conservative spectrum (Pinyapan 2019, 329–330). Chamlong Srimuang, the leader of the People's Alliance for Democracy (PAD), which toppled Thaksin and incited a coup, was himself an admirer of the righteous dictatorial style of governance (Nelson 2010). The remark is undoubtedly controversial, leading to criticism that Buddhadasa's ideas were used to support authoritarianism (Wanpat 2017; Gabaude 1990; Jackson 2003, 243–244).

Perhaps, the most important articulation of *barami*-based political authority came from King Bhumibol, himself the embodiment of a hierarchical moral order. His 1969 speech delivered at the Vajiravuth boy scout camp in Chon buri succinctly encapsulated the essence of what the ideal Buddhist constitutionalism should be like. In the speech, the king admitted that there were good and bad people. While bad people could not always be converted, Thais could exclude those people from politics while supporting the rule of good people.¹⁶ The speech was hugely popular, and it has become a mandate for the conservatives, appalled by the democratic idea that an evil yet popular man could win office. It is often recited to justify antidemocratic protests and coups. Bhumibol was himself a proof of his own theory when he intervened to settle political disputes.

The concepts of karma and *barami* form important building blocks of “dhammacracy,” the ultimate goal of which is to impose dhamma over any form of political regime (Jackson 1993, 77–80). In its application, “dhammacracy” forms the foundation of Thai-style democracy but can simply be a euphemism for authoritarianism (Hewison & Kengkij 2010; Connors 2008). The king's *barami* radiates to those who have close proximity to him: politically, his *barami* is extended to army generals, who are portrayed as guardians of the throne and of the nation (Chambers & Napisa 2016, 425). Thai-style democracy thus places the king at the top of the political system. Below are his loyal senior bureaucrats, especially army generals, above corrupt and selfish civilian politicians. The lowest ranking is that of the populace, who are deemed to always vote for the wrong politicians. Thai-style democracy therefore permits military coup intervention in the name of His Majesty (Thongchai 2018). The system of Thai-style democracy was formed during the military dictatorship in the Cold War period, but it began to crumble with the political and economic liberalization of the 1990s. That was when the majority demanded the 1997 political reform.

With the benefit of hindsight, the efforts of Thai-style democracy and the *barami*-based political authority can be detected even in the 1997 Constitution, questioning its name of the People's Constitution. The 1997 Charter is called the People's Constitution due to its empowerment of the people through a very progressive list of rights and liberties, and because it was produced as a result of a popular

¹⁶ Royal speech at the opening ceremony for the 6th National Boy Scout Assembly on 11 December 1969.

movement. But the initial agenda resulted in the introduction of the new judicial and independent watchdog bodies (Connors 2002).

The judicialization of politics often makes authoritarians' control of politics appear to conform more to the international norm of democracy than an outright military junta (Landau & Dixon 2020, 1335–1338). Yet, in Thailand these judicial and independent agencies replaced the military as the new actor of high *barami*. Their goal was, in this sense, also to impose control over elected politicians and to prevent a political crisis. They are elite not only because they enjoy superior power, but also because these offices are limited to a few people of extraordinary qualification. The discrepancy is obvious in comparison to qualification for MP candidates. While any person aged twenty-five and above is eligible to run for parliament, a candidate for the watchdog agencies must be forty-five years old and have acquired higher education and a certain bureaucratic rank – for example, director-general of a government department, chief of a court, or professor – and display exemplary behavior and morality. All of these could arguably be considered modern signifiers of one's *barami*. It should be no surprise therefore that Borwornsak Uwanno, the constitutional law scholar and key advocate of the 1997 Constitution drafting, later advocated “dhammacracy” (2016).

Independent agencies are not a new feature in Thai public administration, the Bank of Thailand being one fine example of an independent body under the cabinet's arm-length control. The Court of Justice has undoubtedly been independent from the political branches since 1901. Nevertheless, these new judicial and watchdog agencies are particularly significant because they are more independent than ever, with the constitution guaranteeing virtually no meaningful political oversight. Moreover, unlike the Court of Justice, these agencies are not bound by any tradition that serves as an implicit constraint. They are basically the fourth, fifth, sixth, and many other branches of government. The constitutions recognize them as separate from the conventional trinity of powers. There is therefore no guidance or constitutional convention to provide advice on how the legislative, executive, or judiciary should scrutinize them. The independence of these agencies, together with their expansive jurisdiction, may be necessary for scrutinizing politicians. But they are also a tangible display of *barami*, according to which a meritorious elite is set above the political actors. In fact, it might be argued that candidates are selected not because of their unique professional qualifications, but because of their moral quality. The Constitutional Court judges are the best example of this: no judge serving on that body can be described as an expert in public law (Somchai 2018); and the better-known ones have a reputation for notable ascetic style, such as Jaran Pakdithanakul, whose interest in Buddhism is well known.

Why did the constitution drafters not install mechanisms to hold these elite bodies accountable? In a way, the political ideals of the *Trai Phum* have become self-fulfilling prophecies in modern Thailand: *barami* is considered to enhance political authority and so political authority comes to stand in for *barami*. More often than not, Thais accept that political authority indicates *barami* and that

barami entails morality. All of this upends the Western concept of power and the famous maxim that power tends to corrupt. In Thailand, absolute power can never be corrupt because absolute power is granted only to a person of *barami*, which in itself guarantees righteousness.

8.4 BARAMI VERSUS VOX POPULI

The first sign of trouble for Thaksin has been associated with his remark on June 29, 2006, that *phu mi barami nok ratthathammanoon*, “the one with *barami* outside the constitution, was manipulating the constitutional politics.” (Chai-anan 2006). In a way, the remark also encapsulated well the tension between *barami* and Thai constitutional politics. Thaksin was becoming so popular that he had the potential to overshadow the country’s already incumbent perfect man, the king (Jory 2016, 184–88). In a view based on *Trai Phum*, such a dislocation could not stand, as it threatened to upend an entire scheme of moral authority and karmic merit that, even if not explicit, upheld the legitimacy of Thailand’s system of social and political inequality. As Thaksin sought to eclipse King Bhumibol, the king’s close aide and the head of privy council, General Prem Tinnasulanonda, called for the military to stage a coup and restore the proper order of things, placing the king (the epitome of *barami*) back in the center of power.

The military alone could not carry out a coup successfully. It was the king’s criticism of Thaksin and the Constitutional Court – and its group of *khon dee* – that invalidated the 2006 election and justified Thaksin’s ousting (Ukrist 2008; Khemthong 2016, 79–177). The event symbolizes the mixture of Buddhism and constitutional politics in post-2006 Thailand: the rise of unelected elite agencies, legitimated by notions of *barami*, and the decline of popular ideals of democracy.

But how long can *barami* suppress the voice of the people? The judiciary and watchdog agencies are under massive pressure: every time they punish democratically elected politicians, more people question whether they are legitimized to do so. Their supposedly high morality fails to prevent them from exercising power arbitrarily. *Barami* as a source of political legitimacy is today sounding somewhat less convincing to angry ears.

REFERENCES

- Aim Sinpeng. 2020. “From the Yellow Shirts to the Whistle Rebels: Comparative Analysis of the People’s Alliance for Democracy (PAD) and the People’s Democratic Reform Committee (PDRC).” In *Routledge Handbook of Contemporary Thailand*, edited by Pavin Chachavalpongpun, 145–55. New York: Routledge.
- Akin Rabibadhana. 2017. พระมหากษัตริย์-ขุนนาง: นาย-ไพร่ในโครงสร้างสังคมไทยยุคต้นกรุงรัตนโกสินทร์ [The Organization of Thai Society in the Early Bangkok Period 1782–1873]. Bangkok: Kob Fai Foundation.

- Amnesty International. 2014. Thailand: Attitude Adjustment: 100 Days Under Martial Law. www.amnesty.org/en/documents/ASA39/011/2014/en/ (accessed June 5, 2021).
- Apichat Satitniramai and Unno Anusorn. 2017. “การเมืองคนดี”: ความคิดปฏิบัติการและอัตลักษณ์ทางการเมืองของผู้สนับสนุน “ขบวนการเปลี่ยนแปลงประเทศไทย” [“Good Man’s Politics”: Political Thoughts, Practices, and Identities of the “Change Thailand Movement” Supporters]. Research Report, National Policies and International Relations Division, The Thailand Research Fund.
- Art & Culture Magazine. 2021. พระสมเด็จจิตรลดา พระเครื่องทรงสร้างของในหลวงรัชกาลที่ 9 [Phra Somdej Chitrlada, the Amulet of the Ninth King]. Last modified April 9, 2021. www.silpa-mag.com/history/article_50863.
- Baker, Chris and Pasuk Phongpaichit. 2019. *The Palace Law of Ayuttaha and the Thammasat: Law and Kingship in Siam*, 166. Ithaca: Cornell University Press.
- Barroso, Luís Roberto. 2019. “Counter-majoritarian, Representative, and Enlightened: The Roles of Constitutional Courts in Democracies.” *The American Journal of Comparative Law* 67 (1): 109–43.
- Bhumibol Adulyadej. 1996. *พระมหากษัตริย์* [The story of Mahajanaka]. Bangkok: Amarin Printing & Publishing.
1999. ‘พระมหากษัตริย์: ฉบับการ์ตูน’ [The story of Mahajanaka: cartoon edition]. Illustrated by Chai Ratchawat, 119. Bangkok: Amarin Printing & Publishing.
- Borwornsak Uwanno. 2010. *คำอธิบายวิชากฎหมายรัฐธรรมนูญ* [On Constitutional Law]. Bangkok: Institute of Legal Education of the Thai Bar.
2016. *หลักนิติธรรม ประชาธิปไตย และธรรมราชาธิปไตย* [Rule of Law, Democracy, and Dhammacracy]. Individual Study Paper, The Rule of Law and Democracy Course, The Constitutional Court.
- Buddhadasa Bhikkhu. 1975. *ธัมมิกสังคมนิยมแบบเผด็จการ* [Dictatorial Dhammic Socialism]. Bangkok: Cremation Memorial of Montha Meunnikom.
- Chai-anan Samudavanija. 2006. *ผู้มีบารมีนอกรัฐธรรมนูญ* [Barami Person of Extra-Constitutional]. MGR Online. <https://mgronline.com/daily/detail/9490000091103> (accessed June 5, 2021).
- Chai-anan Samudavanija and Sombat Thamrongthanyawong. 1980. *ความคิดทางการเมืองและสังคมไทย* [Thai Political and Social Ideas]. Bangkok: Bannakij.
- Chambers, Paul and Napisa Waitookiat. 2016. “The Resilience of Monarchised Military in Thailand.” *Journal of Contemporary Asia* 46 (3): 425–44.
- Channarong Boonnoon. 2011. การลดจำนวนของพระสงฆ์และผลกระทบต่อพระพุทธศาสนาในอนาคต [Reducing the Number of Monks and Their Impact on Buddhism in the Future]. *Journal of Buddhist Studies Chulalongkorn University* 18 (3): 7–30.
- Cholthira Klud-U. 1974. *ไตรภูมิพระร่วง รากฐานของอุดมการณ์การเมืองไทย* [Trai Phum Phra Ruang: The Foundation of Thai Political Ideology]. *Thammasart Journal* 4 (1): 106–21.
- Connors, Michael. 2002. “Framing the People’s Constitution.” In *Reforming Thai Politics*, edited by Duncan McCargo, 37–55. Copenhagen: NIAS Press.
2008. “Article of Faith: The Failure of Royal Liberalism in Thailand.” *Journal of Contemporary Asia* 38 (1): 143–65.
- Desatova, Petra and Alexander, Saowanee T. 2021. *Election Commissions and Non-democratic Outcomes: Thailand’s Contentious 2019 Election*. Thousand Oaks: Politics. <https://doi.org/10.1177/02633957211000978>.
- Dissat Hotrakit. 2011. *องค์กรของรัฐที่เป็นอิสระในระบบกฎหมายไทย* [Independent State Entity in Thai Legal System]. In *แทนดอกไม้ไหว้ครู* [Gratitude to Professor Wisanu Krue-ngam], edited by Narongdech Srukhsosit, 39–52. Bangkok: S Charoen Printing Co., Ltd.
- Dressel, Björn. 2010. “Judicialization of Politics or Politicization of the Judiciary? Considerations from Recent Events in Thailand.” *Pacific Review* 23 (5): 671–91.

2018. "Thailand's Traditional Trinity and the Rule of Law: Can They Coexist?" *Asian Studies Review* 42 (2): 268–85.
- Dressel, Björn and Khemthong Tonsakulrungruang. 2019. "Coloured Judgements? The Work of the Thai Constitutional Court, 1998–2016." *Journal of Contemporary Asia* 19 (1): 1–23.
- Gabaude, Louis. 1990. "Thai Society and Buddhadasa: Structural Difficulties." In *Radical Conservatism Buddhism in the Contemporary World*, edited by Sulak Sivaraksa, 211–29. Bangkok: International Network of Engaged Buddhism.
- Gray, Christine. 1986. *Thailand: The Soteriological State in the 1970s*. PhD dissertation, Anthropology: The Faculty of The Division of Social Sciences, University of Chicago.
- Haberkorn, Tyrell. 2018. In *Plain Sight: Impunity and Human Rights in Thailand*. Wisconsin: The University of Wisconsin Press.
- Harding, Andrew and Leyland, Peter. 2010. *The Constitutional System of Thailand: A Contextual Analysis*. Oxford and Portland: Hart.
- Harding, Andrew and Munin Pongsapan, eds. 2021. *Thai Legal History: From Traditional to Modern Law*. Cambridge: Cambridge University Press.
- Hewison, Kevin. 2010. "Thaksin Shinawatra and the Reshaping of Thai Politics." *Contemporary Politics* 16 (2): 119–33.
2015. "Thailand: Contestation Over Elections, Sovereignty and Representation." *Journal of Representative Democracy* 51 (1): 51–62.
- Hewison, Kevin and Kengkij Kitirianglarp. 2010. "Thai-Style Democracy: The Royalist Struggle for Thailand's Politics." In *Saying the Unsayable: Monarchy and Democracy in Thailand*, edited by Søren Ivarsson and Lotte Isager, 179–202. Copenhagen: NIAS Press.
- Igunma, Jana. 2013. "A Buddhist Monk's Journeys to Heaven and Hell." *The Journal of the International Association of Buddhist Universities* 6 (3): 65–82.
- Ishii, Yoneo. 1986. *Sangha, State, and Society: Thai Buddhism in History*. Kyoto: Central for Southeast Asian Studies, Kyoto University.
- Jackson, Peter A. 1989. *Buddhism, Legitimation, and Conflict: The Political Functions of Urban Thai Buddhism*. Singapore: Institute of Southeast Asian Studies.
1993. "Re-interpreting the *Traiphum Phra Ruang*: Political Functions of Buddhist Symbolism in Contemporary Thailand." In *Buddhist Trends in Southeast Asia*, edited by Trevor Ling, 64–100. Singapore: Institute of Southeast Asian Studies.
2002. "Thai and Western Buddhist Scholarship in the Age of Colonization: King Chulalongkorn Redefines the Jatakas." *The Journal of Asian Studies* 61 (3): 891–918.
2003. *Buddhadasa: Theravada Buddhism and Modernist Reform in Thailand*. Chiang Mai: Silkworms.
- Jory, Patrick. 2016. *Thailand's Theory of Monarchy: The Vessantara Jātaka and the Idea of the Perfect Man*. New York: SUNY Press.
- Kasian Tejapira. 2006. "Toppling Thaksin." *New Left Review* 39 (May–June): 5–37
- Katewadee Kularbkeaw. 2019. *The Politics of Thai Buddhism under the NCPO Junta*. Singapore: ISEAS-Yusof Ishak Institute.
- Khemthong Tonsakulrungruang. 2016. "Thailand: An Abuse of Judicial Review." In *The Judicial Review of Elections in Asia*, edited by Yap Po Jen. Routledge.
2017. "Entrenching the Minority: The Constitutional Court in Thailand's Political Conflict." *Washington International Law Journal* 26 (2): 247–68.
2018. "The Constitutional Court of Thailand: From Activism to Arbitrariness." In *Constitutional Courts in Asia: A Comparative Perspective*, edited by Albert H. Y. Chen and Andrew Harding, 184–213. New York: Cambridge University Press.

2019. "Constitutional Amendment in Thailand: Amending in the Spectre of Parliamentary Dictatorship." *Journal of Comparative Law* 14 (1): 173–87.
2021. "The Revival of Buddhist Nationalism in Thailand and Its Adverse Impact on Religious Freedom." *Asian Journal of Law and Society*. <https://doi.org/10.1017/als.2020.48>.
- Kom Chad Luek. 2012. พระกำลังแผ่นดินกำลังแรง! 'ทั้งพุทธคุณและตำนาน' [The Sacred and Popular Amulet of the Land]. Last modified December 4, 2012. www.komchadluek.net/news/lifestyle/146362.
- Landau, David and Dixon, Rosalind. 2020. "Abusive Judicial Review: Court against Democracy." *U.C. Davis Law Review* 53 (3): 1313–87.
- Larsson, Thomas. 2018. "Buddhist Bureaucracy and Religious Freedom in Thailand." *Journal of Law and Religion* 33 (2): 197–211.
- MGR Online. 2016. พระอรหันต์ กับ "ในหลวง รัชกาลที่ 9" [Enlightened Monks and Rama IX King]. Last modified November 1, 2016. <https://mgronline.com/dhamma/detail/9590000109033>.
- Maticchon. 2016. เศษ 'หมอกธุมฤต' ปกคลุมกรุง อาลัยพระบาทสมเด็จพระเจ้าอยู่หัวในพระบรมโกศ [Fog Mourning the Late King]. Last modified October 1, 2016. www.maticchon.co.th/local/news_320906.
- McCargo, Duncan. 1998. "Alternative Meanings of Political Reform in Contemporary Thailand." *The Copenhagen Journal of Asian Studies* 13 (5): 5–30.
2005. "Network Monarchy and Legitimacy Crises in Thailand." *The Pacific Review* 18 (4): 499–519.
- Méreau, Eugénie. 2018. "Buddhist Constitutionalism in Thailand: When Rājadharmā Supersedes the Constitution." *Asian Journal of Comparative Law* 13 (2): 283–305. doi:10.1017/asjcl.2018.16.
- Nelson, Michael H. 2010. "People's Alliance for Democracy: From 'New Politics' to a 'Real' Political Party?" In *Legitimacy Crisis and Political Conflict in Thailand*, edited by Marc Askew, 119–59. Chiang Mai: Silkworm Books.
- Nidhi Eowsriwong. 2012. *ปากไผ่และใบเรือ* [Pen and Sail]. 4th ed. Nonthaburi: Same Sky Book.
- Phibul Choompolpaisal. 2015. "Political Buddhism and the Modernisation of Thai Monastic Education: From Wachirayan to Phimonlatham (1880s–1960s)." *Contemporary Buddhism* 16 (2): 428–50.
- Pinyapan Potjanalawan. 2019. *ไทยปิฎก* [Thai-pitaka]. Bangkok: Illuminations Editions.
- Piyabutr Saengkanokkul. 2017. *ศาลรัฐประหาร: ตุลาการ ระบอบเผด็จการ และนิติรัฐประหาร* [The Court of Coup: Judiciary, Dictatorial Regime, and Legal Coup]. Nonthaburi: Same Sky Book.
- Prapod Assavavirulhakarn. 2010. *The Ascendancy of Theravada Buddhism in Southeast Asia*. Chiang Mai: Silkworm.
- Reynolds, Craig J. 1976. "Buddhist Cosmography in Thai History, with Special Reference to Nineteenth-Century Culture Change." *The Journal of Asian Studies* 35 (2): 203–20.
- Schalk, Peter. 1991. "The Sinhala Concept of 'Dharmacracy' as an Obstacle to Peace in a Crisis of the State." In *Asian Societies in Comparative Perspective: Nordic Proceedings in Asian Studies* 2, 929–54. Denmark: Nordic Institute of Asian Studies and Scandinavian South and East Asian Researchers.
- Siamrath. 2016. ฤๅษณ์มหิหารของ ในหลวงฯที่ "กฤตวิ" เห็น [The King's Miracle as Kukrit Pramoj Had Seen]. Last modified October 1, 2016. <https://siamrath.co.th/n/5229>.
- Skilling, Peter. 2007. "King, Sangha, and Brahmins." In *Buddhism, Power, and Political Order*, edited by Ian Harris, 182–215. New York: Routledge.
- Somchai Preechasinlapakul. 2018. "ศาลรัฐธรรมนูญ ที่ไร้ผู้เชี่ยวชาญรัฐธรรมนูญ" [The Constitutional Court without Constitutional Experts]. Last modified July 11, 2018. The 101 World. www.the101.world/constitutional-court-without-constitution-expert/.

- Streckfuss, David. 2011. *Truth on Trial in Thailand: Defamation, Treason, and Lese Majeste*. London: Routledge.
- Sunait Chutintaranond. 1990. “Mandala,’ Segmentary State’ and Politics of Centralization in Medieval Ayudhaya.” *Journal of Siam Society* 78 (1): 88–100.
- Sweaerer, Donald. 2010. *The Buddhist World of Southeast Asia*. 2nd ed. Albany: State University of New York Press.
- Tambiah, Stanley J. 1976. *World Conqueror and World Renouncer*. Cambridge: Cambridge University Press.
- Terwiel, Barrend Jan. *Monks and Magic: Revisiting a Classic Study of Religious Ceremonies in Thailand*. Copenhagen: NIAS Press.
- Thailand Research Fund. 2017. การปฏิรูปการเมืองไทย ฐานคิดและข้อเสนอว่าด้วยการออกแบบรัฐธรรมนูญฉบับประชาชน ปี 2540 [Thai Political Reform: Conceptual Basis and Proposal on Constitutional Design for the People’s Constitution B.E. 2540]. Bangkok: Thailand Research Fund.
- Thongchai Winichakul 1994. *Siam Mapped: A History of the Geo-Body of a Nation*. Honolulu: The University of Hawai’i Press.
2015. “Buddhist Apologetics and a Genealogy of Comparative Religion in Siam.” *Numen* 62 (1): 75–99.
2016. *Thailand’s Hyper-Royalism: Its Past Success and Present Predicament*. Singapore: ISEAS–Yusof Ishak Institute.
2018. “Toppling Democracy.” *Journal of Contemporary Asia* 38 (1): 11–37.
2021. นิตริฐอภิสัทธและราชนิตริฐรม: ประวัติศาสตร์ภูมิปัญญาของ Rule by Law แบบไทย [Thai-style Rule of Law and Legal State]. In *รัฐราชาชาติ ว่าด้วยรัฐไทยในปัจจุบัน* [The Royalist Nationalist State: On Contemporary Thai State], edited by Thongchai Winichakul, 135–232. Nonthaburi: Same Sky Book.
- Ukrist Pathmanand. 2008. “Nation, Religion and Monarchy in the Fight against Thaksin.” Last modified August 13, 2008. New Mandala. www.newmandala.org/nation-religion-and-monarchy-in-the-fight-against-thaksin/
- Veerayooth Kanchoochat. 2016. “Reign-Seeking and the Rise of the Unelected in Thailand.” *Journal of Contemporary Asia* 46 (3): 486–503.
- Vibert, Frank. 2007. *The Rise of the Unelected: Democracy and the New Separation of Power*. Cambridge: Cambridge University Press.
- Wanpat Youngmevittaya. 2017. พุทธศาสนกับการให้ความชอบธรรมต่ออุดมการณ์แห่งรัฐไทย [Buddhadasa and the Legitimation for the Ideology of the Thai State]. *Journal of Social Science Naresuan University* 13 (1): 181–224.