RETHINKING SOVEREIGNTY:

RELIGIOUS BOUNDARIES AND TRANSGRESSIONS IN SOUTH, SOUTHEAST ASIA AND AUSTRALASIA

Edited by
James Taylor and Roshan de Silva-Wijeyeratne

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We also want to thank the contributors for their patience – we believe that patience has produced an original contribution to the literature on the relation between culture, religion and state formation in South Asia, Southeast Asia and Australasia. Uniquely this collection situates Australia's and New Zealand's colonial encounter within the political and geographical orbit of the radically Benthamite nature of British imperial rule and its influences in South and Southeast Asia.

We are very grateful to Chiang Mai University Press and to Professor Chayan Vaddhanaphuti of the University of Chiang Mai who has provided whole hearted support and encouragement for this project, special thanks also to both Charlotte Trenk-Hinterberger and Kanchana Kulpisithicharoen at the Faculty of Social Sciences, Chiang Mai University. Finally, our thanks to the anonymous reviewers for their constructive comments in the final version of the manuscript and especially to Professor Beverley Brown in London who, as a former publisher, generously and diligently took on the task of assisting us earlier in the editing and formatting of the collection.

Dr. James Taylor

Dr. Roshan de Silva-Wijeyeratne

Forword

As a member of the editorial team, I would like to thank for your interest in this book. There are not many works published in Thailand that engage religious issue in the cross-cultural context. As someone who does not work in this subject, I have gained a lot of insights into the foundational knowledge and critical perspectives on religions in Asia and Australasia. The authors of different chapters who are experts in their areas have managed to elucidate some complicated issues in an interesting way. I hope that readers, not just scholars but also those who are interested in societies in Asia and Australiasia, would gain insights too. For students of Anthropology or area studies, the list of bibliographies in each chapter, definitely, is a rich set of resources that can be explored further.

Pasoot Lasuka
Editor
CMU Press

Preface

This collection brings together a diverse group of scholars (social anthropologists, legal historians, and political theorists) working on the intimacy of religion, cultural processes, state-legal forms and the liminal nature of borderlands in the Indo-Pacific region. The papers in this edited collection came about from a workshop that was held at Griffith University in Brisbane, Australia in September 2017 convened by Dr. Roshan de Silva-Wijeyeratne of Griffith University (now a Senior Lecturer in Law at Liverpool Hope University and a Member of the Edinburgh Centre for Constitutional Law, as well as the Centre for Human Rights in Conflict, University of East London). Additional contributors were also invited to participate in the collection. In 2020 Dr. Roshan de Silva-Wijeyeratne and Dr. James Taylor (Adjunct Associate Professor, University of Adelaide, South Australia and affiliate at the Faculty of Social Sciences, Chiang Mai University) then decided to publish the collection through Chiang Mai University.

The editors (James Taylor and Roshan de Silva-Wijeyeratne) have brought together scholars who engage in a range of critiques of the differential and contested role of religion, political ideology and spatial practice in the crises of sovereignty that state orders in South Asia (Sri Lanka and India), Southeast Asia (Myanmar, Thailand and Laos) and Australasia (Sri Lanka, Australia and New Zealand) confront in their historical relation. The collection of essays is unified by the common threads of European colonialism (principally British but also French), as well as the culturally and materially transformative role in the region of the ideational practices of both European and Protestant *modernism*.

While sovereignty has traditionally been the preserve of both political theory and constitutional law, the authors in this collection rigorously situate its's interrogation within the humanities (broadly defined). Of course, the sub-text in the collection is that the central categories of political theory and conservative constitutional law/ jurisprudential traditions – the state, sovereignty, power, authority, the people, etc.

– ought to be re-visited and re-engaged by recourse to an ideational lens that the humanities privileges. This is not to deny that the causes of ethno-religious conflict in South and Southeast Asia and that of the struggle between Anglicised whiteness and Indigenous politico-legal claims in both Australia and New Zealand is not driven by structural or material causes. The authors in this collection suggest that the politico-legal is best theorized through a synergistic marriage of material and ideational perspectives.

This collection of essays offers a contemporary exploration of the nature of a lived liminality in a number of distinctive registers – Hindutva mobilisation and conversion politics in south India, the re-ordering logic of a thoroughly *modernist* (and ethno-spatial) Buddhism in Sri Lanka and Myanmar, the juxtaposition of casino-capitalism and Buddhist utopias in the gambling zones of the Myanmar-Lao and Lao-Thai border, the contested articulation of cultural pluralism in colonial and post-colonial constitutional forms in the Australian and New Zealand colonies of the Pacific and the populist democratizing politics of Thailand's 'red monks' – their post-Weberian political spirituality drawing on commonalities in the experiences of neighbouring Myanmar.

The collection is also an implicit commentary on the socio-political consequences of *Covid-19*. While the majority of papers were finalized as the pandemic solidified its terrifying hold in much of South and Southeast Asia, in identifying the populist-authoritarian mobilisation of religion (in particular Buddhism and Hinduism) with state-centralizing projects in mind, the authors anticipate the future, the politicisation of bios, the transformation of politics into *biopolitics* – that is the manner in which politics captures, challenges and penetrates all aspects of life. Life cannot be only ontologized, or completely historicized – it is instead inserted in the margin between and betwixt the two, what the editors characterize as the fluid movement between *being* and *seeing*.

Professor Chayan Vaddhanaphuti
(Chiang Mai University)

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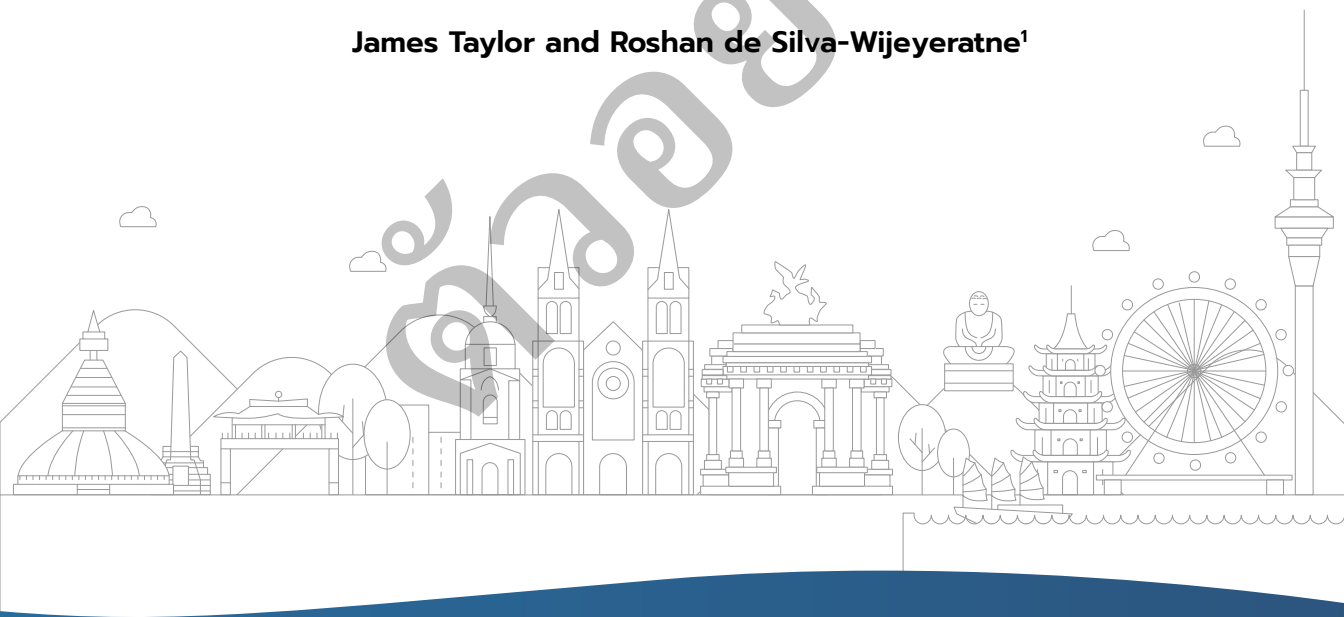
Introduction

Rethinking Sovereignty: Religious Boundaries and Transgressions in South, Southeast Asia and Australasia

James Taylor and Roshan de Silva-Wijeyeratne[1]



The notion of sovereignty as political power and authority was advanced in the sixteenth to eighteenth centuries – in order to advocate largely counter-factual arguments about the nature of legitimate authority and power which was claimed by early modern sovereigns and states – by Thomas Hobbes, Jean Bodin, John Locke and Jean-Jacques Rousseau for example.[2] Jeremy Bentham, contra Hobbes (who insisted on the vitality of the state professing a single faith tradition), later claimed sovereignty as resting with the people; with the whole corpus of active citizens located throughout the state. Later, with Bentham's utilitarian project (transforming the Hobbesian understanding of sovereignty as a power to command) the rights of the ruler, no less than those of the community, acceded to the doctrine of sovereignty of the state itself. However, historically there has always been a contest of power between the authority of the absolute ruler, and that of the ruled, a cornerstone of Locke's account of the limits that natural law places on state authority. Historically, Henri Lefebvre (1991, 280) noted, sovereignty implies a "space" against which violence (discussed further below), implicit or explicit, is directed. A state legitimates the recourse to force and lays claim to a monopoly of violence, though centralized state power has limitations in the context of center-periphery relationships. These limitations tend to eventually expose the vulnerability of a sovereign center – ethno-religious conflicts in Sri Lanka (or Ceylon unitil 1972), India, Myanmar and Thailand for example bear this out.

This collection brings together a diverse group of scholars (social anthropologists, legal historians and political theorists) working on Buddhist nationalism/modernism and spatial practices in Thailand, Sri Lanka and Myanmar, the politics of conversion and Hindutva mobilization in India, the colonial mapping

and the bureaucratic evisceration of cultural and legal pluralism in the Indo-Pacific (Sri Lanka, Australia and New Zealand) and the spatial politics of contrasting monetary and spiritual utopias on the Thai/Myanmar and Thai/Lao borders. By focusing on the relation between alterity and socio-spatial practice, this collection of essays reveals how the practices of difference aim to change, transform or modify certain place-based (given) normative truths, often against the overwhelming force of sovereign state violence, be it epistemological or real. This task is especially relevant given resurgent discourses around the unity of the state and nation in the late Benedict Anderson's (1984) approach whereby nationhood, despite inequalities, is a way of imagining through a shared language and time and thus in creating through developments in media technology a sense of a collective (national) community. Anderson was overreaching in his suggestion that religion per se declined in accordance with the emergence of modern communities and his analysis concealed the violence of emergent nationhood and the "ambivalent and contradictory discourses comprising what it means to belong to a particular nation" (Franz and Silva 2020, 2).[3] The notion of belonging and not-belonging is more nuanced in relation to homelands (centers) and borderlands (margins), as are correspondingly matters of race, ethnicity and gender. The papers in this volume concern various spatial scales, the micro/macro dimensions of analysis (DeWalt and Pelto 2018) with a focus on the contested modalities of religion, legal forms and related spatial practices as these pertain to the conception of a unified nation-state and a monistic vision of sovereignty.

Religion is often seen as a binding force for national and transnational identity. Indeed, we argue that in late modernity religion is not less significant, but differently significant. It may be more useful to look, as the contributors have done, at how religion becomes civic and, in terms of social space, how this actually works with or against the national projects of modernity (Assad 1999, 178-179). Identities are constructed through ethno-historical, social and political determinants that define ethnicity (Sinhala, Thai, Shan, Tamil, Burman, etc.). In Thailand for instance, in the discursive context of national modernity, it is Buddhism as the state religion (even if it is not endorsed in the Constitution) that has been a crucial signifier of ethnic-

national identity. Similarly, in Sri Lanka and Myanmar (and increasingly so in Hindutva dominated India) the nation-state is in the popular imaginary conceived by recourse to the limiting grounds of *ethnos*. However, it is a particular modern politico-religious and historical formation of (Theravada) Buddhism or Hindutva Hinduism, vertically and horizontally structured and managed, which serves the interests of racialized nationhood as against an identifiable *other*(s).

However, the consolidation of the nation-state along grounds of *ethnos* does not fix the breaks or ruptures which emerge through counter-hegemonic *othering* practices. These frequently come from the margins (whether spatially within the center-nation or in borderlands such as northwestern and southern Thailand or northeast Sri Lanka and northern Queensland for example). In fact, margins as *other* more generally signify much of what centers refute or attempt to contain; they implicitly entail all social and cultural possibilities. The potentiality for bringing about cultural or political change then is loaded in difference and its framing model reveals itself in the borderlands of the nation-state (Shields 1991, 276). In Thailand for example, forest monks' journeying would take them to various liminal localities, even across contentious national borders inscribed during Thailand's modernization in the far northwestern provinces of the nation-state (Taylor 1993). These marginal localities, or spaces of representation, were chosen sites for unrestricted spiritual practices that would later have profound implications for the modern center-nation. In the eyes of the state, the (liminal) sites inhabited by the wandering monks were potentially hostile, indeterminable, wild places that had to be domesticated and brought into the center-nation. These were, as Douglas (1966, 98) earlier wrote, ambiguous, treacherous, and "inarticulate areas, margins, confused lines...beyond the external boundaries" (see also Leach 1976, 33-35).

The anthropological analysis of marginal practices, places, and languages is essential to a crucial understanding of the state and its political geo-spaces. Margins are defined as sites far from the centers of state sovereignty in which states have weak jurisdiction and political control and are unable to ensure the implementation

of their programs and policies – to the extent that the states under consideration in this collection do seek to exercise control over the margin their responses are always over-determined. Margins "are a necessary entailment of the state, much as the exception is a necessary component of the rule" (Das and Poole ed. 2004, 4). Margins are often seen as uncontrollable "spaces of exception" (Agamben 2005); that is, extraterritorial places where the juridical order is suspended, and where arbitrary power is exercised and justified as exceptional political interventions either temporarily or permanently. The paper by Roshan de Silva-Wijeyeratne and Bruce Kapferer evokes the relation between the territorial periphery as a site of marginal resistance and the logics of encompassing militarized sovereignty which invokes the language of Buddhist "sacred" spaces as a legitimating strategy. Paul Cohen's contribution in the volume gives an explicit example of "sacred" spaces of exception. In the case of ambiguous places or marginal sites of nature, these became domesticated and/or sanctified as in the Buddhist examples through the ritual of laying of *sima* or sacred boundary markers sanctioned by the state's politico-religious apparatus. These new state-sanctioned sites, which in turn enabled the performance of collective national sangha rituals (*Sanghakammas*), then became recognized as Buddhist monasteries (Wijeyewardene 1986; Taylor 1993).

An important element in the collection is the theme of network and flows in the context of transformations, alluding to zones of interaction in promoting a reconsideration of lived social space[5]. The network and transnational cultural flows transcend geographical boundaries and territorial state sovereignty that was the hallmark of the modern nation-state post-World War II international order. Indeed, the old European Empires (even influencing Thailand in the nineteenth century which was not formally colonized) and their highly variegated models of sovereignty (reminiscent of the pre-modern Mediterranean world) allowed for the intense contestations of space. In the context of South and Southeast Asia the *network* has a long genealogy in both an institutional and ideational form – the *galactic* polity was not just a constitutional structure which in its performative logic enabled a model of weak sovereignty and porous geographical borders, but it also facilitated the

movement, incorporation and transformation of people, ideas (both religious and non-religious) and material culture. With respect to *ideas* these were not simply just religious or ritual that focused on the private but they also had a public persona that animated questions about the nature of the state, kingship, legal pluralism and economy. Pre-colonial South and Southeast Asian state formation was already marked by the absence of rigid territorial boundaries long before the forces of contemporary global capital and neo-liberalism would shatter the logic of state sovereignty that emerged in the aftermath of European imperial rule in South and Southeast Asia.

A critical question that this collection raises is the degree to which religious/secular ideology, because of globalization, is a vital feature in the framing of processes of state transformation. While neo-liberalism may herald the (limited) expression of greater democracy and transparency, the totalitarian and sometimes ethno-religious and rural exclusionism in these nation-states is not overcome in processes of modernization – the intensification of inequalities is rather a common feature of the neo-liberalism in South, Southeast Asia and the Australasian region in general. Religion and social practices are also subject to a radical revaluation in this process and are open to appropriation and control by the state as, in response, fashioning new national and transnational networks, alliances and identities.[6] The emergence of new sovereign orders, often associated with the military-corporate-party nexus favored by Beijing is what elites in South and Southeast Asia are fashioning – it is an underlying theme in the papers on Myanmar (Walton and Khin Mar Mar Kyi), Thailand (Taylor) and Sri Lanka (de Silva-Wijeyeratne and Kapferer).[7]

The new state forms in the world correspond to corporate-states – states that display features of global business consortia replete with a strong sense of boundary and border, the transgression of which must be strictly controlled but not in such a way as to prevent the movement of commodities, labor and capital. These borders thus become the sites of casino capitalism and profound moral ambiguity – sites of exception and liminal state sovereignty – Myanmar, Sri Lanka and Thailand are exemplary of state orders that combine hyper militarism with patron-clientelist capitalist domination that is testament to a *post*-modern ironic turn in Theravada

Buddhism as a floating signifier in which Buddhism in one sense is conveniently deployed as a commodity for the purpose of material financial gain[8].

The ironic turn may well be lost on the nexus of Buddhist politicians and military-bureaucrats that control the machinery of state and religion in Myanmar, Thailand and Sri Lanka as they place the state in these respective jurisdictions in the service of the corporate-state and its patrons in Beijing. As Anya Topolski (2014, 52)[9] remarks, though with Judaeo-Christianity and Spinoza's polemics in mind, "what remains, often only as a trace, of true religion after it has been emptied out is not any particular theological content (its original meaning) but rather its political purpose. The floating signifier is one that serves a particular political community, both its rulers, whom it helps in terms of organization, and the ruled, whom it comforts." In the late modern turn, normative or doctrinal Buddhism becomes a floating signifier of theological-political significance – where meaning will only be generated in acts of political, cultural and legal performativity bringing the nation to life as lived nationalism. Nationalism, by its very nature, generates a prescriptive normative agenda in the socio-political realm by seeking to represent ontological multiplicity through a singular optic vision, what Valentine Daniel has called the triumph of "seeing over being" (2001, 88). Consequently nationalist (ethnic) *truth* becomes the *only truth*. Bruce Kapferer commenting on the facticity of nationalism observes that for the "facts to be denied is tantamount to denying the vital [ontological] grounds of existence itself" (2012, 122, our interpolation).

In order to relieve a sense of depression or even melancholia when it comes to a perceived deterioration of religious virtue, especially in the context of late *modernist* Buddhism's political propensity for "virtuous violence" (in the name of civic Buddhism) the only viable and simultaneously empty response is "*what would the Buddha have made of this*"?[10] Richard Gombrich and Gananath Obeyeskere (1988) contend (in their seminal work on the transformative dynamics of Protestant *modernist* Buddhism) that "violence has taken root in the heart of Sinhalese Buddhism" (or rather violence carried out among those who would resort to the Buddha's teachings for their own religio-political ends). Also discernible are similar

processes in state sanctioned violence in recent decades imposed by Buddhist rulers and the military toward dissenting social and political views among democracy aspiring Buddhist majorities in Myanmar and Thailand. At the time of writing Myanmar is, once again, under complete military rule, the generals led by Min Aung Hlaing having ordered the rounding up and house incarceration of the civilian leadership. This begs the question to what extent Myanmar's emergent civic democracy led by Aung San Suu Kyi was ever on firm ground.

The logic of modernist Buddhism in Sri Lanka, Thailand and Myanmar sees Buddhism transformed from a discourse concerned with *being* to one that focuses on *seeing*. This shift to an epistemological register has consequences – it results in a narrow reading of the ontological that Buddhism articulates and subsequently motivates at the level of both individual and collective agency what the social and the political *ought* to look like. However, even this transformation remains incomplete and hence the possibility for resistance as the boundary between *being* and *seeing* remains contested. Matthew Walton and Ma Khin Mar Mar Kyi present an account of Burmese Buddhist nationalist movements that undoes the monistic logic of said ethno-nationalism. In their paper on the Buddhist activism of *Ma Ba Tha* (Association for the Protection of Race and Religion) they argue that what we see is not only a modernist anti-Muslim sectarian movement, but also a movement that has in a thoroughly modernist guise empowered women against dominant forms of Buddhist masculinity. The authors challenge us to re-think the spatial and gendered politics of Buddhist nationalism in Myanmar, arguing that it is the very ambiguity of linked religio-political identity markers that *Ma Ba Tha* purports to protect, which paradoxically generates debate over the "national" identity in question.

The porous and contested nature of the border between *being* and *seeing* allows for boundaries to be unsettled. In the knowledge networks that are formed at the borders, be it geographical or religious (and here we include the secular and non-secular rituals of the nation-state as also intrinsic to religious life) what we

encounter is a radical revaluation of cultural forms driven by the ideological disposition of the state. Paul Cohen's contribution in the volume focuses on "sites of exception" comparing the Buddhist religious enclaves of northern Thailand and east Myanmar (Bunchum's *muang khong Phra Phutthacao*) with the "casino zones" of Myanmar and Laos as exemplary of ersatz utopias. The Buddhist enclaves are exceptional spaces of neo-liberalism that have been granted special status as "moral communities" by the state and elites, but both the secular and religious zones share a common utopianism.[11] However, Cohen suggests that casino zones betray an ersatz utopianism that masks a dystopian reality of nefarious and exploitive activities; while the Buddhist enclaves, inspired by northern Thai (*Lanna*) texts and holy men (*ton bun*), articulate a more authentic, though fragile, idealism.

In this light de Silva-Wijeyeratne and Kapferer argue that Sri Lanka's on-going violent agony is an expression of a state order that is in a continual process of deformation and simultaneous reformation. Caught in the cross-currents of global corporate capital and shifting alignments between Beijing and the EU/US/New Delhi axis Sri Lanka's civil war (be it the hot one that ended in 2009 or the on-going low intensity one that shows no sign of ending) draws on the cosmological register of Sinhalese Buddhist myth in which heroic Sinhalese Buddhist kings often vanquish Tamil Hindu rulers. The past is not so much a foreign country, but rather a lived present.

As Sri Lanka has morphed into a militarized corporate-state form, Sinhalese nationalists have masterfully revalued Buddhist religious and social practices in a rationalist idiom. Buddhist myth which when actualized in its ritual register reveals ontological concerns focused on *being-in-the-world* is revalued within the bureaucratic register of the modern state shifting its telos from ritual to the political.[12] The covid-19 pandemic has allowed Sri Lanka's new leaders (or the old ones who have returned), the family cabal of Rajapaksa brothers, to draw on the re-energized forces of Sinhalese Buddhist nationalism, as well as simultaneously re-energizing those forces. Only in power for just over one year, President Gothabaya Rajapaksa has hinted at his objectives – the creation of a *virtuous*, disciplined and lawful society. In this task the

Sinhalese political-military complex will be central, as aligned with global capital (principally Chinese, but only to the extent that capital has a nationality) they continue to transform Sri Lanka into a corporate-state form. de Silva-Wijeyeratne and Kapferer contend that the Rajapaksa clan, like previous leaders before them, have proved adept at masterfully revaluing Buddhist religious and social practices in a nationalist idiom. This can have devastating consequences for ethno-religious minorities as mythic violence is actualized for the purpose of re-ordering both the state and the socio-economic sphere in a manner characterized as *virtuous*. The genius of nationalist agency is its capacity to breakdown the lived boundaries of the mythic and political. The authors stress that the mobilization of a violent Buddhist agency is replete with Buddhist *virtue*.

The remaining papers are also concerned with the contested moralities that inform new state modalities in the region. The productive logic of breaking down existing boundaries is taken up in James Taylor's account of the recent activities of counter-statist political monks in Thailand, mostly originating from the frontier of the state, within the secular domains of the center-nation-state. The frontier offers sites of resistance to a Thai state that, similar to Sri Lanka and much of the Theravada Buddhist world, has re-coded Buddhist meaning in a thoroughly *modernist* cum rationalist guise – the consequence of the latter is an emphasis on the socio-political project of the *ought* as opposed to Buddhism's classical concern with *nibbana*. Taylor's contribution speaks to the possibility among new politically-conscious religious communities in resisting the authoritarian bureaucratic hierarchy of the Thai state and its cultural and political dominance. In understanding the articulations of what can be described as a new, though marginal religio-political consciousness, Taylor looks at the center-dominant and regulated monastic reforms initiated in the late nineteenth century and its later social, economic and political impacts as resonating among errant monks in the northern and Thai-Lao frontier. The essay also explores entrenched political differences in the monastic sangha reflecting sentiments in the wider social order. Monks have been and remain largely compliant to a monarchical-state administrative hierarchy, though recent interrogations of morality,