

RESEARCH ARTICLE

Saffron Suffrage: Buddhist Monks and Constitutional Politics in Cambodia

Benjamin Lawrence 

Postdoctoral Fellow, Centre for Asian Legal Studies, National University of Singapore

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Abstract

As one of the world's only constitutions to recognize Theravada Buddhism as the state religion yet not include a religious exemption to the universal franchise for its monastic community, Cambodia's Constitution stands out as an anomaly. This article traces the ways in which the realities of this remarkably inorganic approach to religion—enshrined in Cambodia's Constitution in 1993, pursuant to a heavily internationalized peace process—have subsequently been shaped by debates occurring within Cambodia's Buddhist institutions, rather than judicial ones. Drawing on data derived from archival research and a series of ethnographic interviews conducted during 2017 and 2018, I home in on decades-old debates about the voting rights of Cambodian monks to show how individual monks justify their participation in electoral politics through a mixture of both secular and religious arguments. The on-the-ground reality of the extension of the franchise to the Buddhist clergy in Cambodia, in other words, is ultimately shaped by an ongoing contestation within the *sangha*, with proponents and opponents of a religious exception grounding their arguments simultaneously in constitutional and theological vocabularies. The article sheds light on a singular constitutional arrangement—a unique relationship between religious and state institutions that has so far received relatively little scholarly attention—and highlights an instance of constitutional practice that occurs beyond the reach of both judicial and other state institutions.

Keywords: Cambodia; comparative constitutional law; Buddhism; voting rights; elections

Introduction

Shortly before the UN-administered elections that formed Cambodia's Constituent Assembly in 1993, Samdech Preah Sanghareach Tep Vong and Samdech Preah Sanghareach Bour Kry, the leaders of the country's two Buddhist sects, both approached Yasushi Akashi, the head of the United Nations Transitional Authority in Cambodia, known as UNTAC. Their request was a curious one, at least for international onlookers: that Buddhist monks be formally excluded from the vote.¹ Akashi refused to grant their request and instead insisted on adherence to the democratic norm of universal suffrage, thus ensuring that Cambodia's Buddhist monks would, for the first time in the country's history, participate in democratic election. Meanwhile, the terms of Annex 5 to the Paris Peace Accords—signed in 1991

¹ Ian Charles Harris, *Cambodian Buddhism: History and Practice* (Honolulu: University of Hawai'i Press, 2005), 204.

between the parties to Cambodia's near-decade-long civil war—guaranteed that the country's constitution would include provisions for democratic elections based on “universal and equal suffrage,”² thus ensuring that this precedent would be enshrined into law. In the process, these decisions created a fundamental source of constitutional contestation and debate that has rumbled on for decades, about the role of religion in Cambodian politics and the relationship between Buddhism and the state. In what follows, I provide an in-depth, empirically grounded examination of those contestations. In so doing, I highlight the extent to which constitutional meaning in Cambodia is largely shaped in everyday practice by members of the country's Buddhist *sangha*.

It was the express wish of the two leaders of the Cambodian Buddhist community, or *sangha*³—Bour Kry, the newly appointed supreme patriarch of the revived Thammayut monastic order, and Tep Vong, then supreme patriarch of the Mahanikaya—that Buddhist monks be precluded from voting. It is for this reason that Ian Harris, a scholar of Cambodian Buddhism, described the decision to allow monks to vote as an “imposition” and an act of “cultural insensitivity” by Akashi and UNTAC.⁴ To further complicate the issue, the decision made in that moment by Akashi need not necessarily have set a precedent for post-UNTAC Cambodia. Though the constitution that was eventually drafted by the Constituent Assembly formed from those elections in 1993 included provisions guaranteeing elections based on universal suffrage (pursuant to promises made in the Peace Accords) in Article 34, that provision also states that “[r]estrictions on the rights to vote and the rights to stand as candidates in elections shall be determined by an electoral law.”⁵ Further, in Article 43, the Cambodian Constitution simultaneously recognized Buddhism as the state religion, raising the question of whether the state's obligation to protect and promote Buddhism might provide a constitutional basis on which to limit or preclude the enfranchisement of monks.⁶ As Ran Hirschl⁷ has noted, the granting of special constitutional status both elevates a religion above others and makes that religion legitimate terrain for state regulation, thus making restrictions such as an exception to the franchise potentially more legitimate.

As such, the re-elevation of Buddhism to the special status of state religion in the current constitution means that the continued enfranchisement of Buddhist monks after the 1993 elections administered by UNTAC was not inevitable. This is particularly so given that post-UNTAC politics in Cambodia have been characterized by, at best, a qualified commitment to newly constitutionalized principles of liberal democracy.⁸ This reality is further underscored by the fact that other restrictions on the involvement of religious figures in electoral or partisan politics have been introduced through legislation, even without the constitutional mandate that could be provided by a religious exception. Article 24(1) of the Law on the Election of Members of the National Assembly, for example, prohibits monks, priests of any religion, or civil servants—from running for election to public office, with Article 25 clarifying that such figures must resign from or renounce their posts at least seven days

² Agreement on a Comprehensive Political Settlement of the Cambodian Conflict (The Paris Peace Accords), annex 5, article 4, U.N. Doc. A/46/608 (October 30, 1991) (signed October 23, 1991).

³ The *sangha* refers collectively to “the monastic community” or “the communities of monks and nuns who have pursued and preserved the Dhamma.” Kate Crosby, *Theravada Buddhism: Continuity, Diversity, and Identity* (Hoboken: John Wiley & Sons, 2014), 1, 198.

⁴ Harris, *Cambodian Buddhism*, 204.

⁵ Constitution of the Kingdom of Cambodia (1993), art. 34.

⁶ Constitution of the Kingdom of Cambodia (1993), art. 43.

⁷ Ran Hirschl, *Constitutional Theocracy* (Cambridge, MA: Harvard University Press, 2010); see also Larry Catá Backer, “Theocratic Constitutionalism: An Introduction to a New Global Legal Ordering,” *Indiana Journal of Global Legal Studies* 16, no. 1 (2009): 85–172.

⁸ Benjamin Lawrence, “Outlawing Opposition, Imposing Rule of Law: Authoritarian Constitutionalism in Cambodia,” *Asian Journal of Comparative Law* 15, no. 2 (2020): 225–49.

before the start of the relevant election campaign period.⁹ Meanwhile, Articles 36 and 37 of the Law on the Election of Commune/Sangkat Councils extends the above restrictions to local elections,¹⁰ and Article 17 of the Law on Senate Elections applies the same rules to nominations for the Senate.¹¹ Finally, while Article 15 of the Law on Political Parties permits monks—and priests, along with civil servants and other holders of public office—to join political parties, it also explicitly prohibits the conduct of any activities in support of that party.¹² Curiously, unlike with the question of enfranchisement, where attempts to introduce additional exclusions for monks have been opposed by members of the *sangha* and the lay community in Cambodia, there is no evidence that restrictions on party membership or the holding of public office have been challenged or resisted.¹³

Rather than assessing the validity of arguments for or against the enfranchisement of Buddhist monks in Cambodia's current constitutional order or presenting a normative case for one side or the other, I show how these opposing understandings of the constitution have been understood and articulated by members of the *sangha* in Cambodia and by religious and political leaders. The data to support this account emerges from nearly eighteen months of fieldwork from 2017 to 2019, during which I conducted more than forty-five formal, semi-structured, qualitative interviews; had countless informal off-record conversations; and made numerous participant observations.¹⁴ The interviews initially concentrated on the life stories of participants and their impressions of Cambodian society, although interviewees were informed in advance that the broader project—of which this article is a part—was focused on constitutional law in Cambodia.¹⁵ In all instances, the identity of interviewees has been concealed for their own protection.¹⁶ Data gathered from fieldwork is supplemented by documentary sources, centered primarily on an archive of journalistic accounts of “monkish politics” in Cambodia.¹⁷ The mixed-methods approach applied here offers a

⁹ Law on the Election of Members of the National Assembly, arts. 34, 35 (Cambodia). References to Cambodian Law are to the official copy of revised laws circulated in Cambodia prior to the 2018 elections. An electronic version is available at <https://www.nec.gov.kh/khmer/content/2630>.

¹⁰ Law on the Election of Commune/Sangkat Councils, art. 36, 37 (Cambodia).

¹¹ Law on Senate Elections, art. 17 (Cambodia).

¹² Law on Political Parties, art. 15 (Cambodia).

¹³ In interviews with even the most politically active and publicly renowned monks, which I quote from in detail below, the aforementioned prohibitions were not raised as a point of contention. Hence, while the absence of a constitutionally enshrined religious exception to the universal franchise has been translated as an endorsement of monks' right to vote, it has not been considered prohibitive of restrictions on other activities relating to electoral politics by Cambodia's lawmakers. That the introduction of such restrictions does not seem to have been contested by the *sangha* suggests that a degree of consensus around some minimal limits to the political involvement or partisanship of monks may in fact exist in the *sangha*.

¹⁴ Formal interviews typically lasted between one and two hours, and were conducted in both English and Khmer (with the participants able to choose their language of preference but often switching between the two) with the help of a Khmer research assistant for translation where necessary. While I am relatively fluent in Khmer, the help of my researcher, Ly Bendith, enabled me to pick up on additional linguistic nuances and nonverbal and cultural cues that may otherwise have eluded me if I were to have conducted and transcribed the conversations alone.

¹⁵ This could mean that that, in some cases, it is possible the interviewees may have given an undue sense of the importance of constitutional law. However, the readiness and fluency that many ordained interviewees showed in deploying constitutional language and debates in their answers suggests that these were thoroughly thought-through positions based on resonant personal experiences of constitutional change and contestation.

¹⁶ Although many prominent, politically active monks have been willing to speak publicly, in the time since the interviews for this research were conducted, some such figures have fled Cambodia and are currently living in exile. In light of what is widely described as an extended crackdown on dissenting voices that began to escalate towards the end of my fieldwork and continues today, I anonymized all sources in the belief that the situation that currently persists is sufficiently different from that in which they may have agreed to be interviewed.

¹⁷ Admittedly, such texts are limited to English-language sources, and, as such, public discourse taking place in Khmer is partially obscured from analysis. However, during the period of my fieldwork, I paid close attention to

nanced and empirically grounded account of the ways that Buddhist monks shape the practical meaning of constitutional guarantees, to democratic elections on the basis of universal suffrage in Cambodia, through their invocation of constitutional principles and deployment of a constitutional lexicon in support of their involvement in elections. That is, I provide an account of how Cambodia's Buddhist authorities and monks, through their everyday practices, shape the meaning of the Cambodian Constitution without resort to the courts.

Debates about the voting and political participation of Buddhist monks in Cambodia, then, are profoundly relevant to the study of constitutionalism from both a theoretical and from a methodological perspective. This is not least because, as I demonstrate below, the language of constitutional law is prevalent in the identification and framing of disputes about the relationship between Buddhism and politics in Cambodia, even when those disputes occur outside of state institutions. On one level, this could easily be understood as a form of "constitution talk," which is identified and defined by Neil Walker as a "separate discursive register" wherein constitutionality acts as a "condensing symbol" according to which "a whole series of debates about how we do and should live together are continuously reduced."¹⁸ However, while the concept of "constitutional talk" offers a helpful step toward understanding the significance of constitutionalism as a discursive field of political contestation, it stops short of recognizing the direct impact that it can have on constitutionalism. In reality, the constitutional arguments and understandings expressed by some of the Buddhist monks I interviewed appear to be inseparable from their real-life practice. As such, to the extent that these practices in turn shape the practical meaning of specific constitutional provisions—namely, Article 34's guarantee of universal suffrage and Article 43's recognition of Buddhism as the state religion—the phenomenon of discursive constitutional contestation within the *sangha* must here be understood as an active component of and contributor to constitutionalism. Thus, I build on the work of Rohit De, who "challenges the idea that constitutional interpretation is the monopoly of state elites" by studying the everyday life of constitutional law in India, and follow Benjamin Schonthal's example by pursuing a focus on "constitutional practice—the acts of drafting, debating, implementing and invoking constitutional law."¹⁹ However, to understand the everyday practice of Cambodia's Buddhist *sangha* requires looking beyond De's central protagonists, "the citizen litigant," and even taking Schonthal's "expanded archive" of constitutional law a step further by focusing not only on court documents but also on the self-understandings and the lived experiences of Buddhist monks who may never set foot in court but who nevertheless shape constitutional meaning in everyday practice.²⁰

I ground the debates around the enfranchisement of Cambodia's Buddhist monks against the backdrop of the theoretical underpinnings and historic trajectory of the religious exception to the universal franchise in Cambodia, for such debates are part of broader

Khmer-language press' coverage of the issues discussed. I found that there was a noticeable scarcity of coverage in the Khmer-language press, whereas the two foremost English-language newspapers in the country, the *Cambodia Daily* and the *Phnom Penh Post*, were reporting widely and with little restraint on social, political, and cultural issues in the country. Though attention to the Khmer-language press, which is widely understood to operate with markedly different journalistic standards, may well have provided some alternative perspectives, such an approach is also limited by the lack of reliable electronic or physical archives for such publications. Still, an investigation of the available perspectives on this and other socio-legal issues in such publications, although beyond the scope of this article, would be of undoubted interest and significance.

¹⁸ Neil Walker, "Taking Constitutionalism Beyond the State," *Political Studies* 56, no. 3 (2008): 519–43, at 527, 533.

¹⁹ Rohit De, *A People's Constitution: The Everyday Life of Law in the Indian Republic* (Princeton: Princeton University Press, 2018), 21; Benjamin Schonthal, *Buddhism, Politics and the Limits of Law: The Pyrrhic Constitutionalism of Sri Lanka* (Cambridge: Cambridge University Press, 2016), 11.

²⁰ De, *A People's Constitution*, 26; Schonthal, *Buddhism, Politics and the Limits of Law*, 17.

questions about the correct orientation of the *sangha* toward secular politics. In the contemporary constitutional practice, it is possible to see how Cambodia's religious and state institutions and the monastic community have sought to accommodate the new status quo that was imposed by the Paris Accords, the UNTAC elections in 1993, and the resulting constitution. Indeed, politically active monks themselves justify their political participation: the monks claim a kind of dual identity—at once assuming the status of ordinary citizen, with political rights enshrined in secular law, yet at the same time occupying a unique position of moral authority as a result of their commitment to religious principles. In fact, many of the voting monks interviewed for this research cited this latter aspect—their unique position of moral authority—as evidence that their engagement in electoral politics was not only permissible but almost intrinsically beneficial to democratic politics more generally.²¹

Cambodia's Saffron Vote in Perspective

Theoretical Perspective

Ultimately, the ambivalence about the constitutional enfranchisement of Buddhist monks—as evidenced in the opposed positions that exist on the question in Cambodia—can be understood as representing another example of what Schonthal has described as “pyrrhic constitutionalism.”²² Focusing on the country's protracted legal battles over Buddhist practice and the state's approach to religion, Schonthal surveys sixty years of Sri Lankan history to support an argument that “the potential to deepen disputes over religion is not an aberration of constitutional law; it is one of constitutional law's intrinsic capacities.”²³ Commonly seen as a panacea to such tensions, constitutions in fact perpetuate those very same tensions, as they establish “vague consensus around multivalent principles” that later become “sources of interpretive competition.”²⁴ Further, constitutional law directs these tensions along adversarial paths, by channeling them toward courtrooms but also by making legal vocabularies and arguments appear as the self-evident and incontrovertible language and logic through which those tensions should be resolved. In Cambodia, both the guarantee of universal suffrage (albeit with an as-yet unrealized potential for legislative qualifications), and the elevation of Buddhism to the status of state religion, can be understood to have introduced constitutional logics and lexicon into otherwise theological debates. Unlike Sri Lanka's pyrrhic constitutionalism, however, in Cambodia, debates about the political participation of monks have largely taken place outside of the courtroom, and the uneasy settlement that appears to have been established in Cambodia has been found without the issue ever being subject to legislation or litigation. However, this does not mean that these debates have been conducted without regard to the constitution. As I demonstrate below, attention to everyday practice in Cambodia suggests that this “interpretive competition,” to use Schonthal's term,²⁵ in fact takes place within the county's Buddhist *sangha*.

It is appropriate, however, to begin with questions about the extent to which courts and state institutions have jurisdiction or influence over the *sangha* and the discipline of Buddhist monks. As scholars in the burgeoning field of Buddhism and law have increasingly

²¹ This phenomena in turn suggests that early post-1993 attempts by civil society organizations to frame human rights concepts in Buddhist terms, often with the help of monks as interlocutors, may have largely missed the point and flattened the complexity of identity for those involved. Caroline Hughes, “Mystics and Militants: Democratic Reform in Cambodia,” *International Politics* 38, no. 1 (2001): 47–64.

²² Schonthal, *Buddhism, Politics and the Limits of Law*, 12–14.

²³ Schonthal, 7.

²⁴ Schonthal, 212.

²⁵ Schonthal, 212.

highlighted through comparative study, there is a notable degree of variation in the relationships between religious and state institutions in Theravada Buddhist-majority countries.²⁶ In his article “Formations of Buddhist Constitutionalism in South and Southeast Asia,” for example, Schonthal examines the differences between state-*sangha* relations in Sri Lanka, where “no single island-wide hierarchy, official or unofficial, structures the monkhood,” and Thailand, where “the 1962 Sangha Act is specifically designed to bring hierarchical order to the *saṅgha*” through state law.²⁷ The observation of such variation is possible only through a deeply contextual, socio-legal understanding of constitutional arrangements and religious institutions. This is because, according to Schonthal “the texts of ratified constitutions provide few answers” to questions around the de facto relationship between the *sangha* and the state; a situation that itself results from the fact that “in most cases, the final language of written constitutions emerges not from a history of trying to clarify and solve these challenging questions, but from attempts to avoid them.”²⁸

In this vein, I draw on many of the central themes and approaches that are prevalent in scholarship on Buddhism and constitutional law, and I also provide unique insights into the relationship between the two in a jurisdiction that otherwise features exceptionally infrequently in that literature and where the lack of clarity with regard to the constitutional arrangement of religion (as identified by Schonthal) is equally prevalent. Hence, while a full explication of the hierarchy of the Cambodian *sangha* and its relationship to the Cambodian state is beyond the scope of this article, the exploration of public debates about the political engagement of Cambodia’s Buddhist monks provided below and the insights I gleaned from monks about their orientation toward the Cambodian Constitution shed light on such broader questions. These empirically grounded insights into one of the most contentious intersections of the two normative orders add to the body of emerging scholarship on Buddhism and (constitutional) law, and to constitutional law and socio-legal studies more generally. Further, by providing a thick description of the dynamic relationship between law, society, and religion in Cambodia, I offer new, empirically grounded insight into a jurisdiction that has otherwise been almost entirely overlooked by scholarship in this burgeoning field of inquiry.²⁹

²⁶ Rebecca Redwood French and Mark A. Nathan, *Buddhism and Law: An Introduction* (Cambridge: Cambridge University Press, 2014); Benjamin Schonthal and Tom Ginsburg, “Setting an Agenda for the Socio-Legal Study of Contemporary Buddhism,” *Asian Journal of Law and Society* 3, no. 1 (2016): 1–15.

²⁷ Benjamin Schonthal, “Formations of Buddhist Constitutionalism in South and Southeast Asia,” *International Journal of Constitutional Law* 15, no. 3 (2017): 705–33, at 716.

²⁸ Benjamin Schonthal, “Buddhism and Constitutional Practice,” *Asian Journal of Comparative Law* 13, no. 2 (2018): 245–54, at 250.

²⁹ The question of the enfranchisement of Buddhist monks in Cambodia is placed in comparative context by Tomas Larsson, “Monkish Politics in Southeast Asia: Religious Disenfranchisement in Comparative and Theoretical Perspective,” *Modern Asian Studies* 49, no. 1 (2015): 40–82. Of course, I also build on a number of immensely insightful studies of Cambodian Buddhism that make sporadic reference to its interaction with legal and constitutional arrangements. An account of the enfranchisement of Buddhist monks in Cambodia, albeit one that does not explicitly relate this to questions of constitutional law, for example, can be found in Heng Sreang, “The Scope and Limitations of Political Participation by Buddhist Monks,” in *People of Virtue: Reconfiguring Religion, Power and Moral Order in Cambodia*, ed. Alexandra Kent and David P. Chandler (Copenhagen: NIAS Press, 2008), 241–56. On Buddhism in Cambodian history generally, see Harris, *Cambodian Buddhism*. On Cambodian Buddhism during the colonial era, see Penny Edwards, *Cambodge: The Cultivation of a Nation, 1860–1945* (Honolulu: University of Hawai‘i Press, 2007); and after independence see Yang Sam, *Khmer Buddhism and Politics from 1954 to 1984* (Newington: Khmer Studies Institute, 1987). A number of fascinating accounts of Buddhism after Cambodia’s post-Cold War transition can be found in the contributions in John A. Marston and Elizabeth Guthrie, *History, Buddhism, and New Religious Movements in Cambodia* (Honolulu: University of Hawai‘i Press, 2004); John A. Marston, “Cambodian Religion since 1989,” in *Beyond Democracy in Cambodia: Political Reconstruction in a Post-Conflict Society*, ed. Joakim Öjendal and Mona Lilja (Copenhagen: NIAS Press, 2009), 224–49.

Before turning to those empirically grounded insights, however, I explain why the extension of the franchise to Buddhist monks is a source of such controversy. As Tomas Larsson notes in his comparative survey of the issue in Theravada Buddhist Southeast Asia, the exclusion of members of the Buddhist *sangha* from electoral politics has long been—and, in much of the region, continues to be—the norm. However, rather than being “inherently anti-clerical and anti-religious,” Larsson explains, “[r]eligious disenfranchisement ... is grounded in a religious worldview, according to which a separation between the morally ‘pure’ realm of the *sangha* and the ‘dirty’ realm of partisan politics ought to be maintained.”³⁰ The exclusion of monks from politics, according to this worldview, is perceived as a means to protect them and the institution of the *sangha* generally from the corrupting, divisive, and distinctly this-worldly influences of politics. However, as Kate Crosby explains in her introductory text, *Theravada Buddhism*, “it is unclear to what extent the rhetoric that monks should stay out of politics is in fact a modern one.”³¹ In other words, the question of whether or not monks should or should not engage in politics may not have a straightforward answer in religious terms.

Aligning with the perspective put forward by Crosby, Juliane Schober also argues that the pervasive understanding of Buddhism as an otherworldly religion traces its origins back to Max Weber’s “orientalist reading of the *vinaya*” that obfuscates the fact that, in her words, “Buddhist practice, including the practice of monks, can be simultaneously religious and political.”³² While not explicitly describing the religious exception to the universal franchise in Myanmar in these terms, Schober describes the notion of “political monks” as a pejorative term, the construction of which “emerged from the practical contexts and academic discourse of colonialism” as part of a push “to criminalize monastic resistance against the Government of India.”³³ Likewise, Robert Lester also notes that the definition of “political” activity has continued to be applied selectively so as to marginalize dissenting voices within the *sangha*, with support for the government or quotidian involvement in facilitating the political status quo at the local level being normalized within the monkhood as apolitical and opposition to authority being considered exclusively as “political.”³⁴ Hence, rather than drawing a distinction between political and nonpolitical monks, between political and nonpolitical activities, or even between activist and non-activist monks, I approach participation in elections as just one among many forms of activity in which monks may engage

³⁰ Larsson, “Monkish Politics in Southeast Asia,” at 44–45.

³¹ Crosby, *Theravada Buddhism*, 265. Referring to the present, Crosby also suggests: “Statements of this kind are most often voiced by those who do not wish to see a particular expression of politics on the part of monks, that is, such rhetoric is itself an attempt at political control.” Crosby, *Theravada Buddhism*, 265, 279.

³² Juliane Schober, *Modern Buddhist Conjunctures in Myanmar: Cultural Narratives, Colonial Legacies, and Civil Society* (Honolulu: University of Hawai’i Press, 2011), 120, 142. Similarly, and interestingly given his aforementioned assertion that the enfranchisement of monks was “an act of cultural insensitivity,” Ian Harris also argues that “Buddhism has never been an entirely otherworldly religion of ‘Being-within-itself,’ nor are Buddhists a ‘people outside history.’ This Hegelian and Weberian imaginaire is premised on a modern and essentially European conception of a separation between church and state, yet it has been influential in the discounting of Buddhism’s political dimension.” Ian Harris, *Buddhism in a Dark Age: Cambodian Monks under Pol Pot* (Honolulu: University of Hawai’i Press, 2012), 3.

³³ Schober, *Modern Buddhist Conjunctures in Myanmar*, 140.

³⁴ Robert C. Lester, *Theravada Buddhism in Southeast Asia* (Ann Arbor: University of Michigan Press, 1973), 121. For Lester, “Only overt anti-government activity on the part of the monks such as has occurred often in Burma and on occasion in Laos and Cambodia is noted as political. Many of the leading monks of Thailand and Cambodia are clearly progovernment and (especially in Thailand) anti-communist and in various subtle ways their words and activities make for political stability in their countries.” As such, “Whether or not the monk is viewed as a political agent seems to depend largely on the political persuasion of the viewer.” Lester, *Theravada Buddhism in Southeast Asia*, 20.

that can be understood to have political significance or influence.³⁵ However, as I discuss below, the fact that voting in elections has been such a fraught issue in Cambodia and many other Theravada Buddhist countries makes it a uniquely pertinent prism through which to understand state-*sangha* relations and the everyday practice of constitutionalism in the country.

Historical Perspective

Cambodia's constitutional history reflects both a relative divergence of views on the political status of monks and the counterintuitive fact that regimes that formally enfranchise monks have often tended to have less rather than more regard for the *sangha* and Buddhism generally. Cambodia's 1947 Constitution, which was written under colonial rule and based on that of the French 4th Republic, made Buddhism the state religion and explicitly denied monks the right to vote. Under Article 48 of that document, which eventually became the country's postcolonial constitution after independence in 1953, monks were precluded from holding public office or voting in elections "on account of Buddhist dogmas."³⁶ This picture, though, was complicated somewhat by the decision of King, Sihanouk to extend the franchise to monks for a one-off referendum on the country's direction after independence, held in 1955. As Larsson notes, the inclusion of monks in the vote—which was an open ballot, and saw Sihanouk's vision approved by 98 percent of voters—was also facilitated by the use of pagodas as polling stations; setting a precedent that has subsequently been taken again under the current constitutional order.³⁷ Though Cambodia's 1972 constitution—written after the 1970 coup d'état by General Lon Nol, to formally establish the short-lived Khmer Republic—did not explicitly disenfranchise Buddhist monks, the previous limitations based on "Buddhist dogmas" were instead implemented via government decree.³⁸ Hence, whether Cambodia was ruled as a monarchy or a republic, there was relative continuity in the status of monks prior to the tragic rupture of 1975.

While monks were technically enfranchised in the Democratic Kampuchea period, no elections took place and the Buddhist *sangha* was effectively dismantled and destroyed by the murderous Khmer Rouge regime.³⁹ Pagodas were used to keep farm animals or turned into prisons, while monks were defrocked and forced to work alongside laypeople.⁴⁰ It was by all accounts the most extreme example of how "a policy of religious re-enfranchisement was only ever adopted by the ... most virulently anti-religious and anti-clerical regimes."⁴¹ What followed, meanwhile, was far from a return to the previous norm. As civil war dragged on under the socialist People's Republic of Kampuchea, Buddhism was permitted and the

³⁵ A handful of the monks I interviewed are commonly described as "activist monks" by Western and local English-language press, local civil society, political actors, and some academic accounts. However, only one of the monks I interviewed during my fieldwork explicitly identified himself as such, specifically describing himself using the term សកម្មជនសង្ឃកាន់សិទ្ធិមនុស្ស (activist monk doing human rights work). Another monk identified himself as both a monk and a citizen and described much of his activities as "activism." While other monks I interviewed might well adopt or identify with the title, they did not explicitly use it in their conversation with me (and I did not ask them about the term). As such, I do not use the term elsewhere in the article, except where the interviewee directly referred to himself as such during an interview.

³⁶ The Constitution of the Kingdom of Cambodia 1993, art. 48.

³⁷ Larsson, "Monkish Politics in Southeast Asia," 64.

³⁸ Larsson, 63–64.

³⁹ Harris, *Buddhism in a Dark Age*, 1–8.

⁴⁰ Alexandra Kent, "A Shifting Universe: Religion and Moral Order in Cambodia," in *The Handbook of Contemporary Cambodia*, ed. Katherine Brickell and Simon Springer (Abingdon: Routledge, 2016), 378–88, at 383.

⁴¹ Larsson, "Monkish Politics in Southeast Asia," 71.

sangha reestablished, albeit under notably debilitating restrictions. As Harris notes, it is difficult to be certain or precise about the extent to which the Buddhist *sangha* was able to grow in this period, particularly given that the likelihood that official numbers were inflated but also because a number of unofficial ordinations took place beyond the reach of the state.⁴² Officially, at least, the introduction of a minimum age limit, and limits to the number of pagodas, and the number of monks residing in each pagoda, restricted the growth of the *sangha*. Only men aged over fifty were permitted to enter the monkhood, Yang Sam explains, in order to ensure that the “rebirth” of the *sangha* did not diminish numbers in the national workforce that had already been devastated by the Khmer Rouge period.⁴³ The result of these policies is apparent not only in histories of the period, but also in official statistics that cited the number of monks nationwide at 7,250 until 1989.⁴⁴ This number more than doubled to 16,400 a year later, when restrictions were eased.⁴⁵ Those who were able to be ordained as monks were considered “state employees” and expected to hold state-issued identity cards.⁴⁶ Though formally allowed to vote in the country’s (far from) democratic elections, monks were also “expected to cultivate vegetables in the grounds of the monasteries for their own consumption.”⁴⁷ Finally, pagodas were managed by committees made up primarily of laypeople representing secular, state authorities—a system that guaranteed the compliance of senior monks.⁴⁸

Not only are the consequences of this “dark age,” as Harris calls it, for Cambodian Buddhism still evident today, but the lessons taken from it—at least by some monks—appear to underlie contemporary discussions about the relationship between religion and politics.⁴⁹ One of the most striking features of my interviews with monks was the regularity with which they recalled being exposed to violence. While many described being forced either into military service by local officials or into joining paramilitary forces by local guerrillas as children and young adults, others also recounted horrific stories of torture and extrajudicial killing. When reflecting on the catastrophic rule of the Khmer Rouge, the monks I interviewed tended to point to the absence of religion and the prevention of political participation by monks as causes for the regime’s violent excesses. “I want to say that if they block out the monk, Cambodia society would end,” one monk told me before linking current debates back to historic experiences, explaining, “[w]e have experienced three years eight months and twenty days because they want monk to be neutral, until they turned pagodas into prisons.”⁵⁰ In other words, this monk attributed the entire experience of the Khmer Rouge era (which lasted just short of four years) to the fact that Buddhist monks, institutions, and teachings were sidelined by revolutionary politics.

⁴² Ian Harris, *Cambodian Buddhism: History and Practice* (Honolulu: University of Hawai’i Press, 2005), 194. Although, Harris notes, “restrictions on monastic ordination and caps on monastic numbers could easily be circumvented by the establishment of unofficial wats,” and “given the number of ‘unofficial’ monks, it is difficult to be certain about the *sangha*’s rate of growth in the early PRK [People’s Republic of Kampuchea] period.” Harris, *Buddhism in a Dark Age*, 159, 163. This phenomenon is also highlighted by Marston, “Cambodian Religion since 1989,” 226.

⁴³ Yang Sam, *Khmer Buddhism and Politics from 1954 to 1984* (Newington: Khmer Studies Institute, 1987), 81.

⁴⁴ Harris, *Cambodian Buddhism*, 200.

⁴⁵ Harris, 200.

⁴⁶ Harris, *Buddhism in a Dark Age*, 154.

⁴⁷ Harris, *Cambodian Buddhism*, 193.

⁴⁸ Harris, *Buddhism in a Dark Age*, 154.

⁴⁹ Harris, 154.

⁵⁰ Interview with Buddhist monk 4, March 31, 2017. As noted above, all interviews were conducted in Cambodia during my fieldwork (2017–2019). The names of the interviewees are withheld for their protection. Unless otherwise noted, all interviews were conducted in Khmer and were subsequently translated by Ly Bendith, with input from the author. Transcripts of all interviews are on file with the author.

Similarly, a monk who came to prominence for his role in human rights activism suggested a direct connection between Cambodia's violent history and the exclusion of monks from political discourse and decision making: "Five years, there are almost three million people dead. Why? Because there is no Buddhism. No Buddhism, no monk participation."⁵¹ Of course, the implicit assumption here that Buddhism is inherently peaceful, and could never condone violence, is intellectually questionable. As events in nearby Myanmar have demonstrated all too well, and as various scholars have argued, there is reason to be wary about what John Whalen-Bridge and Pattana Kitiarsa have described as "[e]ssentialist constructions of Buddhism as a polestar of peace."⁵² This is no less true in Cambodia, where a notable degree of ethno-nationalism pervaded by conversations with monks, particularly those who engaged in electoral politics, as resentment towards Vietnam and ethnic Vietnamese residents in Cambodia was palpable. Nonetheless, the testimonies above do point to the presence of a more locally and historically rooted justification for the enfranchisement of Buddhist monks. These perspectives, in turn, add greater texture to the picture presented by Harris, in which that enfranchisement in the UNTAC-administered elections of 1993 appears as a "cultural insensitivity" act of "imposition."⁵³

In this regard, it is also worth recalling that, despite the historical prevalence of religious exceptions to the universal franchise, the practice of engaging in overt, partisan, and contentious politics has diverse and notable antecedents in Cambodia. Most notably, during the colonial period, and thus before elections were a feature of Cambodian politics, a number of monks gained significant notoriety for preaching anti-French sermons. The mass protest by monks that broke out in response to the arrest, imprisonment, and death in custody of the foremost anticolonial monk, Achar Hem Chieu (all of which took place after his defrocking by colonial officials rather than under the authority of the *sangha*), represents one of the most prominent examples of political mobilization by the Cambodian *sangha*.⁵⁴ However, as Penny Edwards has noted, the "Umbrella War," as King Sihanouk dismissively called this uprising, represents only the most overtly political instantiation of anticolonial activity by a Cambodian *sangha* that had long been engaged in the elaboration of a national culture that—elaborated in response to (if not in opposition to) French rule—became a foundation of Cambodian anticolonial nationalism.⁵⁵ The diverse histories of the *sangha*, of which Edwards's account is a prominent but by no means singular example, suggest that Buddhist monks were central to political consciousness before the advent of electoral politics in Cambodia.

Likewise, Cambodia's *sangha* appears to have played a prominent role in national politics in the post-independence period, in spite of its disenfranchisement. According to Harris, for example, the prominent modernist monk Ven. Khieu Chum became an "an especially effective cheerleader" for Lon Nol, who went on to overthrow then president Norodom Sihanouk in a military-led coup in 1970.⁵⁶ Khieu Chum wrote speeches for the ill-fated

⁵¹ Interview with Buddhist monk 1, January 31, 2017.

⁵² John Whalen-Bridge and Pattana Kitiarsa, "Introduction: 'Buddhist Politics' as Emptiness. History and the Forms of Engagement in Asia," in *Buddhism, Modernity, and the State in Asia: Forms of Engagement*, ed. John Whalen-Bridge and Pattana Kitiarsa (New York: Palgrave Macmillan, 2013), 1–14, at 2. See also the following: the contributions in Michael K. Jerryson and Mark Juergensmeyer, eds., *Buddhist Warfare* (Oxford: Oxford University Press, 2010); Laksiri Jayasuriya, "Just War Tradition and Buddhism," *International Studies* 46, no. 4 (2009): 423–38; Dharmasoka Jayasuriya, "Buddhism, Politics, and Statecraft," *International Journal of Buddhist Thought & Culture* 11 (2008): 41–74.

⁵³ Harris, *Cambodian Buddhism*, 204.

⁵⁴ Edwards, *Cambodge*, 237; Kent, "A Shifting Universe," 382; Harris, *Cambodian Buddhism*, 139–41.

⁵⁵ Edwards, *Cambodge*, 6–7.

⁵⁶ Harris, *Buddhism in a Dark Age*, 22.

president Lon Nol and presided over a committee that drafted his Khmer Republic political manifesto in 1971. His political engagement—even in a regime that formally maintained the religious exception to the universal franchise—suggests that the line separating Buddhist monks from politics has not always been a clear, straight, or inviolable one.⁵⁷ On the one hand, Khieu Chum’s varied political engagements in a regime that upheld the religious exception to the universal franchise support the idea that—even for the most politically active monks—this principle has always remained sacrosanct; on the other hand, it suggests that a diversity of stances toward involvement in electoral politics may be able to trace their lineages within the diverse history of the Cambodian *sangha*.

Finally, it is important to note that Cambodia’s monks were also notably mobilized in largely non-electoral ways, primarily towards the pursuit and promotion of peace, during the country’s UN-sponsored transition. At the outset of the UNTAC mandate in 1992, before they had been formally enfranchised, and again while the constitution was being drafted in 1993, Cambodian monks organized a cross-country Dhammayàtrà (Peace Walk) that began in the refugee camps on the Thai border and ended in Phnom Penh. Led by the famous Samdech Preah Mahâ Ghosananda, often called the “Gandhi of Cambodia,” who had spent much of the 1980s in the United States, it was supported by a transnational network of Buddhists and expatriate aid workers. The Peace Walk called for the nonviolent end to Cambodia’s seemingly intractable civil conflict.⁵⁸ The walk, which fleetingly had the support of Tep Vong before he retracted his position, is described by Kathryn Poethig as a “vivid sign of a socially engaged Buddhism.”⁵⁹ Although initially a cross-country event, the *Dhammayàtrà* was quickly integrated into Cambodian Buddhist practice, and the walk became an annual local event that highlighted specific issues such as deforestation or domestic violence.⁶⁰

Though the annual *Dhammayàtrà* continued after 1993, the event began to fade after 1998, when—in the wake of disputed elections—the walk had merged with protests against the apparent electoral irregularities that had handed victory to the Cambodian People’s Party.⁶¹ Those wider protests, which reportedly drew around 2,500 monks,⁶² ended in violence that claimed the lives of at least eighteen people, including two monks, and injured many more.⁶³ Meanwhile, as John Marston notes in his insightful account of religion in Cambodia after 1989, monks were also sought out, intimidated, and beaten by police, not to mention forced out of the monkhood, in the days after the protests.⁶⁴ For many, the images that emerged of bloodied and beaten men in saffron robes was proof of the moral degradation of Cambodian authorities. For others, however, it was a consequence of monks overstepping their place in society and engaging in the corrupt(ing), partisan world of politics. Such views were expressed more or less explicitly by spokespeople from the government and a handful of

⁵⁷ Ian Harris, “The Monk and the King: Khieu Chum and Regime Change in Cambodia,” *Udaya: Journal of Khmer Studies*, no. 9 (2008): 81–112.

⁵⁸ Kathryn Poethig, “Locating the Transnational in Cambodia’s Dhammayàtrā, History,” in Marston and Guthrie, *History, Buddhism, and New Religious Movements in Cambodia*, 197–212, at 198.

⁵⁹ Poethig, 197.

⁶⁰ Poethig, 200, 206, 208.

⁶¹ Sreang, “The Scope and Limitations of Political Participation by Buddhist Monks,” 244–45.

⁶² Kay Johnson and Saing Soenthrith, “Marchers’ Platform Is Peace,” *Cambodia Daily*, July 25, 1998, <https://english.cambodiadaily.com/news/marchers-platform-is-peace-9742/>.

⁶³ Marc Levy and Saing Soenthrith, “UN Claims 18 Bodies Discovered,” *Cambodia Daily*, September 17, 1998, <https://english.cambodiadaily.com/news/un-claims-18-bodies-discovered-10800/>; Stew Magnuson, “Pilgrims Prepare to March for Peace and Trees,” *Cambodia Daily*, March 19, 1998, <https://english.cambodiadaily.com/news/pilgrims-prepare-to-march-for-peace-and-trees-86645/>.

⁶⁴ Marston “Cambodian Religion since 1989,” 238.

laypeople interviewed by local newspapers in the days afterward.⁶⁵ Thus was established the constitutionally grounded fault line along which discussions over the enfranchisement of Buddhist monks and their involvement in political activism have been split.

Limiting the Saffron Vote in Post-UNTAC Cambodia

Since the universal franchise was enshrined in the constitution in 1993, Cambodia's Buddhist institutions have struggled to come to terms with the new status quo. With the decision by UNTAC's chief of mission, Yasushi Akashi, to allow monks to vote in the election earlier that year (and thus to override the wishes of the two supreme patriarchs, Tep Vong and Bour Kry) understood as having set a precedent from which it would be difficult to deviate, the debate about monks' participation in electoral politics (regardless of their constitutional enfranchisement) has largely taken place within the *sangha* and the everyday practice of the monks. Rather than seeking constitutional amendments, legislative change, or judicial decisions to (re)introduce a religious exception to the universal franchise, the *sangha* leadership has repeatedly sought to prevent or dissuade monks from acting on their constitutional right to vote or from engaging in political activity more generally, using informal or internal systems of discipline. These include apparently nonbinding public announcements in which the supreme patriarchs have expressed their personal preference that monks refrain from registering to vote, but also, on occasion, formal internal edicts that portend to prohibit monks from voting entirely. Meanwhile, a definite but unknown number of the country's 60,000 monks have repeatedly disobeyed these wishes.

In the build-up to the 2003 election, for example, *sangha* leaders publicly discouraged their members from voting. In June 2002, after suggesting in a speech in January 2002 that he still opposed the practice of monks engaging with electoral politics, Tep Vong co-signed with Thammayut Supreme Patriarch Bour Kry a written declaration that explicitly stated their opposition to monks voting on dogmatic grounds and calling for monks to refrain from registering to vote in the upcoming elections.⁶⁶ While neither Tep Vong nor Bour Kry formally retracted their written edict urging monks not to vote, and there were some reports at the time about reproductions of the document being posted on the walls of offices where voter registration was taking place, neither leader committed to enforcing the declaration through the *sangha* hierarchies via monastic discipline.⁶⁷ Instead, Tep Vong suggested that the state should intervene, telling a reporter from the *Cambodia Daily* that "Religion belongs to the state. The authorities have to take measures."⁶⁸ Here, the supreme patriarch's assertion that religion—presumably meaning Buddhism—*belongs* to the state suggests a belief that the elevation of Buddhism to the status of state-religion in the 1993

⁶⁵ Kimsan Chantara, "In Kompong Cham, Sympathy's with Protesters," *Cambodia Daily*, September 16, 1998, <https://english.cambodiadaily.com/news/in-kompong-cham-sympathys-with-protesters-10781/>; Marc Levy, "CPP Protesters Maraud through Capital Streets," *Cambodia Daily*, September 14, 1998, <https://english.cambodiadaily.com/news/cpp-protesters-maraud-through-capital-streets-10739/>.

⁶⁶ Yun Samean, "Rights Groups Upset by Top Monk's Edict," *Cambodia Daily*, January 30, 2003, <https://english.cambodiadaily.com/news/rights-groups-upset-by-top-monks-edict-21590/>; Saing Soenthrith, "Monks Show Support for No-Vote Rule," *Cambodia Daily*, March 12, 2003, <https://english.cambodiadaily.com/news/monks-show-support-for-no-vote-rule-24227/>.

⁶⁷ Kuch Naren, "Head Monk Urged to Rethink Vote Rulings," *Cambodia Daily*, January 17, 2003, <https://english.cambodiadaily.com/news/head-monk-urged-to-rethink-vote-rulings-21028/>. Tep Vong also made a statement to that effect in January 2002, which was immediately challenged by opposition politicians and a number of monks: Lor Chandara, "What Rally Planned Despite Monks' Request," *Cambodia Daily*, September 6, 1999, <https://english.cambodiadaily.com/news/wat-rally-planned-despite-monks-request-89673/>.

⁶⁸ Yun Samean, "Religion, Bureaucracy Mar Voter Registration," *Cambodia Daily*, January 22, 2003, <https://english.cambodiadaily.com/news/religion-bureaucracy-mar-voter-registration-21227/>.

Constitution bestows upon the government a mandate to intervene at the behest of *sangha* leaders to reintroduce a religious exception to the universal franchise. While not explicitly framed in legal terms, nor expressed with reference to Article 34 of the Constitution (which makes Buddhism the state religion), Tep Vong's position implies a recognition of the religion's special constitutional status and a pursuant belief that the state may therefore regulate Buddhism to protect its privileged position.

Such action from the state was not forthcoming. Discussions over monks' right to vote in the 2003 elections instead reached a stalemate, with neither the *sangha* nor the government willing to formally prevent monks from going to the polls. Just a few days after Tep Vong's suggestion that the state should intervene, in fact, Hun Sen took a hands-off position to the issue, saying, "I will not oppose [Tep Vong's] prohibition, and I will not oppose the Constitution about each citizen's rights."⁶⁹ Minister of Cults and Religion, Chea Savoeun, struck a similar balance, publicly stating, "I won't ban monks from voting but I won't issue a directive asking monks to vote, because if I do that I will oppose Supreme Tep Vong."⁷⁰ For their part, a number of high-profile opposition politicians spoke out against the *sangha* leadership's attempts to prevent monks from voting, and even encouraging monks to go to the polls. A senior member of the Sam Rainsy Party, for example, noted to the *Cambodia Daily* that the Constitution "does not say that monks can be barred from voting," while a senior official from the royalist party, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (known widely as FUNCINPEC), appealed to monks "to actively join the election to choose new leaders."⁷¹ While the question of introducing a formal legal exception to the universal franchise did not explicitly polarize the political landscape, for the ruling party found a position of compromise whereby a ban on voting would be introduced through monastic discipline rather than state law, the parties were divided over whether such a ban was itself permissible.

On a practical level, the number of monks able to vote appears to have been suppressed. Firstly, as Marston has noted in relation to the 2003 elections, both state and *sangha* authorities sought to stifle the participation of monks, as "some commune chiefs supported the injunction and refused to allow monks to vote (despite their constitutional rights) and some wats threatened to expel monks if they voted."⁷² In the case of the *sangha*, the suppression also initially appears to have been achieved via a reluctance on the part of head monks to issue formal letters of residency to monks, which would be required in the voter registration process.⁷³ This practice appears to have persisted until the intervention of the king, Norodom Sihanouk, who stated his support for the right of monks to vote and requested that the National Election Committee ensure that all monks who wanted to register to vote were able to do so.⁷⁴ Sihanouk's intervention in turn led the National Election Committee to ensure the compliance of head monks from a number of Phnom Penh's largest pagodas, but may not have changed perceptions and practices outside of

⁶⁹ Saing Soenthrith and Yun Samean, "PM Won't Take Sides in Voting Monks Debate," *Cambodia Daily*, January 23, 2003, <https://english.cambodiadaily.com/news/pm-wont-take-sides-in-voting-monks-debate-21316/>.

⁷⁰ Yun Samean, "Rights Groups Upset by Top Monk's Edict," *Cambodia Daily*, January 30, 2003, <https://english.cambodiadaily.com/news/rights-groups-upset-by-top-monks-edict-21590/>; Soenthrith and Samean, "PM Won't Take Sides in Voting Monks Debate."

⁷¹ Thet Sambath, "Politicians Say Monks Have Right to Vote," *Cambodia Daily*, January 29, 2002, <https://english.cambodiadaily.com/news/politicians-say-monks-have-right-to-vote-29019/>.

⁷² Marston, "Cambodian Religion since 1989."

⁷³ Yun Samean and Kevin Doyle, "Against Decree, Monks Try to Register to Vote," *Cambodia Daily*, February 18, 2003, <https://english.cambodiadaily.com/news/against-decree-monks-try-to-register-to-vote-23146/>.

⁷⁴ Soenthrith, "Monks Show Support for No-Vote Rule."

Phnom Penh. As such, instead of pursuing formal changes to the law, the government and *sangha* leadership appear to have used informal techniques to prevent monks from reaching the polls, an approach that appears to have lingered even after Tep Vong formally lifted his declaration against the vote three years later.⁷⁵

The longevity of this informal approach to disenfranchising or suppressing the saffron vote, in fact, was reaffirmed by a number of interviewees. Recalling his recent travels around the country, in which he and a number of other monks from the Independent Monk Network for Social Justice sought to encourage monks at various pagodas to register to vote ahead of the Commune Elections that same year, one monk described to me the discomfort he experienced: “Some pagodas don’t dare to go and register to vote. Don’t dare. Some go and face pressure, uneasiness. Some places that I went to, I saw this for myself. They show uneasiness in their attitude and behavior toward us.”⁷⁶

The monk’s observation that some entire pagodas are, as a collective, afraid to register to vote suggests that the authority of individual head monks has a significant influence over the decision. Whether this fear is a result of internal pressure within the *sangha* or a fear of local lay authorities, or both, many monks in Cambodia still remain de facto disenfranchised due to a perception that they cannot or should not go to the polls.

Meanwhile the atmosphere at the registration offices also potentially acts as a deterrent to monks seeking to register to vote. As the monk quoted above went on to explain, a sense of unease was particularly palpable when he personally accompanied monks in going to formally register to vote. Asked to reflect on his experiences, he explained:

In the office there seem to be an attitude that doesn’t want us to go and vote, or to know more about politics. ... This is the truth about Cambodia. So, this attitude, when we go to register to vote it seems that they are unhappy, the people around there. Because over there are a lot of factions from CPP [Cambodian People’s Party], CNRP [Cambodian National Rescue Party], and other parties. So, in some place where they support for monk to vote, then they are happy. Other parties that don’t support for monk to vote, they act like they don’t see us and use rough language, it is like that so they make it uneasy.⁷⁷

In other words, depending on the contingencies of geography and local politics, the experience for Buddhist monks seeking to register to vote can vary greatly, with local registration offices often markedly inhospitable to their intentions. While it is unclear exactly to what extent this might have an impact on the numbers of monks who are able or willing to register, the tension this monk experienced in certain instances is nonetheless indicative of the variation and arbitrariness that continues to apply to the enfranchisement of Buddhist monks in everyday practice. Moreover, this monk’s account of the “uneasy” atmosphere at polling stations may also present a rosier picture to the registration process than what is likely to exist. Specifically, the presence of a number of media-savvy and politically outspoken monks at the registration offices may actually have meant that this uneasiness surfaced because officials who would usually refuse to register Buddhist monks felt unable to do so openly.

One major outlier to the general trend of avoiding legal intervention into the issue of religious (dis)enfranchisement, however, came when Tep Vong, in his position as great supreme patriarch overseeing both the Mahanikaya and Thammayut sects, went a step

⁷⁵ Lor Chandara, “Buddhist Leader to Lift Ban on Monks Voting,” *Cambodia Daily*, May 4, 2006, <https://english.cambodiadaily.com/news/buddhist-leader-to-lift-ban-on-monks-voting-53942/>.

⁷⁶ Interview with Buddhist monk 3, March 28, 2017.

⁷⁷ Interview, monk 3.

further to formally request legislative or constitutional change. In a public statement on December 17, 2014, Tep Vong explained that he had “ask[ed] the relevant establishments, the National Assembly, the Senate, the government and all political parties, to please create procedures to make the ordained monks and novice monks stay neutral ... [and] avoid participating in activities that support or oppose any political party and participating in elections.”⁷⁸

Interestingly, Tep Vong was also specifically reported as having framed the request as a call for the state to “protect Buddhism.”⁷⁹ This imperative seems to have been based on the duties implied by the constitutional recognition of Buddhism as the state religion, which in turn could have been construed to extend to placing otherwise unconstitutional limits on the universal franchise.⁸⁰ Hence, in a pyrrhic mode, one does not have to look far beyond the statements of Buddhist leaders around the 2003 and 2013 iterations of the discussion about the voting practices of Buddhist monks to find constitutional logics and vocabularies supplementing and even supplanting theological ones in attempts to resolve disputes.⁸¹

Interestingly, the request made here again by Tep Vong for state intervention on behalf of Buddhist institutions was again ignored. This refusal of the government to intervene, despite the public appeals of *sangha* leaders, can be understood not only as a continuation of the precedent set by the United Nations in 1993, but also as reflecting a unique reluctance on the part of the ruling-party to be seen as placing unconstitutional limits on Buddhist monks. Such a reluctance may seem incongruous for a government that is so routinely accused of illiberal, undemocratic, and anti-constitutional behavior by domestic and international critics.⁸² However, in this instance, the decision could be understood as a carefully calculated compromise that takes into consideration the political costs of imposing new restrictions on Buddhist monks, given their relative moral authority, and the relatively minimal impact that removing Cambodia’s monks from the electoral rolls would actually have on electoral calculations. Hence, even without the threat of sparking the kind of Saffron Revolution seen in Myanmar six years prior, and discounting the prospect of reviving the mass protest movement that had followed the 2013 elections, it is easy to see why constitutional or legal reforms introducing a religious exception to the universal franchise might be considered by leaders of the Cambodian People’s Party to present a disproportionate cost to political legitimacy. As such, there remained an uneasy settlement throughout the first two decades in the life of Cambodia’s new constitutional order, whereby monks were discouraged from voting by *sangha* authorities and frequently hampered in their attempts to register to vote by bureaucratic hurdles put in place by the state, but neither the state nor the *sangha* would formally introduce or enforce an overt exclusion of monks from electoral processes.

This settlement shifted ahead of the 2018 elections, however. While stopping short of encouraging or ordering monks to go to the polls, Tep Vong in December 2017 publicly expressed his support for the ruling party and suggested that monks “consider the many good points of the government led by Prime Minister Hun Sen.”⁸³ The recognition that

⁷⁸ Ouch Sony and Peter Zsombor, “Clergy Seeks Law to Ban Monks from Voting,” *Cambodia Daily*, December 18, 2014, <https://english.cambodiadaily.com/news/clergy-seeks-law-to-ban-monks-from-voting-74417/>.

⁷⁹ Yun Samean, “Head Monk: NEC Able to Use Pagodas,” *Cambodia Daily*, January 21, 2003, <https://english.cambodiadaily.com/news/head-monk-nec-able-to-use-pagodas-21150/>.

⁸⁰ Samean, “Head Monk: NEC Able to Use Pagodas.”

⁸¹ Schonthal, *Buddhism, Politics and the Limits of Law*, 12–14.

⁸² See Lawrence, “Outlawing Opposition, Imposing Rule of Law,” 227–28, 249; Kheang Un, *Cambodia: Return to Authoritarianism* (Cambridge: Cambridge University Press, 2019), 23, 26–27.

⁸³ Soth Koemsoeun and Andrew Nachesmson, “CPP-Linked Monastic Leader Tells Cambodia’s Monks to Vote for Ruling Party,” *Phnom Penh Post*, December 13, 2017, <https://www.phnompenhpost.com/national-politics/cpp-linked-monastic-leader-tells-cambodias-monks-vote-ruling-party>. However, it is worth noting that this was not

monks could register to vote in the elections the following July, and in Cambodian elections generally, and the decision to encourage their participation in an election where the Cambodian People's Party was the only viable option, appears here to have been prompted by a concern that not many people (lay or otherwise) actually would. This is reaffirmed by Tep Vong's acknowledgment, in that same speech, that the result of the elections the following year was a foregone conclusion: "the winner and loser are assigned already."⁸⁴ Amid anxiety on the part of ruling-party leaders that a potentially low turnout for elections, in which the popular opposition Cambodian National Rescue Party had been prevented from competing (having been dissolved and banned from political activity by the Supreme Court), Tep Vong appears to have sought to mobilize support from the *sangha*.⁸⁵ Perhaps reflecting a belief within the ruling party that additional votes in the 2018 election would validate their inevitable victory by ensuring a respectable level of turnout, this attempt to mobilize the monkhood for electoral purposes represents a significant *volte face* from Tep Vong. Given that the monkhood as a political constituency represents at most 5 percent of the population (and spread unevenly across the country), the mobilization effort is best understood as a recognition of the political influence of Buddhist monks in Cambodian society and the collective symbolic power of the *sangha* in conferring political legitimacy.

What becomes clear from a more in-depth look at everyday practice in Cambodia is that what on the surface appears to be a straightforward case of "path dependence"—supporting Larsson's hypothesis that "it is easier to extend rights to new groups than to revoke them"⁸⁶—is in fact far more complicated. While the legal recognition of enfranchisement for monks remained in place, a patchwork of nonlegal measures and practices of disenfranchisement lingered. While the question of whether or not monks could vote was discussed at a national level as a question of constitutional law and religious doctrine, it was frequently answered at a local level in interactions between monks, their superiors within temple hierarchies, and secular electoral authorities, at least until the intervention of King Sihanouk but potentially even beyond 2003. Then, much like the 1955 referendum under the rule of King Sihanouk—in which monks were allowed to participate despite a religious exemption to the universal franchise being in place for regular elections—monks appear to have been more directly recruited into the electoral fold so as to bolster turnout in the 2018 elections. Clearly, a more comprehensive understanding of the practical implications of the 1993 Constitution's introduction of the universal franchise requires "thick description" and attention to the everyday constitutional practice of what Larsson terms "monkish politics."⁸⁷ Continuing with such approach, this paper will herein seek to ground that practice in the constitutional consciousness of Buddhist monks.

Debating the Saffron Vote: Citizenship, Rights, and Neutrality

It is particularly notable that many of Cambodia's monks have embraced their newfound role in politics since 1993, largely in spite of the binding orders and nonbinding public

the first time that Tep Vong had called for monks to show gratitude to the Cambodian People's Party. In 2006, during debates about monks' involvement in political protests, Tep Vong stated that monks should recognize the debt that was owed to party's leaders for their role in "saving the country from the Khmer Rouge." Yun Samean, "Tep Vong Accused of Favoritism, Going against Buddha," *Cambodia Daily*, January 11, 2007, <https://english.cambodiadaily.com/news/tep-vong-accused-of-favoritism-going-against-buddha-72302/>. Tep Vong's 2017 statement was unprecedented in its explicitly partisan nature and the fact that it came in an election year.

⁸⁴ Koemsoeun and Nagemson, "CPP-Linked Monastic Leader Tells Cambodia's Monks to Vote for Ruling Party."

⁸⁵ Tom Allard, "Cambodia's Rulers Cajole and Coerce Voters to Boost Election Turnout," *Reuters*, July 25, 2018, <https://www.reuters.com/article/us-cambodia-election-threats-idUSKBN1KF0LQ>.

⁸⁶ Larsson, "Monkish Politics in Southeast Asia," 46.

⁸⁷ See, generally, Larsson, "Monkish Politics in Southeast Asia."

appeals of *sangha* leaders. In the process of exercising their right to vote, it seems, monks have also cultivated a secular discourse of citizenship and civic duty along with it. Rather than claiming the constitutional right to vote as a monk, however, the majority of politically active monks appear to draw a distinction between their religious and their secular lives. As one monk in Battambang province, explained: “I myself have a voting registration card. I went and register to vote, because the Cambodian Constitution doesn’t ban monks from voting. Monks are also citizen; we also have rights. But as religious men our role is personal. As a religious man, I can vote or not. This is personal. But if we talk about the constitution monk have the right to vote also.”⁸⁸

Clearly, along with an awareness of the constitutional nature of his right to vote, this monk has developed a keen sense of separation between his role as a religious figure, and his status as a citizen, with attendant rights. As such, it is helpful to reflect on David Engel’s work on Thai and Lanna legal consciousness in relation to the use of the “blood curse” by Red Shirt demonstrators in 2010.⁸⁹ Specifically, Engel draws upon Talal Asad’s ideas of “fragmented cultures” and “hybrid selves” to suggest that “studies of law and religion should reject the modern/non-modern binary”⁹⁰ and instead acknowledge the degree to which apparently opposing identities can operate in tandem, or even become conflated.

Concepts of citizenship and rights associated with the modern state, then, should be understood to exist fluidly alongside those of religious disengagement in Cambodia, often simultaneously.⁹¹ This is reaffirmed by the fact that the distinction between religious and secular roles of monks is not always so clear. Many other monks I spoke with drew upon their religiosity to explain the importance of their participation in elections. One self-described activist monk⁹² based at Wat Ounalom—where, interestingly, Tep Vong is the abbot—described his decision making in this way:

We know that the people that become monks are eligible to vote, most of them. So, if they don’t vote, there is a lot of ballots missing. [We are] missing our obligation as a citizen. Even if we are monks, we are still citizens of Cambodia. Some people say that monks shouldn’t vote, but others say we should vote because we have the right as citizen. If we vote, [people say] it’s against the rule, but I always say we don’t decide on the wrong choice, we decide on what is good. For example, I am not against anyone but I am for goodness, so if you are good, I am for you. [Laughs].⁹³

Here, there is a noticeable blurring of the lines between public and private, religious and secular. The monk first grounds his decision to vote in his constitutional right as a citizen, separate from his role as a monk, but at the same time explains his decision of *how to vote* in religious terms. However, he is clearly aware of the fact that his decision to vote is a contentious one, and one that could be considered to contravene the rules of Buddhism, or at least the rules laid down by the *sangha*’s leadership. As a result, this monk clearly intends his response to be comforting in two ways: firstly, by suggesting quite simplistically that if

⁸⁸ Interview with Buddhist monk 7, May 8, 2017.

⁸⁹ David M. Engel, “Blood Curse and Belonging in Thailand: Law, Buddhism, and Legal Consciousness,” *Asian Journal of Law and Society* 3, no. 1 (2016): 71–83.

⁹⁰ Engel, “Blood Curse and Belonging,” 71; Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 15.

⁹¹ A fact that is of additional interest when Thomas Borchert’s recent exploration of the legal status of “fake monks” in China is taken into consideration. Thomas Borchert, “On Being a Monk and a Citizen in Thailand and China,” in *Buddhism and the Political Process*, ed. Hiroko Kawanami (London: Palgrave Macmillan, 2016), 11–30.

⁹² See note 35.

⁹³ Interview, monk 3.

religious figures do vote, they will vote only for the most virtuous candidate; secondly, by reaffirming that monks can engage in electoral politics without losing their sense of neutrality. It seems that the constitutional practices of Buddhist monks and their decisions over whether or not to vote are shaped not only by the existence of constitutional provisions allowing monks to vote but also by the different ways in which the identity or personhood of monks is conceptualized.

The need for monks to remain neutral is still central to constitutional arguments about whether monks should participate in electoral politics. In fact, absent a legal limit on the franchise, the need for monks—and the *sangha* more generally—to remain separate from the polarizing world of politics remains one of the most cited reasons for the Buddhist clergy to abstain from voting. In fact, it was exactly this reason that leaders of the *sangha* used to support their 2014 request for legislation to prevent monks from voting, when Chhoeng Bunchhea, deputy director-general of Buddhist education for the Mahanikaya sect, explained, “if monks favor one side, they will lose their neutrality.”⁹⁴ This is of utmost importance for many in the *sangha*, it seems, not only because of ethical concerns about their unique and prominent role in society becoming politicized, but also for practical or pragmatic reasons. Specifically, as one monk implied in a 2001 *Phnom Penh Post* article, the fact that monks are sustained by small personal donations of food, drink, and money from their local community means that they can ill afford to alienate pagoda-goers on the basis of political affiliation. “I want to be politically neutral,” the monk told a reporter, “because I am now eating the rice of the CPP [Cambodian People’s Party], Funcinpec, and Sam Rainsy voters and party members.”⁹⁵

Of course, the dogmatic justification for upholding neutrality also continues to be widespread. As one monk in Siem Reap province explained to me, he followed many of his contemporaries in not registering to vote “because monks are *naek puah* [ordained person], we are different from normal people, we are not kings or citizens ... [we] find spiritual ways to help nation.”⁹⁶ Here, the monk clearly adopts the status of world renouncer: distinct from kings and citizens. Reiterating the belief that ordination as a monk necessarily requires the renunciation of secular citizenship, he draws quite explicitly on the distinction—first explained in Western scholarship by Stanley Tambiah in the seminal 1974 text *World Conqueror, World Renouncer*—between kings or householders (or laypeople) and monks who forsake the material world in pursuit of religious enlightenment.⁹⁷ As such, this monk’s position on engaging in politics or voting in elections appears to be profoundly influenced by an understanding of the historic distinction between what Schober describes as “two separate, yet complementary social categories in the [history of] Buddhist civilizations of South and Southeast Asia.”⁹⁸

However, as is already clear from the positions of Buddhist leaders on the question of voting, the Cambodian *sangha* is itself far from being politically neutral. While a small proportion of monks do actually vote in elections, the institution is widely understood to be under the direct influence of the Cambodian People’s Party.⁹⁹ This was reaffirmed for many

⁹⁴ Sony and Zsombor, “Clergy Seeks Law to Ban Monks from Voting.”

⁹⁵ Lor Chandara, “Monks Staying out of Next Year’s Elections,” *Cambodia Daily*, August 2, 2001, <https://english.cambodiadaily.com/news/monks-staying-out-of-next-years-elections-24808/>.

⁹⁶ Interview with Buddhist monk 6, May 7, 2017. This was one of the few interviews I was able to conduct with monks who abstained from elections; as a rule, those who held such views tended to refuse requests for interviews once it was clear they would pertain to law, politics, or constitutional practice.

⁹⁷ Stanley J. Tambiah, *World Conqueror and World Renouncer: A Study of Buddhism and Polity in Thailand against a Historical Background* (Cambridge: Cambridge University Press, 1976), 40.

⁹⁸ Schober, *Modern Buddhist Conjunctures in Myanmar*, 3.

⁹⁹ See Alexandra Kent, “Purchasing Power and Pagodas: The Sīma Monastic Boundary and Consumer Politics in Cambodia,” *Journal of Southeast Asian Studies* 38, no. 2 (2007): 335–54.

monks by the fact that Tep Vong and Bour Kry's written edict in 2003 came at a time when monks were gaining increasing prominence in opposition politics and were often seen at the vanguard of pro-democracy protests.¹⁰⁰ As such, despite the fact it reflected a long-standing position of Tep Vong, the decision to take such a public and influential stand was widely understood as a politically motivated move, intended to stifle a surge in grassroots support for those who would challenge the dominance of the ruling Cambodian People's Party. Though the decree had no formal legal status, it was of undoubted significance to those within the *sangha*. As one monk told me, cautiously at first:

For Cambodia ... erm, monks ... Buddhism is not independent and fair, it is under political pressure. Meaning that the grand monk, monk officials from the top to the bottom, from the bottom to the top, are appointed by the party [Cambodian People's Party]. Yeah? ... If you don't serve the party, they take away your stature (laugh), they kick you out of the pagoda ... So even monk, if you speak about law, human rights law, the Constitution, they say you are a political monk. See? And soon the monk will starve, and get kick out of the pagoda.¹⁰¹

This monk suggests that the Cambodian People's Party not only exercises significant control over decisions over appointments throughout the *sangha* hierarchy, but also is thus able to direct the internal disciplinary structures of the *sangha* against monks who are perceived to be disloyal. However, it is not entirely clear on what doctrinal or disciplinary basis a monk could be excommunicated or defrocked for discussing law, human rights, or the constitution. The monk quoted above did not elaborate on how such punishments would be pursued or justified, and there exist no publicly available accounts of monks being defrocked for such reasons. While all monks are, by virtue of having been ordained, compelled to obey the *Vinaya Piṭaka* and subject to the internal disciplinary procedures of the *sangha* in case of any breach, the *vinaya* itself contains no prohibitions against engagement in political or legal discussion. More specifically, the punishment of permanent defrocking is prescribed for the four most serious infractions (*Pārājika*, or defeats), and a temporary suspension (*mānatta*) possible at the discretion of the *sangha* for thirteen lesser infractions (*Saṅghādisesa*), none of which include prohibitions against political activity.¹⁰²

Nevertheless, the monk's testimony is undoubtedly compelling both because it was echoed by a number of other monks I interviewed and because it raises a number of other familiar issues. Firstly, it is notable that, in recalling how monks engaging in discussions of law, rights, and the Constitution are maligned and ostracized, the monk recites the accusation of being a "political monk." As such, his account suggests that this term—which, as noted, is described by Schober as having "emerged from the practical contexts and academic discourse of colonialism" in Myanmar—also pervades understandings of Buddhist institutions' rightful relationship to politics in Cambodia.¹⁰³ Secondly, the monk's account also reaffirms the idea that being perceived as "political" will have negative consequences for a monk's survival; as the reliance of individual monks on the patronage of the lay community (who donate food to allow monks to sustain themselves) can be put at risk if those lay-patrons disagree with that monk's political stance or allegiances. Finally, and most pressingly, this monk's testimony raises the prospect of a bias toward the Cambodian

¹⁰⁰ Samean and Doyle, "Against Decree, Monks Try to Register to Vote."

¹⁰¹ Interview, monk 1.

¹⁰² Crosby, *Theravada Buddhism*, 206.

¹⁰³ Schober, *Modern Buddhist Conjunctures in Myanmar*, 140.

People's Party pervading the *sangha* in such a way as to allow politically—rather than doctrinally—motivated defrocking.¹⁰⁴ This perception of a pro-party bias within the *sangha*, and of the *sangha*'s disciplinary structures being used to consolidate this, was reaffirmed to me by another monk, who concurred that political compliance was a primary factor in the ordering of the *sangha* hierarchy. "So, anyone that talks with independence, fairness is not monk official," he explained, such that "the monk officials don't dare to talk about it; if they dare, they get demoted."¹⁰⁵ Hence, the expectation—regardless of whether it is formally recognized by *sangha* leaders or grounded in the *vinaya*—that monks should not participate in elections can be understood to operate below the radar of formal legal analysis, but nevertheless have a significant influence on constitutional practice in Cambodia.

In spite of the very public declarations of the *sangha*'s leadership, and the apparently challenging environment for monks who choose to disobey such orders, some monks do subvert the institutionalized norm of not voting. While it is not possible, and beyond the scope of this article, to establish an accurate account of the exact number of monks who have registered to vote in any one election, the (admittedly unofficial and unverified) estimates provided to me by one monk in 2017 suggests that their numbers are limited. Here, the monk—who is also a member of the Independent Monk Network for Social Justice—complained to me that only 8,000 of the 50,000–60,000 monks in the country had exercised their constitutional right by registering to vote ahead of the 2017 Commune Elections. He then described what was essentially a voter registration drive that he conducted around pagodas throughout the country, which he named after the indelible ink that is used to mark the fingers of those who submit a ballot on election day: "[M]y team went from temple to temple. 'Come to register! Come to register!' From temple to temple and I try to talk to the head monk, each pagoda's head-monk: 'please open the door, let the monk go and register for vote ... the finger is luck for the nation and themselves.' That is why I produced the project called Lucky Finger ... We produced video clips and tried to call for monks and [lay]people to go to register. 'If you don't register, your finger will not be lucky for your life, for the nation.'"¹⁰⁶

Again evident is the fact that, in attempting to persuade monks to register, this anonymous monk emphasized the idea that monks—as citizens—had a duty to participate in electoral politics, suggesting that it was important "for the nation." From a practical perspective, it is also interesting to note that he was careful to work within the *sangha*'s established hierarchy to some degree, by first seeking permission from the head monk of each pagoda. Even while explicitly contradicting the wishes of Cambodia's Sanghareach (or head of the *sangha*), monks from the Lucky Finger project to some degree acknowledged the ordering of *sangha* hierarchy, while also playing on the decentralized structure that makes Head Monks at local pagodas the key decision makers in the practice of everyday monastic politics. This decentralized structure of authority in the *sangha*, it seems, enables a diverse, vibrant, and at times contradictory approach to constitutional practice by Cambodia's Buddhist monks.

Returning to the discussion of Buddhist doctrine, meanwhile, the monk went on to repeatedly contest the notion that monks could or should remain separate from politics. "Nothing is neutral in this world, only the word neutral is there," he explained, because "if you don't do bad you do good, and if you don't do good you do bad."¹⁰⁷ The idea of neutrality

¹⁰⁴ An example of this is evident in Harris's account of the removal of Ven. Khot Khon, the abbot of Wat Beng Bury, in 2010: accused of sexual misconduct and inappropriate political activity shortly after having received visits from prominent opposition politicians, Khot Khon was forced to choose between leaving his pagoda or leaving the monkhood altogether. Harris, *Cambodian Buddhism*, 220.

¹⁰⁵ Interview, monk 1.

¹⁰⁶ Interview with Buddhist monk 2, February 14, 2017.

¹⁰⁷ Interview, monk 2.

advocated by leaders of the *sangha*, in which monks abstain from engaging in the secular world of politics, is understood here as being more or less synonymous with passivity; a stance that, in the face of the injustices he perceived to pervade Cambodian society, was in turn tantamount to complicity. In other words, and with echoes of the view of the *sangha* and its members—elaborated by both Crosby and Lester, as noted above—as always-already imbricated in the political world around them, the monk appears to understand neutrality as, by default, supportive of a *status quo* that he finds ethically unacceptable. A similar stance was struck by another monk I interviewed just over a month later. Citing attempts by secular and religious authorities to “block out monk and tell us not to participate politics, to look at the border or anything related to society,” the monk argued that the focus on neutrality “seems like foreign language, where they use this to divide Cambodia society.”¹⁰⁸ The monk articulated a critique that is distinctly reminiscent of that proffered by Schober, wherein the idea that monks should abstain from engaging in politics is understood to be based on an inherently ahistorical and essentialized reading of Buddhism that is far from universally accepted or practiced.

Though expressed in relation to participation in elections and the exercise of the constitutional right to vote, it is clear that this critique of the notion of neutrality could also justify other modes of political participation for monks, such as social justice and political activism. As such, the positions of these monks bare all the hallmarks of what is commonly termed “engaged Buddhism.” Coined in the 1960s by the Vietnamese (Mahayana) monk Thich Nhat Hanh,¹⁰⁹ engaged Buddhism—in the words of Schober—is founded on a belief in “seeking enlightenment by engaging society, rather than withdrawing from it” and an “interpretation of the Buddha’s teachings that emphasizes social justice, sustainable development, and peace as foundations for spiritual development.”¹¹⁰ As such, engaged Buddhism “emphasizes the *sangha*’s moral obligation to act in *samsāra* for the benefit of the community,” including by influencing secular authority.¹¹¹ It should be no surprise, then, that the monk interviewed above, along with many of the politically active monks I spoke with, was not only interested in electoral politics but also felt the same sense of duty beyond the ballot box, in response to multiple other social issues in Cambodia, including land disputes, human rights abuses, and deforestation.¹¹²

A thoroughgoing account of the practice of engaged Buddhism in Cambodia is beyond the scope of this article. However, it is worth noting that not only were a number of the most outspoken proponents of Buddhist monks’ right to vote in elections also themselves

¹⁰⁸ Interview, monk 4.

¹⁰⁹ As Poethig explains, “Thich Nhat Hanh became well known for his neutrality during the Vietnam War, which earned him a nomination for the Nobel Peace Prize by Martin Luther King, Jr.” Meanwhile, engaged Buddhism was continued into the 1980s by “Sulak Sivaraksa, an outspoken Thai lawyer ... in his Buddhist critique of development strategies in Thailand” and grew as a transnational movement at a time when “American Buddhists were also seeking justification for social activism in their religious practice.” Poethig, “Locating the Transnational in Cambodia’s Dhammayātrā, History,” 198.

¹¹⁰ Schober, *Modern Buddhist Conjunctures in Myanmar*, 132. For Crosby, engaged Buddhism “focuses on addressing social and political causes of suffering in this life, rather than on multilife solutions to suffering,” and as such “places greater emphasis on tackling contemporary concerns such as human rights, social justice, and the environment.” Crosby, *Theravada Buddhism*, 112, 121. Christopher King notes that engaged Buddhism includes “voluntary groups and nongovernmental organizations committed to realizing a just and peaceful society by Buddhist means.” Christopher S. Queen, “Introduction: The Shapes and Sources of Engaged Buddhism,” in *Engaged Buddhism: Buddhist Liberation Movements in Asia*, ed. Christopher S. Queen and Sallie B. King (Albany: State University of New York Press, 1996), 1–44, at 20.

¹¹¹ Schober, *Modern Buddhist Conjunctures in Myanmar*, 132.

¹¹² This phenomenon has also been observed by Heng Sreang, who notes in his account of Buddhist monks’ participation in elections that “those monks who are in favour of political activism are generally more socially engaged.” Sreang, “The Scope and Limitations of Political Participation by Buddhist Monks,” 249.

practitioners of engaged Buddhism, but the act of voting in elections was often also portrayed by engaged Buddhists as an extension of their social and environmental justice activism. Although there may well be monks within the Cambodian *sangha* who adopt such a stance, the intersection between the two modes of activity was clearly articulated by a number of interviewees. Making precisely the case for voting in elections as the most effective way to pursue the goals of engaged Buddhists in Cambodia, for example, one monk explained to me:

You see, the fifth mandate [of the post-UNTAC era] is going to end soon but [we] cannot see anything resolved. Land disputes are still there, deforestation is still there, corruption is still there, [human rights] violations are still there, drug abuse is still there. But the fifth mandate is supposed to be the concrete reform mandate. But when I see the fourth and fifth mandate, [it is] totally the same. So, nothing changed. I don't think ... [pause] ... if the ruling of the country remains [by] the same person, things will be the same. I believe in only one thing: if we have new leadership, everything will be new. Change the leadership, and everything will be changed.¹¹³

Political change sought through the ballot box, in other words, was presented by this monk as an essential conduit for the pursuit of a more just society in Cambodia. More specifically, electoral politics was seen as inherently linked to the four issues that were raised most frequently by the monks I interviewed as concerns for engaged Buddhists; namely, land disputes, deforestation, human rights, and corruption.

Elsewhere, the protection and promotion of Buddhism, not just Buddhist-based ideas of justice, was frequently cited as a reason for monks to engage in political issues and debates. In response to an introductory question about what presented the biggest challenge to Cambodian society, for instance, one monk expressed to me his belief that the country's foremost social issues related back to party politics. "The biggest problem is politics," he explained, before listing a range of social issues and finally concluding that "even [with] religion, it all comes from politics: if politics is good, everything else is going to be good."¹¹⁴ While such a position may seem overly simplistic and optimistic, it is clearly borne of an understanding—explained above—that the previous decades of rule by the Cambodian People's Party is the cause of the politicization and demoralization of the *sangha*, as well as the root of many of the injustices that were perceived by the monk to addle Cambodian society. The practice of voting in elections, then, can be understood in this monk's perspective as not only one that is facilitated by the constitutional guarantee of universal suffrage, but also justified by a belief that electoral politics could be a route to the achievement of engaged Buddhism's goals. The decision to vote in elections here is presented as a necessary response to a political environment that is perceived as inherently antithetical to the religious goal of free and independent Buddhist institutions.

More politically polarized and nationalistic perspectives to the question of engaging in electoral politics also percolate around the peripheries of Cambodia's *sangha*. Drawing a contrast between what he perceived to be the interest of the major political parties, another monk painted a picture of an electoral landscape inhabited by an opposition party that "helps society, helps the country, rescues the Khmer to have justice, to have wealth, with harmony, to escape from foreign powers" on the one side, and a ruling party that he claimed "serves foreigner, help foreigner abuse the people" on the other. After presenting this stark distinction—which was a common feature in the anti-Vietnamese rhetoric of the

¹¹³ Interview, monk 2.

¹¹⁴ Interview, monk 1.

opposition Cambodian National Rescue Party—the monk went on: “So I ask should monks go to vote for the good party or stay in the pagoda? You want us to stay in the pagoda and watch the leader destroy the country?”¹¹⁵ While not all of the monks I spoke with articulated such a polarized view of politics, or such vehemently anti-Vietnamese opinions, this was not an uncommon theme in some such interviews.¹¹⁶ While fervency is perhaps made less surprising by the fact that the monk quoted above identified himself as Kampuchea Krom—the ethnically Khmer people of the southernmost provinces in Vietnam, whose practice of Theravada Buddhism is often repressed by authorities—it is nevertheless a stark reminder that the constitutional practice of Buddhist monks can also have a dark side.¹¹⁷

Conclusion

The inclusion of the international norm of universal suffrage in Cambodia’s 1993 Constitution, and the decision before that by UNTAC officials to deny the country’s senior Buddhist leaders’ requests for a religious exemption to that norm for monks, produced in Cambodia a new constitutional status quo wherein monks could actively engage in electoral politics. This new status quo has brought to the surface an underlying societal ambivalence over the role that Buddhism, and Buddhist monks, should play in politics. As such, over the twenty-five years since the promulgation of Cambodia’s Constitution, the country’s monks and religious institutions have sought different ways of resolving this constitutional tension, and inhabiting a new constitutional order in the process. The result, at least with respect to Cambodia’s otherwise largely authoritarian constitutional context, has been a peculiarly liberal compromise. Rather than overriding the precedent set by the UN-administered election of 1993, by introducing a religious exception either via an amendment to Article 34 of the Constitution or through the legislative process (pursuant to Article 34), Cambodia’s political leaders have largely left it to the country’s Buddhist *sangha* to resolve the issues of constitutional practice surrounding monkish politics on its own. While all Cambodian signatories to the Paris Accords, and parties that participated in the UNTAC-sponsored elections, appear to have acquiesced to the idea of elections based on universal suffrage at the time, it is not clear to what extent they knew—or gave much consideration to—whether this would necessarily have precluded the inclusion of a religious exception when Cambodians eventually went to the polls. It seems unlikely that this was a foremost concern for any of the parties, or that they would have wished to expend much political capital pushing for a religious exception at such a complex political moment. Since this time, however, Cambodia’s various opposition parties have undoubtedly been more vociferous in their support of monks seeking to register to vote (perhaps reflecting their belief that they have the sympathy of much of the *sangha*, at least in its more populous lower ranks), the ruling Cambodian People’s Party has nonetheless rebuffed calls for government intervention.

For their part, Cambodia’s *sangha* authorities have clearly and repeatedly attempted to discourage and inhibit monks from voting or engaging in politics. Yet, they have largely refrained from formally *preventing* them from doing so. In the process, members of the

¹¹⁵ Interview, monk 4.

¹¹⁶ Interview, monk 7. This monk, who otherwise largely avoided discussing politics, cited immigration.

¹¹⁷ For an account of Khmer Krom experiences, see Yang Sam, *Khmer Buddhism and Politics from 1954 to 1984*, 21. Also, note that, with some similarities to the present, during the colonial period the “considerable influence of the Kampuchea Krom elites was expressed in an intensification of the theme of safeguarding the purity of religion and, by extension, the purity of the Khmer ‘race,’” according to Alain Forest. Alain Forest, “Buddhism and Reform: Imposed Reforms and Popular Aspirations,” in Kent and Chandler, *People of Virtue*, 16–34, at 28.

Buddhist clergy have publicly contested the meaning of the Constitution, and actively employed constitutional arguments, as a way to further their cause. Of course, opposition to monks being allowed the right to vote has been explained in terms of religious doctrine, wherein political engagements are seen to risk corrupting the monks who are supposed to have assumed the role of “world renouncer” and delegitimizing the *sangha* as a set of supposedly politically neutral institutions. However, calls from the Supreme Patriarchs of both sects of the Cambodian *sangha* for state intervention to introduce and enforce a prohibition through constitutional or legislative amendments have also been articulated in constitutional terms, with clear reference frequently being made to Buddhism’s special status and the implicit responsibility this is considered to bestow on the government to protect the state religion. This has been countered by Buddhist monks, meanwhile, who have similarly insisted on their engagement in electoral politics, justifying it on both religious and constitutional grounds. As such, monks assert a sense of dual-identity, or what Asad calls “hybrid-selves,”¹¹⁸ in which they can be both a secular, right-bearing citizen on the one hand, and a religious figure on the other. For some, the latter identity extends so far as to supplement the constitutionally grounded *right* to vote with an additional *duty* to do so in the interest of religiously infused conceptions of justice and goodness. The decision to vote need not always be part of a more general commitment to the pursuit of justice in the secular world through the practice of engaged Buddhism. Nonetheless, it is clear that—at least for some Cambodian monks—the philosophical foundations and ultimate aims of the two (the decision to go to the polls and the adoption of engaged Buddhism) often intersect.

Despite the fact that the issue has yet to be addressed by constitutional change, or litigation, the debates about the involvement of Buddhist monks in electoral politics have nonetheless invoked a constitutional lexicon, and even adopted it “as a type of natural language.”¹¹⁹ In addition to being a case that raises fundamental questions about the relationship between Buddhism and the modern state, or even between the state and religion more generally, therefore, Cambodia’s saffron constitutionalism is also a poignant example of the extent to which constitutional law often operates beyond the reach of the judicial institutions with which it is usually associated. The inclusion of the universal franchise in Article 34 of the 1993 Constitution was an unprecedented step in the context of a Cambodian constitutional history that, as with that of most majority-Theravada Buddhist countries, has been characterized by the disenfranchisement of Buddhist monks, except in cases of rule by “the most virulently anti-religious and anti-clerical regimes.”¹²⁰ Yet, the on-the-ground reality of this new status quo has ultimately been shaped by political contingencies and—most noticeably—the everyday practices of Buddhist monks and *sangha* authorities. Hence, through ethnographic attention to those practices, and the way in which they are understood by monks themselves, this paper has highlighted the extent to which Article 34’s guarantee of the universal franchise has been, and continues to be, shaped by contestations within the Cambodian *sangha*. The resulting picture is one of a vibrant, complex, and at times contradictory set of constitutional practices, in which the state features only as one among many actors, with constitutional meanings being shaped by contestations over constitutional meaning that play themselves out almost entirely beyond the reach of the state, in arenas that are largely overlooked by traditional approaches to constitutional law.

¹¹⁸ Asad, *Formations of the Secular*, 15.

¹¹⁹ Schonthal, *Buddhism, Politics and the Limits of Law*, 16.

¹²⁰ Larsson, “Monkish Politics in Southeast Asia,” 71.

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