

1998

## Thai Law and Buddhist Law

Sompong Sucharitkul

*Golden Gate University School of Law*, [ssucharitkul@ggu.edu](mailto:ssucharitkul@ggu.edu)

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>



Part of the [Comparative and Foreign Law Commons](#)

---

### Recommended Citation

Sucharitkul, Sompong, "Thai Law and Buddhist Law" (1998). *Publications*. Paper 667.  
<http://digitalcommons.law.ggu.edu/pubs/667>

This Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

**GOLDEN GATE UNIVERSITY**

*SCHOOL OF LAW*

# **THAI LAW AND BUDDHIST LAW**

**BY**

**SOMPONG SUCHARITKUL**

*A REPORT ON THAILAND by Sompong SUCHARITKUL, D.C.L., D.Phil. (Oxon); Docteur en Droit (Paris); LL.M. (Harvard); Associate Dean and Distinguished Professor of International and Comparative Law, Golden Gate University School of Law, San Francisco; formerly Panyakaro Bikkhu of Wat Somanas, Temple in the Thammayuth Nikai.*

# THAI LAW AND BUDDHIST LAW

## I : PRELIMINARY NOTIONS

The purpose of this Report is to examine the inherent links between Buddhist Law and Thai law, their coexistence, interrelations and mutual influence within the existing legal system and the religious order of Thailand.

Two basic terms used in this Report need to be clarified : **Buddhist Law** as the law based on the teachings of the Lord Buddha, and **Thai Law** as the law interpreted and applied in the various Thai Kingdoms throughout the length and breadth of the national history of the Thai people.

### A. BUDDHIST LAW

Several questions need to be answered in the present context surrounding the notion of Buddhist Law as a religious law. The first question relates to Buddhism itself as a religion. Most Buddhists regard the teachings of the Buddha as their religious guidance and principles to observe. Some consider Buddhism as a philosophy, a practical way of life.<sup>11</sup> Although Buddhism may be different from other religions of the world in that the conception of a supreme being such as God is singularly absent from the

---

<sup>11</sup> The first impression the Christian world had on Buddhism in the initial contacts appeared to be positive. The earliest Jesuit mission to Japan landed in Nagasaki and reported back to Rome that the Japanese were firm believers in the Buddhist faith. Later on, Louis XIV of France tried to woo King Narai of Siam and to convert the Siamese King to Catholicism. See A Voyage to Siam, cited in Note 2 below, The Fifth Book, pp. 215-259.

central theme of the Buddha's teachings,<sup>2]</sup> nonetheless, Buddhism is generally regarded as a religion by historians<sup>3]</sup> and missionaries alike.

By nature, Buddhists are modest and moderate. There are very few fundamentalists, fanatics or extremists who truly are not faithfully practicing Buddhism which advocates moderation and the middle path, *majima pada* or *via media*.<sup>4]</sup> If Buddhism were not counted as a religion, then billions of earthlings who are Buddhists would be deemed without religion. On the other hand, it is not untrue that a person holding the Buddhist faith can also learn and appreciate, or tolerate and practice other faiths without violating any Buddhist principle. Taking into account special characteristics of Buddhism, we are persuaded that Buddhism is a religion in human history since 600 B.C. and is likely to remain with us for the foreseeable future.

---

<sup>2]</sup> See *Itineraria Asiatica, Thailand, Vol. II : A Voyage to Siam Performed by Six Jesuits sent by the French King to the Indies and China in the year 1685*, London (1688); p. 275 :

"The religion of the Siamese is very old, and cannot be perfectly understood but by the Books that are written in the Pali language, which is the learned language, and hardly understood by any, except some of their Doctors... The Siamese believe a God, but they have not the same notion of him that we have... He is free from passions, and feels no motion that can alter his tranquility..."

<sup>3]</sup> See the 1688 edition of Nicholas Gervaise : *The Natural and Political History of the Kingdom of Siam; Third part : Of the Religion of the Siamese*, pp. 125-179.

<sup>4]</sup> Avoidance of the two extremes, between sensual pleasure and self-mortification, is the recommended middle path. The *Dhammapada* or the path of Dhamma enumerates 18 precepts, of which the last advocates restraint in action, speech and mind. One who is restrained in every way is free of all sufferings. Phra Sunthorn Plamintr, *Basic Buddhist Course*, Bangkok (1991), pp. 101-103. See, however, C.W. Howland in *The Challenge of Religious Fundamentalism to the Liberty and Equal Rights of Women : an Analysis under the United Nations Charter*, 35 *Columbia Journal of Transnational Law*, (1997), 271-377, at pp. 286-289, note 43.

The next question to be asked in connection with Buddhist Law qua law is whether the religious principles derived from the teachings of the Buddha are truly law in the sense that they are recognized as binding in the Buddhist community and not as mere moral precepts.<sup>5]</sup>

The teaching of the Buddha as recorded in the *TIPITAKA* (Pali) or *TRIPITAKA* (Sanskrit) or *TRAI PIDOK* (Thai)<sup>6]</sup> are divided into three main parts (or baskets or tables as in the Law of the Twelve Tables of Rome). They are (1) the *Vinaya*; (2) the *Sutta* (also *Suttanta*) and (3) the *Abhidhamma*. The records were kept in Pali, a dialect of Sanskrit, spoken by the Buddha and came to be known as the Pali canons. The Buddha's use of Pali represents a break from the Indian Hindu Brahmin tradition. Buddha was born a Hindu prince and Buddhism has arisen out of Hindu tradition, but since its inception, Buddhism has followed its own independent direction.

Sanskrit was the classical language of the Brahmins in India. Its earliest form was *Vedic* (circa 1500-200 B.C.) and it is in this language that the ancient scriptures of Hindu laws were recorded. There is a large body of literature including the *Vedas*, the *Rig-Vedas*, the *Upanishads*, and the *Bagavad Gita* and the tales of the *Ramayana* and the *Mahabharata*. After the *Pali Sutras* were lost in India, they were rediscovered in Srilanka and translated into Sanskrit, returning to India and eventually travelling the northern route going over Tibet and China, through Korea and Japan. There are variables between Sanskrit and the original Pali scripts, such

---

<sup>5]</sup> See Andrew Huxley, *Thai Law : Buddhist Law*, Bangkok 1996, Introduction at p. 20 :

"The *Vinaya* lacks some of the elements that we expect in a modern legal system... The way that *Vinaya* specialists write for each other and debate with each other is, nevertheless, distinctly legal."

<sup>6]</sup> The three forms of spelling : Thai, Pali and Sanskrit have been used and are still in current use indiscriminately. This confusion is further compounded by the different renderings of transliteration from Thai, Pali and Sanskrit into Roman or English alphabets.

as *Dharma* (Sanskrit) for *Dhamma* (Pali) and *Nirvana* (Sanskrit) for *Nibbana* (Pali). It will be seen that in the Thai language, both Sanskrit and Pali renderings are used in the official Thai language. In the Thai Buddhist temples, however, the chanting and prayers are all conducted in Pali, the spoken language of the Buddha, keeping as close as possible to the Teachings of the Elders, or *Theravada* Buddhism.

The *Vinayapitaka* is devoted exclusively to the rules and regulations formulated by the Buddha for the monastic conduct, rites and ceremonies to be followed by the Orders of the *Bhikkus* (monks) and *Bhikkunis* (female monks).<sup>71</sup> They are divided into five main sections and are comparable, broadly speaking, to the laws and social norms of secular society.

True it is that the *Vinaya* lacks some of the elements in the modern legal system from the perspective of the Western world. There is no Court of Appeal, no prison wardens, no bailiffs to compel or enforce compliance with the verdict of monastic peers, while the most serious offenses are punishable with a form of *capitis diminutio* (defrocking or derobing of a monk).<sup>81</sup> The *Vinaya* is nonetheless law, if only for application within the religious Order, with inevitable repercussion for serious offenses in the secular world. The Buddhist religious Order is a well-organized monastic community, self-disciplined, autonomous and law-

---

<sup>71</sup> In the *Patimokkha*, *Bhikkuni Vibang* contains 311 precepts for strict observance by female Buddhist monks. *Bhikkunis* as such were a real scarcity even during the Buddha's life time. They were very rare after King Asoka and literally fell into abeyance. What we see today in white robes are not *Bhikkunis* but Buddhist nuns who are required to observe only 8 out of the 311 precepts. Not unlike the male novices, nuns shave their heads, observe celibacy and abstain from food-taking after noon time.

<sup>81</sup> *Parachick* is the severest punishment, termination of monkhood. There are six other lighter penalties : *Abat Sangka Thiset*; *Abat Tullachai*; *Abat Nissakhree*; *Abat Pachitt*; *Abat Patithesaniya*; and *Athikornsomaka*.

abiding.<sup>9]</sup>

The *Suttapitaka* is a collection of *Sutras* and dialogues of the Buddha with his various disciples,<sup>10]</sup> while the *Abhidhamma* constitutes a more purely philosophical elaboration of the sayings and teachings of the Buddha.<sup>11]</sup> They are not law in the sense of the secular law in force in a given society, but constitute nevertheless a code of conduct, a model of peaceful living for the Buddhist community.

Three objects of the highest veneration in Buddhism are the Buddha, the *Dhamma* and the *Sankha*, the three constituting the *RATANATTAYA* or the Holy Triple Gem comparable in some respect to the Holy Trinity.

## B. THAI LAW

What seems to be begging the question with regard to the notion of Thai Law is not so much the "Law" as the "Thai" part, preceding the word "Law". There can be little doubt as to the nature and character of the law in force in the Kingdom of Thailand as it is today more or less clearly delimited. It is questionable whether the notion of **Thai Law** is wider than the expression the **law**

---

<sup>9]</sup> For a monk, a lesser offense may be absolved by repenting and by inviting twenty monks to preach concerning that offense, while a guilty layman could be fined. For detailed regulation of the Buddhist monastic order in Thailand see footnote 37 below.

<sup>10]</sup> See Phra Sunthorn Plamintr, cited in Note 4 above, Basic Buddhism Course, Part II : 1. *Dhammacakkappavattana Sutta* (the Wheel of Dhamma) teaches us about the Four Noble Truths (the *Cattari Ariyasaccani*) and the Noble Eightfold Path (*Atthangikha-Magga*); and 2. *Mahaparinibanna Sutta* (the Great Demise Discourse).

<sup>11]</sup> *Abhiddhamma* is the Great Doctrine Discourse delivered originally by the Buddha during the raining retreat or Buddhist Lent to *Mayadevaputta*, marking the Lent-Ending Day (*Pavarana Day*). Today, *Abhiddhamma* prayer is also chanted in funeral rites to console the living on the *Samsara*, the cycle of birth, age, sickness and death.

**of Thailand.** The answer appears to be clearly in the affirmative. A clue to this enigma must be found in the history and origin of the Thai people and nation.

The original chronology for Thailand published in the Constitution of the Countries of the world in 1973 began :<sup>12]</sup>

*"The Thais ("free people") date back 5,000 years to tribes in Altai mountain range in Western Mongolia. According to the legend, the Thai people moved south of Huangho and the Yangtse River in China one thousand years later. During this period, the Thais united to form an independent nation, ruled by its own King. Thailand, formerly Siam, has been independent since that time."*

Following the excavation at Baan Chiang in north-east Thailand three decades ago, studies made by the University of Kyoto and Indiana University concur that the Thai civilization at Baan Chiang dating back 6,000 years was probably the first in the world. Without contradicting off-cited legend, it would appear plausible that the Thai city-kingdoms had existed in the Golden Peninsula (Laem Thong) even prior to their settlement around the Altai mountain range.<sup>13]</sup>

The expression "Thai" or *Tai* meaning free or free man has long been used to refer to an independent ethnic group known as the Thai race who today populate the whole of Thailand and Laos, the whole of Shan State in Myanmar, the whole of Yunnan Province (at times known as the Thai Autonomous State in Southern China) and the *Thai Yuan* or *Thai Dum* or Black Thai in Northern Vietnam. Other members of the Thai ethnic groups also live in Assam Province (Thai Ahom or

---

<sup>12]</sup> Editors Albert P. Blaustein & Gisbert H. Flanz, New York, 1973 : Thailand by Marut Bunnag & Bruce J. Brafman, p. 1.

<sup>13]</sup> See Constitutions of the Countries of the World, Editors : Albert P. Blaustein & Gisbert H. Flanz : Kingdom of Thailand by Sompong Sucharitkul, New York, 1993, p. xii.



Assam) in India. Thus, the word "Thai" refers to the people, the race, or the scattered ethnic groups now living in various parts of Southeast Asia.

Another expression frequently used from time immemorial is *Muang Thai*<sup>14]</sup> or the "Land of the Free" to denote the land or territory occupied by the unified Thai groups in present-day Thailand (*Thai Noi* or "little" Thai as distinguished from their cousins *Thai Yai* or "big" Thai now settled in Shan State). The Thai name *MUANG THAI* as translated into English "Thailand" has sometimes given rise to an objection from certain quarters on the ground that it is irredentist in purpose despite its innocent sound. The addition of the word "land" to the word "Thai" should not be opposed on linguistic grounds. Familiar examples abound as in England, Finland, Ireland, Scotland, etc.

Thailand is a geographical derivation of the ethnic groups known as the Thais, whereas "SIAM" is originally a geographical area of which the derivative word "Siamese" refers to the inhabitants of that territory and is often used as an adjective pertaining to Siam, including the language used. To the inhabitants north of the Golden Peninsula (*Suvarna Bhumi*), the Thais have been known in Chinese as *Siam-Lao*. In the Thai language, the territory is pronounced *Prathet Sayam*.<sup>15]</sup>

Although in this Report, the expression THAI or Thailand and Siamese or Siam will be used interchangeably to maintain

---

<sup>14]</sup> *Muang Thai* was used in the Bowring Treaty of 1855 in its original draft, but was replaced by SIAM in its final text. See Vol. 1 (1617-1869), *Bilateral Treaties and Agreements between Thailand and Foreign Countries and International Organizations*, pp. 23-81; published by the Ministry of Foreign Affairs, Bangkok, 1968.

<sup>15]</sup> See W.A.R. Wood, *A history of Siam, Chiangmai*, Chapters 1 and 2, *Early History of the Tai, ancestors of the Siamese, Laos and Shans of today*, pp. 31-48.

equilibrium in their concurrent usages,<sup>16]</sup> legal historians have discovered many unsolved problems in Thai legal history which is said to be enjoying a golden age.<sup>17]</sup>

Thai and non-Thai scholars alike have been at a loss to ascertain the true sources of earlier Thai law or to allocate with any precision the exact proportion of the material contribution to its development by Brahmin traditions or Hindu *Dharmasastras*, and Buddhist law drawn from the *Tipitaka* or the Buddhist Pali canons. It is still unknown as to how much of the current law of Thailand is originally purely Thai,<sup>18]</sup> or the extent of influence received from trade usages with its neighbors from across the seas or maritime commercial customs as practiced by Chinese partners. The truth of the matter as revealed by legal historians,<sup>19]</sup> appears to

---

<sup>16]</sup> The name *Prathet Sayam* was used in national anthems and verses, side by side with *Prathet Thai*. In a well-known verse, it is said :

*"As long as SIAM continues to exist, the THAIS will remain alive. Should SIAM perish, how can the THAIS survive?"*

<sup>17]</sup> See Andrew Huxley, *Thai Law : Buddhist Law*, Bangkok, 1996, cited in Note 5 above, *Thai Legal History is Enjoying a Golden Age, Come and Join Us*, p. 26.

<sup>18]</sup> See David Wyatt, *Reflections on the Intellectual History of the Pre-Modern Southeast Asia*, Proceedings, Seven IAHA Conference August 22-26, 1977, Bangkok, Chulalongkorn University Press, (1979), pp. 1587-88 "

*"It seems to me that the study of pre-modern law in Buddhist Southeast Asia offers unique opportunities to the scholar interested in uncovering intellectual change in the region and in assessing the character of the Southeast Asian civilization... Uniquely in legal documents are man and society explicitly dealt with by pre-modern, non-monastic, Tai intellectuals."*

<sup>19]</sup> See, e.g., Masao T., *Researches into the Indigenous Law of Siam as a Study of Comparative Jurisprudence*, (1905), *Journal of Siam society (J.S.S.)* 2 : 14-18; Leclère, A., *Les Codes Cambodgiens*, 2 volumes, Paris (1898); Lingat, R., *Notes sur la Revision des Lois Siamois en 1805*; *J.S.S.* 23 : 19-27. and Huxley A., *How Buddhist is Theravada Buddhist Law?* (1990), *Buddhist Forum* 1 : 41-85.

be that whatever the contents of the applicable law in modern Thailand and in spite of their western civil-law formulation, pre-western codified Thai statutes and legal traditions deserve the closest attention from the perspective of their internal linkages with the teachings of the Buddha which we have been persuaded to acknowledge as the Buddhist Law.

Before an attempt is made to embark on that enquiry, it is necessary to caution that Thai Law is Buddhist Law only in many parts, the remainder of which is partly of pure Thai origin and partly drawn from international mercantile usages prevailing in Southeast and East Asia.<sup>20]</sup> A study of Thai Law as Buddhist Law does not preclude some close encounters with Hindu Law through *Dharmasastras*, the Code Manu for Kings or Manu Laws or the cultural influences of Sanskrit literature which is predominant in the linguistic evolution of Thai alphabets, scripts and transliteration.<sup>21]</sup> While the influence of Indian culture on Thai society is more linguistic through the adoption of Sanskrit, the use of Pali by *Dheravada* Buddhist monks is a clear indication of a broader impact of Buddhist Law in the progressive development of several branches of Thai civil law in the pre-codified period prior to the current century.

---

<sup>20]</sup> See e.g., Sarasin Viraphol, *Law in Traditional Siam and China : A Comparative Study*, (1977), J.S.S. 65 : 81-136; Zhang Xiaohui, Xu Zhonggi and Zhang Xisheng, *Explorations in the Laws of the Dai Nationality in West Yunnan*, (1990), Paper presented to the 4th International Thai Studies Conference, Yunnan; and Villiers, J., *doing Business with the Infidel : Merchants, Missionaries and Monarchs in Sixteenth Century Southeast Asia*, 1994.

<sup>21]</sup> See, e.g., Aroonrut Wichienkeeo and Gehan Wijeyewardene, *The Law of King Mangrai*, Canberra 1986; Vickery, M., *Prolegomena to Methods for Using Ayutthayan Laws as Historical Source Material*, (1984), J.S.S. 72 : 37-59; and Ishii, Y., *The Thai Thammasat*, pp. 143-203, of *Law of Southeast Asia*, Vol. I, *The Pre-Modern Texts*, ed. Hooker M., Singapore (1986).

## II. CO-EXISTENCE AND INTERDEPENDENCE BETWEEN THAI LAW AND BUDDHIST LAW

The Three Seals Code of Siam was completed in 1805 by the Committee of Sunthorn Wohan, bearing the seals of the Interior, Defence and Finance Departments respectively, hence, the title *Kotmai Tra Sam Duang* (the Three Seals Code). King Rama I instructed the codification Committee<sup>22]</sup> : "*To cleanse the manuscripts of royal edicts and laws kept at the Royal Library commencing from the Sacred Thammasat and to place the manuscripts in conformity with the Pali sacred text and its content in order to eradicate errors and duplications and to arrange them into groups.*"

The Three Seals Code appears to have been a compilation and collation of existing statutes, edicts and known Thai customs and grouping them in systematically classified order. Prior to this Code, a court official had versified the *Kotmai Lilit*, a selection of Ayudhyan laws dealing with the procedure for hearing appeals. The Three Seals Code contains a treatise on jurisprudence, law of evidence, husband and wife, appeals, etc. and was applied throughout the present Thai Kingdom for over one hundred years until the reign of King Rama V. Another Law Reform Commission was established in 1897 which undertook the codification of Thai Laws, including a Penal Code, a Code of Civil Procedure, a Civil and Commercial Code as well as a Statute on the Courts of Justice.<sup>23]</sup>

In the Ayudhyan Kingdom (1350-1767 A.D.), several laws were adopted, notably,

---

<sup>22]</sup> See e.g., Ishii, Y., *The Thai Thammasat*, (1986), cited in Note 21 above, translating the Preamble to the Three Seals Code; Low, J., on the *Laws of the Mu'ung Thai*, (1847), *Journal of the Indian Archipelago and Eastern Asia*, I : 395-429; and Croizier, E., *Notice des Manuscrits Siamois de la Bibliothèque Nationale*, Paris, (1887).

<sup>23]</sup> See Sompong Sucharitkul, *Kingdom of Thailand, Constitutions of the Countries of the World*, (1993), cited in Note 13 above at pp. xvi-xvii.

- (1) The Law of Evidence (1350 A.D.);
- (2) The Law of Offenses against the State (1351 A.D.);
- (3) The Law of Husband and Wife (1351 A.D.);
- (4) The Law of Procedure for Receiving Complaints (1355 A.D.);
- (5) The Law of Offenses against the People (1357 A.D.);
- (6) The Law concerning Robbery (1350 and 1366 A.D.);  
and
- (7) The Law on Miscellaneous Matters (1359 A.D.)

The Stone Inscriptions (1292 A.D.) of the Sukhothai Kingdom (1257-1350 A.D.) were not merely crucial evidence of early Thai legal history, they also constituted law texts on the basis of their description of the King's activities and duties.<sup>24]</sup>

The legal material of the *Ahom Buranji* may be used to illuminate what the Thais had before they became Buddhist. Two collections of the Thais' earliest customs could be identified. First, Lengdon, the Supreme God of the Thai Ahom in Assamese Kingdom promulgated his Code while instructing his two grandchildren how to rule over the Thais and other peoples.<sup>25]</sup> On the multi-ethnic nature of the population Lengdon emphasized : *"There are people of various communities on the Earth. It is very thickly populated. You must rule with a firm hand. I advise you to do justice."* Pre-Buddhist Thai legal culture appears to attach considerable importance to the maintenance of cultural

---

<sup>24]</sup> See an extract from the Sukhothai Stone Inscriptions of 1292/93 A.D.

*"During the time of Prince Khun Ram Kamhaeng, the Realm of Sukhothai was prospered. In the water are fish, in the field is rice. The Lord of Realm Take them not. He would invest them in his people. Along the highways people lead cattle to trade, ride horses to sell..."*

<sup>25]</sup> Barua, G., *Ahom Buranji : from the earliest times to the end of Ahom rule Calcutta : Assam Government, 1930.* See also de la Loubère, S., *The Kingdom of Siam*, Oxford, in *Asia Historical Reprints*, with an introduction by David Wyatt, Oxford University Press, 1969.

separateness, the integrity of Thai family unit.<sup>26]</sup>

Second, Khun Borom, King of the Thai-Lao, promulgated his Code while advising his seven sons and daughters-in-law how to rule. In the light of Condominas' description of Thai rule over multi-ethnic populations in the Dien Bien Phu region of Vietnam, the two pre-Buddhist Thai Codes of Thai Ahom and Khun Borom of the Thai-Lao or *Thai Yuan* demonstrate some of the strategies<sup>27]</sup> which made the Thais so successful in establishing their rule over mixed population in the thirteenth century onward everywhere from the Upper Mekong Region to the neck of the Malay Peninsula<sup>28]</sup> and from the Mid-Mekong Region to Assam in Northeast India.<sup>29]</sup>

Until recently, scholars thought of "Buddhist legal influence" as an empty category, a contradiction in terms. In the last decade, that view has been challenged by researchers in Buddhological circles. Buddhist legal traditions are now recognized as predating Hindu Dharmasastras, as having their own distinct content and as being a major Indian contribution to Thai

---

<sup>26]</sup> Condominas, G., *L'espace social à propos de l'Asie du Sud-Est*, Paris, (1980).

<sup>27]</sup> *Ibid.*, and also Sunait Chutintaranond, *Mandala, Segmentary State and Politics of Civilization in Mediaeval Ayudhya*, (1990), J.S.S. 78 : 89-100.

<sup>28]</sup> See, e.g., Raja Khata Muang Nan from Tai Yuan original mulberry text paper, transcribed by Aroonrut Wichienkeeo, text from Nan Province, *Journal of History Society*, (1981). pp. 34-50; and Anulomya Kotmai Boran, transcribed from Tai Yuan palm leaf by Aroonrut Wichienkeeo, in *Historical and Textual Studies*, 1984, Social Science Research Institute, (1984), Chiangmai University.

<sup>29]</sup> See, e.g., Hinüber, O., *Buddhist Law according to the Theravada Vinaya - A Survey of Theory and Practice*, *Journal of the International Association of Buddhist Studies*, 18 : 7-45; and Sommai Premchit, *Lanna Literature, Catalogue of 954, Secular Titles*, Bangkok, (1986), Chulalongkorn University Book Store.

and Southeast Asian culture in general.<sup>30]</sup>

Huxley distinguishes legal literature from the philosophic-religious concerns of the Pali scriptures and the proverbial wisdom of the ethical works of *Niti* and *Chhap*.<sup>31]</sup> He offers seven lists and seven stories with *Tipitaka* and commentary references in brackets according to the Critical Pali Dictionary citation system, including, in particular, the three kinds of slaves [V iv 224], the four *AGATI* or principles of natural justice [J i 176; J iv 105]; the four factors determining the market value of a property [V-a viii 64]; the five duties of spouses [A iii 36]; the seven kinds of wife [A iv 91; J ii 347]; and the twenty-five kinds of theft [V-a viii 60].

Coexistence in the sense of mutual independence, non-interference and to an appreciable extent inter-dependence between the Temple and the State is fully implemented in the Thai kingdoms throughout the ages and everywhere since the reception of Buddhism in the Golden Peninsula (*Suvarna Bhumi*) from Pallava in Srilangka by the end of the Sixth Century (circa 600 A.D.), hence the establishment of the first Pagoda (*Phra Pathom Chedi*) at Nakorn Chaisri (Nakorn Pathom) of the Mon Dvaravati Kingdom,<sup>32]</sup> and spreading northwards to the Thai Kingdom of Chiengsaen, Lannathai and Sukhothai. Today, coexistence is reflected in the "Tricolor" of the Thai flag : Red for the Nation-State; White for the

---

<sup>30]</sup> See, e.g., Huxley, A., *The Kurudhamma : From Ethics to Statecraft*, *Journal of Buddhist Ethics*, (1995), 2 : 191-203; Jardine, J., *Buddhist Law*, *Imperial and Asiatic Quarterly Review* (3rd series), (1897), 4 : 367-375; and Upendra Thakur, *The Brahmana Pandits in Siam*, *Proceedings of the Third International Conference on Thai Studies*, (1987), pp. 353-358.

<sup>31]</sup> Huxley, A., *Thai Law : Buddhist Law*, cited in Note 5 above, pp. 19-20.

<sup>32]</sup> See Rong Syamananda, *A History of Thailand*, Chulalongkorn University, Bangkok (1976, reprinted 1988), pp. 13-19; various kingdoms were founded in the Golden Peninsula : Funan, Dvaravati, Chenla, Champa, Srikshestra, Sudhammavati and Srivijai.

Religion, Buddhism; and Blue for the King, the Monarchy. The three colors form part of another Holy Trinity guaranteed by constitutional provisions of democratic Thailand since 1932.<sup>33]</sup>

Peaceful coexistence means in effect not only that the Temple or the Monastic Order will be left alone to rule itself without interference or intervention on the part of the State, but more importantly the religious order is recognized not only by the public and administrative law as an autonomous entity but also by the Civil and Commercial Code of Thailand, as each Buddhist Temple is so recognized, as a legal entity, capable of rights and obligations under the legal system of Thailand.<sup>34]</sup> Indeed the religious order coexists within the legal and constitutional framework of the Kingdom.

Within the monastic communities, a hierarchy of ecclesiastical order has been established, headed by the Supreme Patriarch, and administered by the Mahathera Council of Elders among the Buddhist monks. In Thailand, as in other Southeast Asian countries, the prevailing Buddhist order has been the Theravada Buddhism or *Hinayana*,<sup>35]</sup> although traces of *Mahayana* Buddhism<sup>36]</sup> could be found

---

<sup>33]</sup> *Ibid.*, pp. 1-5, see the national flag of Thailand until 1917, Red with white elephant, and since September 28, 1917, King Rama VI introduced the *TRI-RONG* (Tri-color) when Thailand joined the Allies in the First World War.

<sup>34]</sup> Section 72 of the Civil and Commercial Code of Thailand, Books I and II, B.E. 2466 (1923 A.D.) listed Temples and Monasteries as Juristic Persons, next to Departments of Government. The current law as amended contains no reference to either Temples and Monasteries or Departments of Government, both having formed subjects for separate treatment in special legislation. See in particular The Sangha Act B.E. 2505, (1962) : Section 7 : The King shall appoint the Supreme Patriarch.

<sup>35]</sup> See, e.g., David Holmes, *The Heart of Theravada Buddhism : The Noble Eightfold Path*, Chulalongkorn University Press, Bangkok, (1977). For the administration of the Buddhist Monastic Order, see the Sangha Act B.E. 2505. Mahathera Council and Regional Buddhist Organization of Monastic Order, and Ministerial Regulations.



among the Chinese, Japanese, Korean and Vietnamese in the realm. The Council of Elders administers the affairs of the Temple, appoints and promotes senior monks to abbots, Chief Abbots and other official clerical positions within the *Dheravada Order*. The monks are strictly governed by the *Vinayapitaka* from the Pali canon.

In any given monastery, once every full-moon or half-moon, the *Sankha* recites the *PATIMOKKHA* or the 227 verses of Pali scripture specifying each of the precepts or rules of conduct to be observed by every monk without exception. Minor violations could be absolved by fellow monks, whereas grave violations such as theft, murder and breach of celibacy would end in a mandatory sentence by the Council of Elders after due process of religious law, which is derobing or defrocking, i.e., expulsion from monkhood, never to re-enter the order again, the equivalent of death or life sentence. There is no appeal or judicial review by the secular legal order.<sup>37]</sup>

The temple or monastery grounds which are open to the public are kept free of weaponry and cannot be violated by any measure of constraints or invasion by the civil authority. For all practical

---

<sup>36]</sup> See *ibid.*, p. 13 : Mahayana, literally translated, means "the Broad Way" not the traditional Theravada path, but a more common, general approach with less monastic ascetism and less stress on individual self-discipline. ...*There is nothing wrong with the Mahayana Buddhism. The Buddha had many different ways of teaching according to the level of awareness...* See *The Buddha and His Teachings* by Narada Maha Thera, Kandy, (1980).

<sup>37]</sup> See, e.g., Prasert & Griswold, *Epigraphic and Historical Studies*, Bangkok, (1992), Inscription 15 of 1515, Study No. 16, p. 672, killing a monk, one of Buddha's disciples, is equated to Buddhicide, one of the four crimes leading to Karmic retribution in this life time, or *Prachick*. For details of *Nikahakamma* (defrocking or derobing), see the Sangha Act B.E.2505, Sections 24, 25 26 and 27 *Salasamanapes* (leaving the monkhood). For other civil wrongs or criminal offenses, see Sections 28, 29 and 30, requiring the offending monk to leave the monkhood upon receiving a bankruptcy order or a sentence of detention or imprisonment.

purposes, the temples are inviolable and sacrosanct, no armed intrusion is tolerated. The monks cannot be arrested unless and until defrocked, nor can the temples be searched. No search warrant will be issued against a monastery nor a warrant of arrest or summons issued to compel a monk to appear as witness. Temples have become places of refuge or sanctuaries inaccessible to the State officials, while Buddhist monks are entitled to something much more than the English common-law "benefit of clergy". They are beyond suspicion, especially of political offenses or sedition.<sup>38]</sup>

The Dheravada Buddhism in Thailand has two sects within the Order : the *Thammayuth* and the *Mahanikai*. The former is smaller in the number of temples practicing and necessarily fewer members in its ranks and files. The large majority of Thai Buddhist temples and Thai Buddhist monks of more than 80 per cent belong to the *Mahanikai* sect. Both sects (or *Nikais*) stick closer to their predecessors in contemporary *Buddhapassa* (or Buddha's life time). *Thammayuths* tend to be stricter in the adherence and interpretation of the *Vinayapitaka*, in the reading and chanting of the Pali scriptures which will follow the original Pali pronunciation, while the majority *Mahanikai* members have relaxed some of the stringent rules and have transformed the Pali texts into Thai-style reading. Within a *Thammayuth* temple, all prayers, chants and Pali verses are said in Pali, but in the presence of even one *Mahanikai* guest who participates in the prayers, the chanting will be in *Mahanikai* fashion out of courtesy and with due deference to the majority *Mahanikai* sect.

---

<sup>38]</sup> It is not uncommon for the monarchs or royal princes (*Chaofas*) to enter monkhood. Thus, King Mongkut, Rama IV, was in the monasteries for 27 years before ascending the throne, learning the Dhamma and the Pali as well as English languages, serving as Chief abbot and initiating the *Thammayuth Nikai* for Wat Samo Lai, Wat Bovornives and Wat Rajathiwas, side by side with the *Maha Nikai*.

While the State seeks no control over the Temple or the *Wat*,<sup>39]</sup> the monks must mingle with the lay members of the Buddhist community. From early or pre-dawn morning, the monks will make their round of visits with their bowls (*Parti*) to collect food offered by the congregation in the villages or the cities alike, walking or paddling as the case may be. Devout Buddhist population considers offering food and flowers to the Sankha as one form of merit-making.

All State functions are officiated by high priests or the Supreme Patriarch with other highly ordained monks of *Somdej* rank. In some official functions such as the Ceremony of the First Plough (*Pitee Raekna*), the ceremonial parts are conducted by a senior Brahmin performing Brahministic rites which are Hindu. This is not untypical of State ceremonies in other parts of Southeast Asia. An army going into battle will first receive the blessings of the monks. Also privately, the marriage ceremonies, the births, birthdays or cremations are performed at the temple or at home by Buddhist monks. The Christening of a vehicle, an aircraft, a boat or a car is often done by a monk or a group of Sankha.

### III. THE INTERPLAY OF BUDDHIST LAW AND THAI LEGAL PRINCIPLES

In more ways than one, the influences of the teachings of the Buddha on the formulation of Thai legal norms are apparent, while the legal and constitutional structures of the Thai legal system

---

<sup>39]</sup> See, however, the Sangha Act B.E. 2505, recognizing a large degree of autonomy in self-governing, investigation and disciplinary actions against monks for violations of *Dhamma Vinaya*. For a monk violating civil and commercial code or suspected of having committed a crime, there is a clear allocation of jurisdiction between the Temple and the State, which could involve defrocking, derobing or mandatory leave to resign from monkhood.

likewise reinforce and enhance respect for Buddhist law both in the implementation of *Vinayapitaka* for the monastic order and in the dissemination of the *Suttapitaka* and the *Abhidhamma* for the lay Buddhist communities in the Kingdom.

#### A. INFLUENCE OF BUDDHIST LAW WITHIN THE THAI LEGAL SYSTEM

##### THE INFLUENCE OF BUDDHISM IN LANNA THAI LAW

In the central Thai language, *Kotmai* means law, but in Lanna Thai, *Kotmai* has a wider meaning, embracing all "written records in general". The words associated with legal texts in Northern Thai include : *Mangraithat*, *Thammasat*, *Rajasat*, *Khadilok*, *Khadidham*, *Khlong Thammasat*, *Anajak*, *Khamsorn Phaya Mangrai* and *Avaharn*.<sup>401</sup> Manuscripts under any of the above titles usually contain references to Lanna Law, for instance, *Mangraithat* means "the law of King Mangrai", and *Thammasat* is the universal natural law applicable to all mankind. *Rajasat* is the case law decided by the King in previous cases. *Khadilok*, *khadidham* refer to "Secular and Buddhist Stories". *Khlong* means way or methodology. *Avaharn* means robbery. *Khamsorn* means the teachings. The royal decrees and judgements had reflected Buddhist influence seen in the Mon and Pagan (*Pukam*) *Thammasat*.

The earliest indications of Hinayana Buddhism in the northern region are the inscriptions and chronicle references to the ninth century Haripunchai (Lampang Province). From Phya Mangrai's foundation of Lanna in Chiangmai (1296 A.D.) up to the reign of Phya Kuenta, the people of Chiangmai practiced Theravada Buddhism, the King sponsoring the casting of Buddha images and constructing

---

<sup>401</sup> See Aroonrut Wichienkeeo, *Lanna Customary Law*, in Andrew Huxley, *Thai Law : Buddhist Law*, Bangkok, (1996), pp. 31-42; also *Kotmai Lanna*, *Journal of Faculty of Humanities*, Chiangmai University, Vol. 11, (July-Dec. 1982), and *Raja Katha Muang Nan*, in *Journal of Historical Society*, Vol. 2 (January 1981).

many temples and monasteries in Wang Kun Kam and Chiengrai. In 1370, Phya Kuenta invited two Sukhothai monks, ordained and trained in Pagan to establish their Theravada sect in Chiengmai. The Eighth World Buddhist Council was held at Wat Ched Yod in 1447, bringing together many learned Lanna monks to review the *TIPITAKA* and to discuss Buddhist issues. King Trilokraj relied on Lanna monks to give his rule the authority and legitimacy. The Lanna Court continued to use the *VINAYA* and other teachings of the Buddha to help govern the layman. Laws administered in Lanna Thai had to be supported by the *Dhamma*. This served to legitimize State legislation and royal edicts by making them sacred and acceptable to the populace.<sup>41]</sup>

Because the monks were the scholars of society at that time and acted as official scribes to the kingdom commissioned to document important events and decrees, Vinaya influence was not apparent at the beginning of the Mangrai Dynasty, but by the time twenty court cases were reported in the time of Phya Kuenta, the names of the justices composing the bench were known and the particular reference to the *Jataka*, *Vinaya*, *Phra Sut* or *Sikha Vinai* was cited at the hearings. Buddhist influence in the law by the 14th century was also reflected in the respect shown by the people for the monks. It was the monks who had gone to study Buddhism in Sri Lanka and Pagan who accounted for the emergence of new Pali literature in Lanna and who had most influence on Lanna law. The use of *VINAYAPITAKA* in secular Lanna laws is found in many royal edicts.

One scholar believes that the Lanna law was created from the *Vinaya* in a very unsystematic way : the writing style is at times confusing and unorganized. In the *Kosaraj Law* 16, probably issued during the reign of the fifteenth ruler of Chiengmai (1546-1547), the first chapter compares secular cases with ecclesiastical cases and provides some evidence of how religion and State mixed together

---

<sup>41]</sup> See *ibid.*, at p. 35.

in the formation of Lanna law.<sup>42]</sup>

Another example is given in the *Mangraithat-Avaharn* 25 (twenty-five kinds of Robbery) which is drawn from the *Vinaya*, such as the twenty kinds of wife and a just way to conduct litigation also influenced Lanna Thai law. Other areas where the *Vinaya* exercised some direct influence, include adultery, cases of sexual abuse, divorce, quarrel, theft, blackmail and deceit, monastic regulations could easily be adapted to lay life. Agricultural crimes, irrigation, fighting, rent counterfeiting and fine-sharing were not affected.<sup>43]</sup>

#### THE FORMATIVE ROLE PLAYED BY BUDDHISM IN CENTRAL THAILAND

If Theravada Buddhism exerted material influence on the making of Lanna Law and jurisprudence, the influence of Buddhism in central Thailand, from Sukhothai and Ayudhya to Ratanakosin period could not be exaggerated.

Having earlier embraced Deravada Buddhism, the successive Thai Kingdoms south of Lanna (Chiengmai) have become completely Buddhist in the practical way of life. From time immemorial, it has become customary for every able-bodied male of twenty years old or more to enter a monastery as novices and monks respectively for one *Bassa* or *Passa* or *Vassa* or a period of three months during the raining season. It is in the temple where a man learns to reach maturity, to be taught the teachings of the Buddha, the *Vinaya*, the *Suta* and the *Abhidham*. Knowledge of the Buddha's teachings and the practice of the *Dhamma* as a Buddhist monk will facilitate the ripening

---

<sup>42]</sup> See *ibid.*, at p. 36.

<sup>43]</sup> See *ibid.*, at p. 37.

process of a man into a fully mature person.<sup>44]</sup>

The temple not only signifies the place of learning for religious precepts and the teachings of the Buddha, but prior to the establishment of State schools and the Department of Education in 1897, most Siamese children in Bangkok and in rural areas received elementary and secondary education in the temples taught by Buddhist monks. Even today, several State schools are associated with Buddhist temples, such as, Wat Dhepsirin School, Wat Raja-Oros School and Wat Rajadhiwas. The influence of Buddhism has been incalculable from very early childhood to adulthood. Every school day starts with a morning prayer, repeating the chanting of the *Ratanattaya*, the Triple Gem : the Buddha, the Dhamma and the Sankha.<sup>45]</sup>

When homage is rendered to the teachers at the beginning of every school year, the ceremony is preceded by paying homage to the Buddha, his teachings and the Sankha who have conducted themselves in accordance with the *Vinaya*.

## B. THAILAND'S SUPPORT OF BUDDHIST LAW

Since Buddhist law is part of the Thai legal system and has manifested itself in multifarious instances, let us turn to the converse proposition to examine the extent to which Thailand and its legal system may be considered supportive of Buddhist law.

### CONSTITUTIONAL GUARANTEES

All Thai constitutions and basic laws, especially Section 8 of the most recently promulgated Constitution of the Kingdom of

---

<sup>44]</sup> See Phra Sunthorn Plamintr, Basic Buddhism Course, cited in Note 4 above, chapter 40 : Why we study Buddhism, pp. 139-141 : The gift of Dhamma exceeds all other gifts. To share the Dhamma is indeed a very great merit. One can share the Dhamma only when one has studied it.

<sup>45]</sup> *Ibid.*, Chapter 2 : The Triple Gem (*RATANATTAYA*), pp. 5-7.

Thailand (B.E. 2540 October, A.D. 1997) upholds Buddhism as the State religion.<sup>46]</sup>

*"The King shall be a Buddhist and upholder of the Buddhist faith."*

Thus, the closest ties with Buddhism are detected in this provision, which carries much further implications. Buddhism being tolerant, all other religions may be practiced and tolerated in Thailand. Section 5 provides constitutional safeguards and protection for every Thai national regardless of birth, rank, gender or religion.<sup>47]</sup> By the same token, other religions are also protected. All persons enjoy the fundamental freedom of thought, conscience and religion, faith or religious belief, under Section 37, which also guarantees freedom to practice religious functions and ceremonies not hindering civic duties of others, neither disturbing the peace and order nor repugnant to the good moral of the people.<sup>48]</sup>

---

<sup>46]</sup> Section 8 of the Current Constitution of Thailand, B.E. 2540 (1997 A.D.), requires the King to be a Buddhist and to uphold the Buddhist faith. It should be added that under the Roman Catholic Act, B.E. 2457 and 2561, and the Protestant Proclamation, Bangkok Era 123 respectively, the King chartered the Roman Catholic Church as a juristic person and gave land to the Protestant Church. See also the collection of Muslim Acts whereby the Muslim faith was granted Royal Patronage, B.E. 2491.

<sup>47]</sup> Section 5 of the Constitution, B.E. 2540, grants protection to every Thai national regardless of rank, gender or religion. In line with this and similar provisions in earlier constitutions, freedom of thought, conscience and religion is guaranteed. Thus, Roman Catholicism, Protestant Faith and the Muslim Faith have been granted Royal Patronage and protection.

<sup>48]</sup> Section 37 extends this fundamental freedom to all human beings, subject to the mandatory rule that the exercise of freedom of religion and all performances of religious rites must be without prejudice to the duties of other persons nor contrary to the peace and order or good moral of the people.



New temples and monasteries continue to be constructed while older ones are being maintained and kept in services, thus expanding with the population growth of the Kingdom and well in keeping with the peaceful and cooperative relations between the State and the Temple.

### ROYAL AND STATE FUNCTIONS

Royal ceremonies and State functions invariably include active presence and participation by highly ordained and high-ranking Theravada Buddhist monks. As a matter of fact, most Thai monarchs from Sukhothai, Ayudhya through the contemporary Ratanakosin have maintained the tradition of entering the monkhood for a period of time, a *Passa* or a shorter period and in some cases like King Rama IV, many *Passas* before leaving the temple to be crowned King of Siam.<sup>49]</sup>

There is a distinct practice in Buddhist hierarchy, that if the reigning monarch should enter the monkhood, the highest seat of honor, next to the Supreme Patriarch, is reserved for the King in any monastic or ecclesiastical or mixed State functions. There is as such mutual recognition of the highest position reserved for the head of State within the ranks and files of the Buddhist ecclesiastical hierarchy. Conversely, a highest place of honor is reserved for the Supreme Patriarch, representing the Sankha, disciple of the Buddha, whose image is an object of worship which

---

<sup>49]</sup> See Rong Syamananda in Note 32 above, Chapter XI : Modernization of the Kingdom, pp. 118-145, at p. 119; the Prince-Monk was ordained when he attained the age of twenty and stayed in the monkhood throughout King Rama III's reign of 27 years.

is placed in the highest position, to preside over and above all else.<sup>50]</sup>

#### IV : CLOSING CALL

The foregoing study does not lend itself to any conclusion, however tentative or provisional. The present report is incomplete. The Rapporteur is apprehensive at the end of the day that he is leaving unfinished the task he has set out to perform, having done merely parts of the exploration work on the topic of **THAI LAW AND BUDDHIST LAW**. Without even scratching its surface, he has experienced a close encounter with the parameter of a rich collection of materials, manuscripts and researches which have recently been uncovered, compiled and in the process of being transcribed or deciphered. In the face of an overwhelming thesaurus of new discoveries, the source of knowledge in the field under exploration is indeed rich beyond the dreams of avarice.

Having reached a point of no return, but seeing nothing beyond the sheer cliff ahead, we should continue to climb although knowing not with reasonable certainty whether once the top of the cliff is reached there will not be another higher ridge behind, and another and still another *ad infinitum*. At this point, however, the sky is clear and cloudless, even the ocean floor appears flawless and transparent, and visibility seems unlimited.

Without attempting any concluding observation other than echoing and reiterating a call made by those courageous legal

---

<sup>50]</sup> See the Sangha Act, B.E. 2505, and Ministerial Regulations issued pursuant thereto. The Sangha in all temples and monasteries throughout the realm are governed by the Supreme Patriarch (*Sangharaj*) who is confirmed by Royal Appointment, and presides over the Mahathera Council (Council of Elders). Religious Properties are of two categories : The first category of monastic assets belongs to the Buddhist Monastic Order as a whole, and the second category belongs to one of the temples and monasteries within the hierarchy.

historians and scholars who have preceded me on this front, I would like to end this study by expressing a fondest hope that this Report should proffer an open invitation, and a stepping-stone for future generations to venture into this rich and virtually unexplored field.

Several questions rush to mind, all of which seem urgent and intriguing. Clearly, the substantive law of Thailand must be linked to the teachings of the Buddha. Not every part of Thai law is specifically influenced by the Buddhist doctrine, but the civil law, particularly the law of persons, family law, the law of properties and the law of transactions and obligations must be imbued with legal norms based on Buddhist principles. Even penal laws are not uninfluenced by the teachings of the Buddha especially the conversion of *Ungulimala*, the "Finger-Garlanded One".

To give an illustration of the closest linkage between the teachings of the Buddha and the legal status of a person under Thai Civil Law, Section 15 of the Civil Code<sup>51]</sup> provides that legal personality begins with the birth of a child and its survival as an infant and ends with death. This represents the *SAMSARA*, the Cycle of Birth and Death in Buddhism.

An interesting comparison can be made with Article 4 of the American Convention on Human Rights.<sup>52]</sup> The Right to Life reads :

*"1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life".*

Conception must precede birth. Section 15 of the Thai Civil Code also contains a second paragraph, which reads :

---

<sup>51]</sup> See the Civil and Commercial Code, Book I, B.E. 2466 (1923 A.D.) as amended in B.E. 2468 (1925 A.D.)

<sup>52]</sup> November 22, 1969, O.A.S. Treaty Series No. 36, at 1, OEA/Ser. L./V/II.23 doc. rev. 2, entered into force July 18, 1978.

"A child en ventre sa mère is capable of rights provided it is thereafter born alive".

This proviso, if and when satisfied, will retroactivate all the rights of the unborn child right up to the moment of its inception, which should biologically coincide with its conception under the American Convention which reflects the influence of Catholicism.

By comparison the five precepts of Buddhism, the *Pancasila* begins with the first *Sila* :

*Panatipata veramani sikkhapadam samadiyami*

Literally, I observe the precept requiring me to refrain from taking life of a living breathing being. In a way this is not inconsistent with the Old Testament Commandment : THOU SHALT NOT KILL. Only the Buddhist version is older and far more explicit in its recognition of all forms of life, human, animals, marine life, plants, trees and even grasses that breathe.

The question remains whether a *fetus en ventre sa mère* can be said to be breathing on its own with an independent separate existence prior to its birth and severance of the umbilical chord.

Many other issues are begging the question. Thai law under the influence of the Buddha's teaching of lessons of tolerance and compassion, admits of the practice of other religions. Thus, Thai law on family relations reflects the recognition and coexistence of a pluralistic society wherein persons of different faiths could be subject to different personal laws, especially with regard to family relations, adoption, betrothal, marriage, divorce and succession. That is one of the reasons why Thailand adopted its Code on the Conflict of Laws since B.E. 2481 (1938 A.D.).

In closing, the Rapporteur repeats his final call for comparativists fascinated by the richness of the challenges that lie ahead to join him in the quest for further exploration and investigation of the nature and scope of the mutual influence

between **Buddhist Law** and **Thai Law** as indeed the laws of Thailand's neighbors whose territories have overlapped with Siam and have been integrated with it through lapse of time

*Sompong SUCHARITKUL\**

---

\* **A Report on THAILAND** by Sompong Sucharitkul, D.C.L., D.Phil. (Oxon); Docteur en Droit (Paris); LL.M. (Harvard); Associate Dean and Distinguished Professor of International and Comparative Law, Golden Gate University School of Law, San Francisco; formerly **Panyakaro Bikkhu** of Wat Somanas, Temple in the Thammayuth Nikai.