

## Comments and Discussion

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### Sovereigns and Citizens

The creation of Southeast Asian nation-states, as elsewhere in the world, involved drawing boundary lines to include population groups that were heterogeneous in ethnicity and religion but alike in citizenship. Whereas political and religious loyalties were once imagined to be directed toward the king alone, authority in the nation-state rests on a different conceptual foundation. Citizens of the nation-state need not believe in the divine foundations of the monarchy nor even share the religious beliefs of the king in order to respect the legitimacy of civil authority. Yet as Frank Reynolds has suggested, the Southeast Asian nation-states have invoked both religion and respect for the king as inseparable elements at the core of the concept of the state.

Within the Southeast Asian nation-state, then, the distinction between civil and religious authority becomes problematic. The discussion at the conference addressed the status of those who do not share the dominant religious perspective but are citizens of the state and subjects of the king. The following exchange is revealing in this regard. It grew out of a comment on what some have said is a difficulty experienced by Thai Muslims who wish to speak to the Thai king. The Thai language has no single word for the pronoun *I* but has many different words that vary according to the status differences of the speaker and the person being addressed. The personal pronoun usually used by the Thai when addressing the king is *khaphraphutthachao*—literally, “slave of the Lord Buddha.” It was asked whether the necessity of using this term to refer to oneself inevitably placed citizens who were not Buddhist in a problematic position. Participants differed in their perspectives on this question.

SAENG CHANDRANGAM

There is an interesting story behind the word that we use when we address the Thai king as *khaphraphutthachao*, “I, the slave of the Buddha.” When Christians came to Thailand, they had to translate the Western terms, Christian terms, into the Thai language. They had the word *God*, which was a new concept for the Thai people. The Thai had never had the concept of a supreme god, so they had difficulty in trying to find a Thai equivalent. The Christians saw Thai addressing the Buddha and the Buddha image, which is the highest object of worship for the Thai. We call the

Buddha images, as well as the Buddha, *phrachao* [an honorific term without a specific reference to Buddha or Buddhism]. So the Christians adopted that word for God. The Thai before the Bangkok period [i.e., A.D. 1782] addressed the king as *khaphrachao*, not as *khaphraphutthachao*. But when the Christians used the word *phrachao* to address God, it became confusing, because when you say *khaphrachao*, nobody knows whether it means “I am the slave of God” or “I am the slave of the Buddha.” To distinguish, the Buddhists began to use *khaphraphutthachao* when they addressed the king, but sometimes the ordinary people may still use the word *khaphrachao*. Even nowadays they use that word. So, in conclusion, Thai people have always suspected Christianity because it came along with Western imperialism and because it proselytized aggressively. But we have very peaceful, very good relationships with the Thai Muslims, because the Muslims never represented any big power, and Muslims never had aggressive proselytizing. They have kept to themselves throughout history, so we don’t usually have any conflict at all with Muslims.

MICHAEL MASTURA

A Muslim has very little to say about sin in the Catholic sense of the word. I don’t know if Buddhists believe in sin, but one of the things that a Muslim cannot do and cannot believe in—this is the foundation of Islam—is to submit to any being other than Allah, or God. Therefore, when you insist on saying “I, the slave” or “I, the servant” of somebody, you are pushing that Muslim individual to what is called *shirk*, or sin, for which that person will not be pardoned. I should suppose that Thai Muslims face this reality, but they keep quiet. Islam means “peace,” which also means “submission.” You submit to God, because the essence of Islam is, there is no God except God, Allah. . . . But if you push a Muslim, if you say, “Submit, you are also a slave,” or “You must take somebody as your lord other than God,” then you are forcing that individual to commit a sin. I am not trying to say something is wrong with the formulation. What I am stressing is that it can be a source of irritation if not properly explained.

JUREE VICHIT-VADAKAN

May I add just a small point? In the Thai case perhaps we are blowing up the concept of submission to a supreme authority in the usage of *khaphraphutthachao*. I think there are other terms as well, other pronouns with which to refer to oneself if one does not wish to use that word. I am no expert on royal language usage, but I think that *klaokramom* [an alternative version of the pronoun “I”] is quite acceptable. And a female would simply say *momchan*. I believe that Thai Muslims in the south, and in Bangkok as well, do make some kind of a separation between submission to Allah, God, as the supreme being, as you have described; but there is a clear consciousness of submission to political authority in the form of the king as the supreme patriarch, the supreme leader of the country. And there is no contradiction in that. You see the *chularachamontri* [religious leader] having an audience with the king. You also see Muslims who gladly pay respect to the Thai king. And I don’t think they would consider that wrong or sinful.

SULAIMAN ABDULLAH

A point that struck me was this question of language, this word for God, and word for “I,” and so on. A similar problem exists in Malay, except that when you are talking to royalty the word that you are supposed to use is *patek*, and most people just say, well, *patek* is the word for “I” when you speak to the ruler. But some linguists have said that it actually means “little

dog.” It is very polite to refer to yourself as a little dog when talking to the ruler, but when you consider yourself a Muslim, then this becomes a sensitive issue. Many times, conscious Muslims prefer to avoid using any Malay word meaning “I” or “you.” They either use the English words *I* and *you* or else use the Arabic words, which are more neutral. But again, this question of language and God and so on has a special relevance in Malaysia, because traditionally the Malays adopted Islam through the use of the Malay language. Although the other races had used English, Chinese, or whatever, the government eventually started stressing Malay as a unifying factor [for the nation]. Fine, this was a very good national measure. But it resulted in young people—Christians, Hindus, and others—knowing only Malay.

Then came the question of what to do with the Bible. The Christians decided to import Bibles from Indonesia. And then they found, the government found, that the Christians used Allah for God in the Bible, which created a great sense of shock among Muslims. What they considered to be their word, their God, was being used in a Christian context. Their worry was that somebody who is not very knowledgeable might pick up one of these books, read it, and, seeing the word Allah, believe that this was a reference to an Islamic doctrine. Therefore, again, the Malaysian states, in the exercise of their legislative powers, have passed ordinances banning the use by non-Islamic religions of the word Allah and certain other words that, as far as they are concerned, have an Islamic connotation. Now the Sikhs have protested because, they say, in the Sikh Bible, for example, they have reference to Allah and so on; in a sense, the Sikh religion is a syncretic blend of Islam and Hinduism. So this is a problem that has been raised in Malaysia.

## Religious Rules, Secular Norms, and Everyday Practices: Islam in Southeast Asian Societies

Discussion of Islam in relation to law raised questions about the extent to which Islam provides a comprehensive set of norms regulating most aspects of everyday life, on the one hand, and the extent to which one could detect divergences between religious doctrine and secular norms and practices, on the other hand. This issue was raised in two contexts by a question Keebet von Benda-Beckmann addressed to Michael Mastura. First, how should we understand the possible disparities between *adat* (a form of village-level oral or customary law) and Islam? Second, when does Islam itself allow its own rules to be waived under conditions of necessity? How, that is, does one decide when such conditions arise, and to what extent does the waiver constitute an acknowledgment of the limitations that any religion must face when attempting to regulate everyday practices?

KEEBET VON BENDA-BECKMANN

You said that generally speaking, anthropologists are mainly interested in the contradictions between *adat* and Islam, yet during our research in Minangkabau [in Indonesia] at least, the Minangkabau themselves were very much preoccupied with the similarities and the contradictions, both, between *adat* and Islam—so much so that even in cases where in substance some regulations were not in conflict, the fight was about whether the

same regulation was indeed an adat regulation or an Islamic one. But that is just a comment I wanted to make. I have a question. You said that under conditions of necessity, Muslim people may very well deviate from Muslim rules provided they can prove that there is no alternative. The question is, How—according to which standards—is it established whether a condition of necessity exists or not? Could you perhaps expand on that somewhat?

MICHAEL MASTURA

There is a statement in the Quran that religion is not made difficult for you. The Ottoman Turks compiled maxims—legal maxims—that were quoted in the West, and one goes something like this: “Necessity begets facility.” That capsulizes this condition of necessity. In the Quran, eating pork is prohibited. What about those people who were stranded in the Himalayas or somewhere, or in the Andes, who, to survive, had to eat a fellow who died? I guess this kind of moral/ethical question also appeals to Christians, as to Buddhists, as to people in other religions. We Muslims are very legalistic in our approach. For everything that Muslims face, there is a *hukum*, there is a rule that they can rely on to resolve the issue of whether to do it or not. That borders on the condition of necessity.

With respect to Minangkabau, there is something peculiar in the Indonesia experience, and I hope that our Indonesian friends here will help me out. In the Javanese area, syncretism seems to have been elevated to a very high level. I am not talking only about religious syncretism but about syncretism as a way of life. The Malays in general are very strict on questions of the dichotomy between Islam and custom. And so are the Muslims in the Philippines. I think that we are among the staunchest Muslims. Among the Indonesians, those in the Aceh area are the staunchest, strictest Muslims. Now, before I get misunderstood, to be a fundamentalist in Islam is not bad per se. In fact, all Muslims should be fundamentalists. The word should not have a negative connotation. Therefore, a Minangkabau who says there is a contradiction is actually given a choice—in Malay, *haram*, *halal*, or *harus*: what is prohibited, what is allowed, and what may be permissible—and the permissible is very wide. On that score, there are five gradations, or something like a scale of validity of acts. Muslims go by these parameters on anything they do. When you reduce that to law, then it goes on another scale. It becomes legal or valid or not valid. That is the sophistication of Islamic jurisprudence.

## **Islam and the State in Malaysia and Singapore**

Haji Sulaiman Abdullah continued the discussion of Islam with comments on the tensions between religion and state law in Malaysia and Singapore. Such tensions are particularly apparent to Muslims, whose religious norms address many aspects of everyday life that, for adherents of other religions, may be less imbued nowadays with religious significance and may be perceived as more appropriately subject to secular legal regulation. In the following comments, a contrast is drawn between the experiences of the governments of Singapore and Malaysia in dealing with Muslim populations.

SULAIMAN ABDULLAH

Frank Reynolds referred to the distinctiveness of Islam compared to other religions in Thailand, where there is an insistence on the use of its version of secular law. He subsequently explained that *secular* originally meant the lay aspects of religion. Yoneo Ishii discussed the efforts of the Thai government to regularize or control the Muslims in the same way as it did the monks. Some commentators have said that there is no concept of monkery in Islam, but the ideal in Islam is a community of married monks. In other words, there is marriage, but there is constant reference to God in every action made, which Michael Mastura was talking about very well. In that context, I would say that in the sense that Muslims have this direct aspect of their religion, this problem—if it can be called a problem—means everything and refers to everything; it has reference to all aspects of life and is not just for non-Muslim governments but also for so-called Muslim governments to deal with.

The point made earlier this morning, that in Thailand law is an instrument of the powers-that-be, can be applied in Malaysia as well. It is interesting that you talk about your southern provinces, because, for the Malaysian government in the center, the northern states are a problem; they are the states bordering the southern states of Thailand. And because of the rising emphasis on Islam in these areas, the government has tried a number of measures—for example, control and coopting of the religious factor. There were government accusations that opposition Muslims were refusing to follow government-appointed imams in the mosques. They waited until the prayers were finished, and then they had a fresh set. The accusers said that opposition Muslims were refusing to be buried in government cemeteries; they were having their own cemeteries. And they said that opposition Muslims were classifying government supporters as *kaffir*, as unbelievers.

The government responded in a typically Western way. It decided to pass a law to control all these things. But since Islamic aspects can be handled only by state governments, the federal government has control only over general criminal law, so it amended the penal code to make all these things forbidden unless done by an official representative of the religion. And as far as it was concerned, it was aiming for Islam alone. Those in government wanted to make sure only their people made all these statements. I had a student who did some research on this problem, and he explained it this way: he said that a lot of times the imams appointed by the government were very sound in their politics but not too good in their religion or, more important, in their pronunciation of Arabic. And for Malays, the prayer has to be said right for it to be valid. So it was not a case of “This man is a government imam; that is why we are not following him.” It was a case of “This man is only an imam because he is a government man, but he is not too good an imam, so our prayers are suspect.”

As far as the cemeteries were concerned, traditionally people made *waqf*, or bequests, of burial plots. It so happened that when a government supporter bequeathed a piece of land, the government accepted it and made it a government cemetery, whereas if an opposition person did it, the government didn't accept it. It became a question of people being buried in different cemeteries and [this led to enactment of the new law]. Now, interestingly enough, the law has been challenged, because it carries a mandatory two-year jail sentence, minimum. The judge has no discretion if an offense is proved. A challenge was raised in the Supreme Court, on the grounds that the law was specifically aimed at Muslims. It was not a general criminal law but a specific measure to get over a so-called Islamic problem,

and therefore it violated the constitutional distinction between state and federal powers. The Supreme Court bought that argument and invalidated the law insofar as it applied specifically to Muslims.

Singapore has a very interesting situation, because the Singapore government has seen the Malays, the Muslims, as a potential problem; in the sense that they have ties with Indonesia and Malaysia, they pose a security problem. The government has tried a number of measures. One is social engineering—that is, to break up the Malays, split up their kampongs, reallocate them to government flats, emphasize the use of English, show that the Malay language has no economic value, and so on, and hope that the Malays will become modernized and less concerned about Islam and the Malay language. But against this has been the government's attitude toward the Chinese majority, who stress Confucian values. As a result, there is a backlash among the Malays. Although they might have lost their commitment to the Malay language, although they might have lost their commitment to the concept of Malayness, their Islam has been strengthened, and there is a reaction among them.

Second, the government, particularly the army, has security concerns. The deputy prime minister put this frankly when he said that with the Malays we are not sure of their loyalty in a confrontation with Malaysia or Indonesia. This emphasis on security by the government has made the Malays look again at their self-concept, their self-image, in a multiracial Singapore and say, "Well, if we are not trusted because we are Muslims, maybe there is something about Islam that we should really look into." Government policies that were meant to have the opposite effect have encouraged Muslims to look further into Islam.

### **Islam, State Law, and Everyday Practice in Indonesia: Issues of Polygamy, Inheritance, and Interreligious Marriage**

Conference participants from Indonesia addressed several of the issues raised by earlier speakers. First, to what extent does the state rest its legitimacy on religion in general and Islam in particular? Second, how does Indonesian law address problems of pluralism raised by cases involving non-Muslims or Muslims whose practices are based, at times, on secular rather than religious norms? Third, how does state law deal with an issue like polygamy, which has a well-established basis in religion but not in the Western-derived norms of the nation-state? If women who believe in Islam prefer monogamous marriages, can religious and state authorities find a basis in law to accommodate their preferences?

Erman Rajagukguk comments that state authorities generally defer to religious norms and practices in the areas of marriage and inheritance, but doing so becomes problematic when the parties to be married are from different religions or do not embrace the Islamic law of inheritance. In such cases, it becomes questionable whether secular law can provide an independent legitimating authority. Omas Ihromi describes the complications of a marital law that proclaims a norm of monogamy for non-Muslims and of polygamy for Muslims while still providing an op-



portunity for the wives in a polygamous relationship to express their disapproval if they wish to and for the court to reject a polygamous arrangement if it seems ill-advised. Michael Mastura observes that the Indonesian approach to polygamous marriage resembles that of the Philippines: the substantive religious norm of polygamy is upheld, but procedural constraints are imposed to protect the interest of the wives.

#### ERMAN RAJAGUKGUK

When you ask Indonesians whether Indonesia is a secular or a religious state, the answer should be neither one. If you ask whether Indonesia is a religious state, we refuse to say yes because Indonesia doesn't have, or the state doesn't recognize, a state religion. On the other hand, if you ask whether Indonesia is a secular state, the answer must also be no, because in the Pancasila, the five principles of the Indonesian state philosophy, the first of the five principles is belief in God.

Let me give some illustrations concerning the law. In the 1970s we enacted a basic marriage law. Article 1, ¶ 2, mentions that marriage should be carried out according to the religion of the parties. So a problem will arise where the parties are of different religions. Although the Supreme Court issued a decision that the state has to legalize interreligious marriage, some of the state registration offices have refused to register such marriages. This is an unresolved problem in Indonesia.

Conflicts are not only between Muslims and non-Muslims but among the Muslims themselves as to whether to enforce adat law or Islamic law in an inheritance case. According to regulations in effect since the colonial period, if both parties agree to examine the case according to Islamic law, the courts will do so. But if one party doesn't agree to take the case to Islamic law, the court will refuse to examine the case based on the Quran. Professor Lev has found that in Java most people take their inheritance cases to the Islamic courts to "ask the *fatwah*." And the *fatwah* has to be legalized by the district court to be enforced. Just recently, in the last year or two, new regulations have been enacted according to which Islamic courts may try inheritance cases. We do not know yet whether all of the Muslims in Indonesia will choose to follow this course.

#### T. OMAS IHROMI

The speaker from the Philippines referred to the Indonesian group many times, and we were silent. [*Laughter.*] Actually, the most interesting question, at the end of Michael Mastura's speech, concerned legal tolerance. I would like to cite some articles of the marital law in Indonesia to ask you whether they provide an example of the level of tolerance. I think it took 60 years to enact this marital law; the problems centered on how to accommodate the Muslims and the others who are not so rigid in their Muslim beliefs in the sense that they do not want to have Muslim values in all aspects of life legalized.

A concrete example is polygamy. According to the Quran, polygamy is tolerated, as I understand it, only in certain cases where the husband can prove that he can deal with the various wives according to principles of equity. Only then is polygamy valid. But in practice equity is almost impossible. Women's movements in Indonesia mostly would prefer not to have polygamy a form of legally recognized marriage. But many men in Parliament say that it should be included in the law, because if it is not, that means it is against Muslim principles. For a long time the arguments cen-

tered on these matters. But in 1974 a compromise was reached, and the law became a law for all parts of the population. Do you think that this illustrates tolerance, because all the groups in the population are encompassed in one law?

In the minds of Indonesians, you should, to a great extent, strive to make the law an instrument of national integration. But on various points you cannot sustain this with respect to marital law. For registration, you have to have a two-court system—one court system for Muslims and one for non-Muslims. With regard to polygamy, for non-Muslims there is a stipulation that marriage is in principle monogamous. That is the compromise article: marriage is in principle monogamous. The second part of the compromise says, however, that when values related to religion allow a man to have more than one wife, he may do so after a certain procedure has been carried out. What is that procedure? That has been stipulated according to Muslim law, but it is valid for all persons. So, for example, when a Buddhist is, according to Buddhist values, entitled to a second wife, he may take one with that procedure in mind. There are many aspects to the procedure, but I will mention just the most important ones. To start with, the first wife, the second wife, or the third wife, when their husband intends to take a fourth wife, must all give their consent. If possible, this consent should be given in front of the religious court. Second, the man who would like to have another wife must write a letter to the court asking for permission. And the third requirement is that he must show that financially he is able to provide for the additional wife. Of course, people from the lower [social classes continue to] practice polygamy because it is in the culture. But [some upper-class] women [have used their new legal] right, and they have gone to court. I want to ask whether this is an example of tolerance.

**MICHAEL MASTURA**

I was responsible for many legal reforms in the Shari'a court when we organized in 1980 or 1981 a series of conferences among the *shafi'i mahab*, including those in Sri Lanka and Thailand. We moved from one area to the other, and the idea was to influence public policy. On this score, what you could not resolve in 1974, we were able to resolve. The formula was taken from the Code of Muslim Personal Laws in the Philippines.

In our studies, we found that it is very difficult to contradict the Quranic text because it is very clear. That is one of the rules in jurisprudence. I had a running quarrel with the ulama—most of all, concerning the wives of Muslims. One wife of a senator said that we should abolish polygamy. So I said, "Please come over and read this text in the Quran. Do you want to amend the Quran?" She said, "No, no, of course not. I would blame you for doing so." So we asked whether we could transfer the conflict situation from the substantive part to the procedural part [of the law]. . . . The wife would then have a chance to say, "Please, you cannot even afford to give me what is due me and my children. How can you, how dare you, take a second wife or a third or a fourth?" The answer is, because these conditions are laid down in the Quran. Some ulama would tend to disagree. Gaining the consent of the wife is a very difficult proposition because, at first, there was no basis on which we could do it. But again in procedure it would be possible to do that—hence the application to court.

The historical context within which Christianity has dealt with the idea of the law and the state is different from the context in which we experience the law and the state in Islam, whether in Saudi Arabia or in Malaysia or in the Philippines or elsewhere or with respect to other religious states. There is no point in marrying these ideas [of law and state] together. We



should stop and say, "Look, this is how things are arranged." I cannot change the shape of this glass and blend it with this pitcher—they cannot stand together.

## Religion, Pluralism, and the Future of the Nation-State

Winding through the first day of discussion was a thread of ideas and concerns about the future of the nation-state in Southeast Asia. These concerns were tied to the concept of pluralism. As we have seen, Southeast Asian states have been somewhat ambivalent in their orientation toward religion, attempting to rest their legitimacy on religious symbols yet expecting loyalty on the part of all citizens of all religions. In addition, the governments of Southeast Asia have found that there are risks in distancing themselves too far from resurgent religious movements, but there are also risks in embracing religious movements too tightly or administering religious practices too directly.

The following excerpts are taken out of context; but read sequentially, they suggest a set of ideas that recurred throughout the first day of discussion. First, Neelan Tiruchelvam reflects on the struggles of nation-states in the late 20th century to keep pace with rapidly changing social realities and interreligious struggles. He questions whether 19th-century legal and political concepts are adequate to the task. Subsequently, Robert Kidder asks how unique or widespread the notion is that law and religion are different discourses. If, as Frank Reynolds has suggested, the Thai understand that religion, nation, and king are inseparable symbolic elements of the Thai nation-state, then how should we understand the convergence of religious and civil authority? Is it similar to "civic religions" in all countries, or is it transitional to a political order that is more religious or more secular? After a set of observations by Frank Reynolds attempting to clarify distinctions among religious, ecclesiastical, and secular law, Robert Kidder returns to his earlier question and asks what the future of Buddhism and Islam will be if a greater separation of law and religion is accomplished in the states of Southeast Asia. Who is it that needs or desires the creation of secular political institutions? What would the consequences of such a transformation be for the diverse peoples of the region?

### NEELAN TIRUCHELVAM

In terms of the broad themes of this conference the essays raise important questions for continued reflection, because one object of our deliberations is, I think, to see to what extent the insights that we can draw from looking at the interface between law and religion enable us to address some of the very serious problems that societies in Southeast Asia and South Asia face in the reconstruction of the nation-state. Both in the legal system and in the political institutions and the organization of the nation, the countries of South and Southeast Asia are dealing with 19th-century

ideas and concepts, and we are trying to reconcile those concepts with an evolving social reality of multiethnicity, of pluralism, and with other processes by which local groups assert their autonomy in terms of different legal and political arrangements. The whole classical debate in the sociology of law about legal pluralism is assuming a much different form in the context of the redefinition of the nation-state that is taking place in many of our societies. This is *the* issue, I think, that is going to not only threaten the contemporary legal system—the so-called modern legal system—in each of these societies but jeopardize the very existence of the nation-state.

**ROBERT KIDDER**

When I saw the topic for today, one thing that went through my mind was what has been going on in the world in the last few months and even weeks: the breakdown of the former Soviet Union, events in Yugoslavia, events in a variety of places. I thought of the term *diversity*, a current buzzword on American campuses and throughout the United States, and what seems to be a trend toward fragmentation and moving apart and moving into smaller groups versus the whole notion of a more multinational or transnational society.

One question that comes up is whether we can talk meaningfully about law as distinct from religion, as distinct from culture. Is this discourse meaningful? If so, how is it meaningful? What is the history behind its acquisition of meaning? Sometimes it seems to me that law becomes the term of discourse as a result of diversity, as a result of our coming into contact with one another or with whatever economic or political or social groups have different religions or different cultures.

Frank Reynolds was talking about the hill tribes and the inseparability of religion and law [in their culture]. Why should we insist on speaking of [religion and law] as different in *any* context, much less the hill tribe context? Where does that difference come from?

I have a question for Frank Reynolds in reference to the comments about the civic religion in Thailand and the individual, Phra Pracak. He said that the elements of the civic religion are being invoked on both sides of the debate. Is that an appeal to different constituencies within Thai society, or can the civic religion be incorporated into the worldview of any individual within a society, even a leader of the society? Is it an appeal to the thinking of a wide range of individuals who share a common point of view, or is it a kind of constituent element? If it is an appeal to a worldview, is it a stable worldview or a civic religion in transition to something more secular or more religious? In other words, do those things go together? In my own study of the Amish, a Christian sect in the United States, which is a subset of the Mennonite group, I found that there is clearly the view that law and religion are just plain incompatible; they cannot be reconciled. The history of the Amish is in some ways similar to the history of some of the Buddhist groups you have described, referring to the time in European history prior to that division between law and religion. I wonder how we can talk about these things without using one or the other discourse and then falling into the trap of eliminating the contents of the other discourse.

**FRANK REYNOLDS**

A theoretical point that I was not able to emphasize was my feeling that any discussion of religion and law has to take four notions of law seriously. As you will see, three of them are highly tinged with religion. The first is law in the context of religion, which has to do with ultimate matters,

such as the basic structure of the universe and, in the Buddhist context, *Dhamma*—one of the primary renderings of *Dhamma* in English is “law.” Thai speaking in English often talk about *Dhamma* as the law of nature, or natural law. I realize that *Dhamma* is not directly parallel to Western natural law, but that is one meaning—the way a certain law structures the universe.

A second notion of law is what we referred to in several cases as ecclesiastical law, which appears in some religious traditions and not in others. Ecclesiastical law plays an extremely important role in Buddhism. It has had a very important role in certain periods of Christian history. In Islam, ecclesiastical law is not really differentiated from the next kind of law that I am going to talk about, but we have to hold open the possibility that ecclesiastical law will be an important factor in any situation that we look at.

The third is what I call religious secular law. The word secular—and I made a strong point of this in my article—was, in English, not originally dichotomous with religion. One spoke about secular priests. Secular has to do with the lay dimension of religion. So the third kind of law that I think we always have to keep in mind is secular religious law. That is the *dhammathat* tradition in Buddhism—which, by the way, Buddhists have held to very lightly, or so it seems to me. During the whole history of Buddhism, about the only two places where there is a Buddhist insistence on a secular religious law are Southeast Asia and Tibet. But we have to hold open the possibility that that element is there.

Finally, there is secular law. Again, I use the term in the context of religion, because I think there is a religious dimension to the secular law of the modern nation-state.

I do not think that any real discussion on the relation of religion to law can avoid keeping this grid available. We must ask, Do these particular notions of law impact on whatever situation we are looking at? Thus we have the intertwining of the religious, the political, and the economic, on the one hand, and the religious and the legal, on the other. I am glad to have the chance to expound these points.

#### ROBERT KIDDER

We have been talking about religion and religious ideas as though Christianity and Islam are free-floating sets of ideas. It is worth remembering why the term *religion* became separated from the term *law* in Western society—mainly because of industrialization and the splitting off of different factions and classes of society. Maybe we should include in our discussion what is going to happen to Islam or to Buddhism if there is success in nation building, development, and modernization. What is going to happen when some people grow wealthy, and different classes emerge within different groups—is the same kind of ideological split going to occur? Who needs a nation? Why do the tribes in the north of Thailand and the Malays, the Muslims, in the south need to integrate? What groups of people need integration to happen—everybody in Thai society or certain groups in Thai society?