

## The Zhabdrung's Legacy

### *Buddhism and Constitutional Transformation in Bhutan*

*Richard W. Whitecross*

#### 4.1 INTRODUCTION

Constitutional democracy emerged in Bhutan, the last surviving independent Buddhist state located in the eastern Himalaya, in an unusual way. It arrived neither as the result of colonialism, as in Malaysia, nor from popular democratic movements, as in Nepal in the early 1990s. Rather, limited monarchy was introduced by royal command (*kasho*). The monarchy circumscribed its own power, without any overt pressure to do so.

Buddhism and governance were intertwined in the Bhutanese system of government created in the early seventeenth century by Zhabdrung Ngawang Namgyal,<sup>1</sup> the Tibetan religious leader who unified the country and conceived it as a “religious” estate. This intertwining of religion and government ended on July 18, 2008, when the first written Constitution of Bhutan was enacted, seven years after the royal command to prepare its drafting. The new Constitution declared Buddhism “the spiritual heritage” of Bhutan, whilst removing representatives of the Central Monk Body from the National Assembly. This separation of religion and politics was underscored by the Electoral Commission’s ban on public religious events in the six months leading up to elections (Election Commission of Bhutan 2012).

Buddhism and Bhutanese social and cultural life are difficult to separate. Elizabeth Allison has observed the role of Tibetan, or Vajrayāna Buddhism, in shaping the “attitudes, practices and beliefs” of the eastern Himalaya (2015). The above-mentioned definition of Buddhism as the spiritual heritage of the kingdom can be found in Article 3 of the Constitution. Yet, as Matthew Moore notes, “there is very little discussion in the [constitutional] document” about Buddhism (2016, 51). Although the Constitution does not declare Buddhism to be the “state

<sup>1</sup> The title Zhabdrung (*zhabs drung*) means “at the feet of/ in the presence of” and is an honorific title. It is used, unless indicated otherwise, to refer to Zhabdrung Ngawang Namgyal (1594–1651).

religion,” scholars interpret Article 3, and the Constitution in general, as promoting Buddhism as the state religion.<sup>2</sup> Indeed, during the drafting and finalizing of the Constitution, the Fourth King, the then-Crown Prince, the chairman of the drafting committee, and other officials asserted that the Constitution and its new form of government were consistent with Buddhism. Therefore, on what basis is the Constitution consistent with Buddhism and what are the post-enactment implications of such claims?

Leo Rose has observed that Bhutan posed a “novel methodological problem,” for it was, in his opinion, “data-free” (1977, 10). Much has changed since Rose’s research in the 1970s, though it is still true that the “early history of this remarkable country is enveloped in great obscurity” (White 1999, 99). But some aspects of governance are becoming more legible. In this regard, this chapter focuses on the recent process of constitution making and Buddhism following the enactment of the Constitution in 2008. The first section contextualizes the interrelationship between religion and government in the Bhutanese polity between the early and mid-seventeenth century, as well as the establishment of the hereditary monarchy in 1907. The twentieth century saw the consolidation of the monarchy along with major political reforms in the mid- to late twentieth century that informed the preparation of the 2008 Constitution. The second section focuses on how the constitutional drafting committee navigated the debates and sensitivities over whether to declare Buddhism the state religion and the roles of the two main schools of Vajrayāna Buddhism found in Bhutan, the Drukpa Kagyu and the Nyingma.

The third and final section draws on interviews with Bhutanese about their changing perspectives on Buddhism and politics in Bhutan following the enactment of the 2008 Constitution. These interviews enable us to understand some of the consequences that are only gradually emerging over a decade after the ratification and enactment of the Constitution. Two principal themes emerge: the unexpected outcome of the separation of religion and politics, as reflected in lay monk/practitioners<sup>3</sup> choosing to put aside their religious role so that they can enter village-level politics; and the role of the monarch as Buddhist king and royal *kidu* (royal prerogative to grant aid).<sup>4</sup> The chapter concludes by arguing that whilst there is a minority that wishes to amend the Constitution to make Buddhism the state religion, there is a growing concern about the unintended consequences of the Constitution and, more specifically, the exclusion of religious practitioners from engaging in local-level politics as part of a more general ambivalence between the legitimizing power of “continuity” and the demands of “modernity.”

<sup>2</sup> For example, Givel (2015), in reference to Art. 4(1) of the Constitution, says that it is “[a] mandate to preserve and promote Mahāyāna Buddhism as a state religion and policy,” 23.

<sup>3</sup> Tib/Dzo: *sgom chen*.

<sup>4</sup> Tib/Dzo: *skyid sdug*.

#### 4.2 THE ZHABDRUNG NGAWANG NAMGYAL: THE DRUKPA STATE AND DUAL SYSTEM

The first half of the seventeenth century saw the creation of the three “great theocracies of the greater Tibetan cultural world” (Smith 2001, 119): the Ganden Phodrang in Lhasa, the Jetsun Dampa lineage among the Khalkha Mongols, and the Drukpa state established by the Zhabdrung, Ngawang Namgyal, in Bhutan.<sup>5</sup> The Zhabdrung fled Tibet in 1616 following a dispute over his recognition as the reincarnation of Padma Karpo, the Fourth Drukpa Kagyu hierarch. From his arrival in Bhutan, the Zhabdrung began the process of unifying those leading families affiliated with the Drukpa Kagyu school, such as the ‘Ob mtsho family, whilst dealing with the internal opposition and the external threats from Tibet (Phuntsho 2013).

According to a biography of the Zhabdrung, after entering a three-year-long retreat in 1623/24, he experienced a series of visions, including one where he saw the founder of the Drukpa Kagyu school, Tsangpa Gyare, and his protector deity, Mahakala, both encouraging him to establish a Drukpa state “by securing both spiritual and political power over the southern lands” (Phuntsho 2013, 223). In 1624, news of the death of the Tsangpa ruler in 1621, which had been kept secret, emerged. His death was attributed by Tibetans and Bhutanese to the Zhabdrung’s use of magic. Shortly afterwards, the Zhabdrung, assuming the title “Great Magician,” composed the “Sixteen I-s.”<sup>6</sup> As in any iconic document of this form, the first three I-s are significant:

1. I turn the Wheel of the Dual System
2. I am a good refuge for all
3. I hold the teachings of the Glorious Drukpa (Phuntsho 2013, 220).

It is interesting that the first I does not refer – as might be expected in the Buddhist context – to “a good refuge.” Instead, it is based on the Zhabdrung’s role as the embodiment of a system of government in which he combines religious (*chos*) and secular authority (*srid*). It is in this role that he is the “good refuge for all.”

In 1625/26, the Zhabdrung sent out edicts stamped with the seal of the “Sixteen I-s” to be placed at strategic locations on mountain passes, cliffs, and other sites, declaring that “all gods, humans and spirits of the Lhomonkazhi, from this day, fall under the dominion of the great magician Ngawang Namgyal and everyone must heed his words.”<sup>7</sup> The construction of fortified monasteries (*dzongs*) in the major

<sup>5</sup> We should not overlook Sikkim, for the seventeenth century saw the establishment of an absolute monarchy under a Buddhist king, *chosgyal*.

<sup>6</sup> Tib/Dzo: *mthu chen* and *Nga bcu drug ma*.

<sup>7</sup> Lhomonkazhi – Southern Land with Four Approaches – one of the historical names for Bhutan (Phuntsho 2013, 233; Sangay Dorji 1999, 188).

valleys of western Bhutan enabled him to establish control over the region. In time, further *dzongs* were built across central and eastern Bhutan, helping combat the ongoing threat from Mongol and Tibetan forces.<sup>8</sup> Unlike the administrative fortresses of Tibet, the *dzongs* of Bhutan were, and remain, both administrative centers and monasteries.

The organization of the Drukpa administration took its definitive form during the 1630s and 1640s, shortly before the Zhabdrung's death in 1651. The Zhabdrung embodied both religious and secular authority, as witnessed by the Portuguese missionary Father Cacella: "He was the King and at the same time the Chief Lama" (Aris 1986, 173). The Zhabdrung created two positions: a regent, called the "Druk Desi," was appointed to exercise political power,<sup>9</sup> and a Chief Abbot, the "Druk Je Khenpo," was entrusted with the spiritual and administrative leadership of the Drukpa Kagyu religious institutions.<sup>10</sup> The introduction of these two positions created the Dual System (*chhoe-sid-nyi*),<sup>11</sup> a term still used in contemporary Bhutan, including in Article 2(2) of the Constitution, referring to the "religious and secular" branches of the state.<sup>12</sup>

Whilst the concept of the Dual System was not new, the Bhutanese version can be distinguished from the one used in Tibet. Unlike in Tibet, where lay officials dealt with secular matters, and monks dealt with religious affairs, in Bhutan, government officials were ordained. Whilst it is tempting to understand the concept of the Dual System as separating religion and politics or secular matters, Georgios Halkias points out an ambiguity in the concept. According to his view of the concept of "dual sovereignty":

While there are clear lines of demarcation between the role of the Buddha and his sangha and the function of the king, there is often a blurring of these lines in the literary, practical, and cultural manifestations of Buddhism across Asia. Ambiguity is nowhere more evident than in the promotion and application of notions of "dual sovereignty" combined in a single person capable of arbitrating secular and spiritual power in this world and the world beyond. (2013, 493)

This ambiguity is particularly relevant to Bhutan. The Desi and Je Khenpo were below the Zhabdrung, who embodied both secular and spiritual power in his

<sup>8</sup> Tib/Dzo: *rdzong*.

<sup>9</sup> Tib/Dzo: *druk sde srid*.

<sup>10</sup> Tib/Dzo: *'drug rje mkhan po*. The dispute over his recognition served to split the Drukpa Kagyu school further. Prior to the dispute, the Drukpa Kagyu school was divided into three main branches: upper, middle, and lower. The middle school split into two: the northern lineage continued in Tibet and in Bhutan, and the southern lineage continued under the Chief Abbot, the Druk Je Khenpo (Aris 1979, 172–81).

<sup>11</sup> Tib/Dzo *chos srid gnyis*. I use the Romanized Dzongkha that appears in the English version of the Constitution for consistency.

<sup>12</sup> For an interesting analysis and summary of the term "Dual System" in Tibetan and Bhutanese sources, see Schwerk 2019.

function as “the Wheel of the Dual System.” It may have been his hope that he would be succeeded by his only son, but the son’s early death prevented the position of Zhabdrung from becoming hereditary. As a result, in time, the Zhabdrung passed to a series of incarnations, below whom the Desi and Je Khenpo oversaw the running of the Drukpa state.

The theocratic basis of the Zhabdrung system of government is outlined in two available law codes. The early eighteenth-century law code – the *Bka’khrims* – and the Black Stone Edict set out detailed rules for government officials. Notably, both draw parallels between the system of government instituted by the Zhabdrung and that of the Tibetan empire under Srong-btsan Gampo.<sup>13</sup> Each text emphasizes that the purpose of Drukpa Kagyu theocracy established by the Zhabdrung was to bring happiness to the populace, for “if there is no law, happiness for the beings does not arise. The beings are not happy, there is no sense that the Dharma masters of the Drukpa uphold the two teachings [Dual System]” (Windischgratz and Wangdi 2019, 15). Bhutan itself was divided into three large regions: Paro, Dagana, and Trongsar. Each region was placed under a “universal lama” who was also the governor.<sup>14</sup> The Zhabdrung system of government was to remain in place until the establishment of the monarchy in 1907.

#### 4.3 CIVIL WAR AND THE DECLINE OF THE DUAL SYSTEM: EIGHTEENTH AND NINETEENTH CENTURIES

The Dual System functioned reasonably well until the last quarter of the eighteenth century, when a rivalry emerged between regional governors who vied for the post of Desi. Similarly, rival candidates as reincarnations of the Zhabdrung were promoted by individual governors (Aris 1979). Despite its central government being weak and fragmented, Bhutan retained its independence. The weakened central government eventually lost its authority to the Trongsa governor, Jigme Namgyel, in the mid-nineteenth century (Pommaret 1997). A major figure in the 1864 Duar War with the British, Jigme Namgyel defeated various political rivals, such as the governor of Paro, to claim power in 1870. Building on his success, his son Ugyen Wangchuk further consolidated power after his father’s death in 1881 and developed closer ties with the British, notably through his role as a mediator during the Younghusband expedition to Tibet in 1904. Sir Frances Younghusband described Ugyen Wangchuk’s role in the treaty with the Tibetan authorities as “highly instrumental in effecting a settlement” (Kohli 1982, 164). With the death of the Zhabdrung, Jigme Chogyel, in 1904 and the retirement of the fifty-seventh Desi, Yeshe Ngodrup, in

<sup>13</sup> Tib: *srong brtsan sgam po* (Aris 1986; Windischgratz and Wangdi 2019). For a discussion of Srongtsen Gampo, please see Chapter 5 by Martin Mills in this volume.

<sup>14</sup> Tib/Dzo: *spyi bla ma* and *dpon slob*.

1905, a political vacuum appeared in Bhutan.<sup>15</sup> The absence of both a religious and a secular head of state threatened the recent stability of the country and provided the basis for the creation of the Wangchuck monarchy.

#### 4.4 THE CONTRACT OF MONARCHY: PRESERVING THE ZHABDRUNG'S LEGACY

In late 1906, Ugyen Dorji, the drungpa (local official) of Haa, submitted a letter to the State Council proposing that Ugyen Wangchuk be elected King of Bhutan. Furthermore, Ugyen Dorji proposed that the position should be hereditary. The letter was addressed to the Desi, the Je Khenpo, the four monastic masters, the regional governors of Punakha, Thimphu, and Wangdi, the three governors of Paro, Trongsa, and Dagana, plus various officials. Whilst it is usually presented that there was unanimous agreement that Ugyen Wangchuck be elected king, Phuntsho notes there are no records of the reactions of the clergy and state administrators to the petition (2013, 520). The coronation was held at Punakha on December 17, 1907. A British mission attended under John Claude White, the British political officer for Sikkim and Darjeeling. The ceremony took place in the main assembly hall in Punakha Dzong. Two important features of the ceremony need to be highlighted. The first is that a contract (*genja*) establishing the monarchy was signed during the ceremony.<sup>16</sup> The contract states:

To the lotus feet of the Precious Judge, the Exalted one of the Dual System.

It is submitted that while from former times in our kingdom of Bhutan, the Great Regent took office from among any that came forth from the lamas and teachers of the monastic college or from the council of ministers and the regional governors, there was otherwise no hereditary monarch . . . the purport of this contract expressing the deliberations and common desire of all those mentioned above . . . Sir Ugyen Wangchuck is empowered as *hereditary* monarch . . . has been installed on the Golden Throne . . . and to the succession of his royal heirs. (Aris 1994, 96)

The clear statement that the monarchy would be hereditary is central to the contract. It was a simple formula, yet one that made an important point: the system of rule by reincarnations was ended.

<sup>15</sup> It should be noted here that the Zhabdrung Jigme Chogyel was the Mind Incarnation of the original Zhabdrung Ngawang Namgyal (Thugtrul). The fifty-seventh Desi Yeshe Ngodrup was himself an incarnation of the Zhabdrung known as the Sungtrul, or Speech Incarnation. Following the death of the Zhabdrung Ngawang Namgyal, three lineages of Zhabdrung were to emerge in the eighteenth century: Body (*sku sprul*), Speech (*gsung sprul*), and Mind (*thugs sprul*). The Body lineage was born in Sikkim and did not continue. However, the Speech incarnation was born in southern Bhutan (Dagana) and the Mind incarnation in Tibet. According to Phuntsho, a “convenient accommodation” was arrived at to recognize each rival incarnate: “Both lines became legitimate but the Thugtrul incarnates assumed a slightly superior position” (2013, 335).

<sup>16</sup> Tib/Dzo: *rgan rgya*.

The second aspect worth our attention is that, after reading out the oath of allegiance to the new king, the Je Khenpo fixed the *Ngachudrukma* seal to the top of the document in vermilion. State officials, governors, representatives of the people, and other lamas then affixed their own seals. The application of the *Ngachudrukma* seal underscored that the new monarchy was not replacing the Zhabdrung; rather the new monarchy and its dynasty were a continuation of the Zhabdrung's vision. The ritual used at the coronation in 1907 underlined – indeed continues to underline – the hereditary nature of the monarchy and the continuity of the Zhabdrung's vision. The key moment in the coronation of each Bhutanese king is not the public ceremony. Rather, the high point of each coronation is the receipt by the new king of the five colored scarves from the Je Khenpo in front of the Zhabdrung's shrine in the Machen Temple in Punakha Dzong. This private moment marks, for the Bhutanese, the legitimacy and recognition of the monarch by the Zhabdrung. It is unclear if the intention was for the monarch to replace the Desi (secular ruler); however, the last Desi, Yeshe Ngodup, was also a Speech reincarnation of the founding Zhabdrung. Tensions arose as the new king assumed power, as Yeshe Ngodrup, the former Desi and incarnate felt sidelined. In 1915, he became the fifty-third Je Khenpo, until his death in 1917. The king died in 1926 and was succeeded by his son, Jigme Wangchuk.

In 1908–1909, the sixth reincarnation of the Zhabdrung Thugtrul (Mind Incarnation) lineage was identified in Arunachal Pradesh, his parents having migrated there from Bhutan.<sup>17</sup> The young reincarnate, Jigme Dorji returned eventually to Bhutan. After the death of the First King, moves by his supporters to recover the temporal powers of the Zhabdrung led to conflict between the Second King and the reincarnate Zhabdrung. Matters reached a head in 1931, when the brothers of the Zhabdrung sought political support from Gandhi. Shortly afterwards, the Zhabdrung was murdered at Talo, near Punakha (Aris 1994, 119–25; Wangchuck 1998). These events were perceived at the time as presenting a serious threat to the institution of hereditary monarchy.

From the 1930s onwards, the Second King, Jigme Wangchuk concentrated his efforts on reforming and centralizing the administrative system. The structure of Dual System established by the Zhabdrung Ngawang Namgyal remained in place; however, it was recognized by the Bhutanese elite, as well as by the British, that the strife of the nineteenth century was due to the lack of effective control. To address this, the king created a central cabinet to assist him: the state minister, the chief of protocol, the chamberlain, and, depending on the season, the Thimphu or Punakha

<sup>17</sup> Several lineages, representing the Body, Speech, and Mind of the Zhabdrung emerged in Bhutan after the death of Zhabdrung Ngawang Namgyal in 1651 was eventually announced in 1705. The Thugtrul refers to the Mind lineage. See Aris for a discussion of the concept of multiple reincarnation (Aris 1979, 258–62).

governor. It is important to note that the Central Monk Body did not have any direct role in government.

#### 4.5 REFORM AND RENEWAL: DRUKPA KAGYU REPRESENTATION IN GOVERNMENT

The first two kings consolidated royal authority and control in Bhutan. The transition to the monarchy perpetuated the structures of the Zhabdrung government, and as Michael Aris has noted, “the state is still today [in the early 1990s] presented as the church triumphant under the motto ‘the Glorious Drukpa Victorious in All Directions’” (1994, 24). The succession of the Third King, Jigme Dorji Wangchuk, in 1952, saw the breadth and pace of economic, political, and social change, supported by India, accelerate. From the royal edict creating the National Assembly in 1953, a series of reforms sought to restructure the Bhutanese administrative system.<sup>18</sup> A notable aspect of the creation of the National Assembly was the provision for representation by the state-sponsored Central Monk Body of the Drukpa Kagyu school headed by the Je Khenpo.<sup>19</sup> The National Assembly primarily performed an advisory role until 1965, when a new Royal Advisory Council was established which included a representative of the Central Monk Body.<sup>20</sup> The Royal Advisory Council took over the advisory role from the National Assembly, which in turn focused on developing its legislative functions.

The Third King refined the changes made to the central bureaucracy, which oversaw the wider structural changes in government toward creating a distinct separation of powers. New ministries and governmental departments were established, and a regular centralized bureaucracy emerged, offering positions for the emerging numbers of formally educated Bhutanese. The personal, charismatic aspects of the former system remained, but with the separation of the judiciary under the High Court in 1968, the district officers relinquished their roles as dispensers of justice. Local government continued to draw on preexisting forms, although the villages were reorganized into *gewog* under the supervision of a *gup* (village headman) and eventually, once membership of the National Assembly was reformed in the 1960s, the *gewog* were represented by *chimi* (representatives).

Starting in 1961, a series of Five Year Plans took shape, with each plan emphasizing various goals and policies. Until the late 1980s all of these plans can be characterized as secular and outward-looking. Central to the changes was the introduction of formal state education. Until the 1950s, the only education available in Bhutan was provided in monasteries and *dzongs* and focused on the monastic curriculum (Kinga 2002, 19–21; Phuntsho 2000). The introduction of secular

<sup>18</sup> Dzo: *tshogs ‘du chen mo*.

<sup>19</sup> Dzo: *gzhung drwa tshang*.

<sup>20</sup> Dzo: *blo gro tshogs sde*.

education broke this connection and depended initially on Indian schoolteachers. Kinga describes the new education system as “creating administrative and technical personnel . . . required for development programmes” (Kinga 2002, 20).

The sudden death of the Third King in 1972 led to the ascension of his son, the Fourth King, Jigme Sengye Wangchuk. In a public declaration following his succession to the throne, he recognized the religious authority of the Je Khenpo and stated that he had no intention of “making any competing claims” in terms of religious authority (Kinga 2002, 20).

The main emphasis of royal government continued to focus on the infrastructure of Bhutan. The Sixth Five Year Plan issued in 1987 saw a shift in emphasis:

The wellbeing and security of the country depends on the strength of its *culture, traditions, and value systems*. Therefore, every effort must be made to foster the unflinching faith, love and respect for the country’s traditional values and institutions that have provided the basis and ensured the security and sovereignty of the nation while giving it a *distinct national identity*.<sup>21</sup>

In 1989, a royal decree stressed the importance of a shared culture uniting the Bhutanese, irrespective of religion or ethnic group. At this point, relations between the government and the political leaders of the ethnic Nepali communities, who had settled in Bhutan in the early part of the twentieth century, deteriorated. The implementation of the new “One Nation, One People” policies and the new Citizenship Act escalated tension on both sides.

The period between the late 1980s and 1990s was a troubled one for Bhutan. The widely reported exodus of approximately 100,000 Nepali speakers, primarily from southern Bhutan, to refugee camps in eastern Nepal brought Bhutan under the scrutiny of a range of international organizations, notably Amnesty International, the International Red Cross, and the United Nations High Commission for Refugees (UNHCR). To address the criticisms made by these organizations, the royal government began a series of legal reforms. The reforms of the legal system were instigated under the supervision of Chief Justice Lyonpo Sonam Tobgye. These included improving the training of judges and restructuring the criminal justice system. At the same time, the government introduced the first formal legal education course, the National Legal Course, which included classes on Bhutanese and international law, Buddhist literature, and religion (Royal Court of Justice 1999, Appendix C. iv–viii).

#### 4.6 THE END TO DIRECT ROYAL RULE: CABINET GOVERNMENT

“[The] Bhutanese monarchy,” it has been said “has always been very flexible in its attitude towards political structures” (Mathou 1999, 120). On June 10, 1998, the

<sup>21</sup> National Assembly 65th Session, June 1987, Resolution No. 18. Emphasis added.

Fourth King announced the devolution of his full executive power to an elected cabinet of ministers. In retrospect, the *kasho* (royal command) transferring royal power to the cabinet of ministers was the first step toward a written constitution and the introduction of parliamentary democracy. In the *kasho*, the Fourth King states that “having observed the political systems of other countries, it is important that Bhutan should have a system of government that is best suited for the needs and requirements of a small nation . . . to ensure its continued wellbeing and security and safeguard its status as a sovereign independent country” (Wangchuck 1998, 5). This suggests that the Fourth King was actively seeking to reform the system of government.

During the ten-year period of cabinet government, the role and prestige of the monarchy remained unchanged. Responsibility for governing the country rested with the cabinet ministers. The National Assembly elected the cabinet ministers, with the king playing an important role in indicating his support for the cabinet. The ministers were accountable to the National Assembly, and the Central Monk Body continued to be represented among the members. The role of the king, even after the *de jure* transfer of powers to the cabinet, remained central.

#### 4.7 DRAFTING THE CONSTITUTION: RE-IMAGINING THE POLITY

The move toward democratization continued to be led by the Fourth King. Although the June 1998 edict transferred royal power to a cabinet elected by the National Assembly, the Fourth King retained considerable charismatic power. Therefore, when the king issued a royal edict on September 4, 2001, that Bhutan should have a written constitution, his command was acted on. In December 2001, a committee was established to prepare a draft constitution. A drafting committee of thirty-nine delegates under the chairmanship of Chief Justice Sonam Tobgye, was appointed. Among the thirty-nine delegates were two monastic representatives nominated by the Je Khenpo. The drafting committee held a series of meetings in different locations in Bhutan and prepared a draft which was first submitted to the king and then to the cabinet.<sup>22</sup>

After the completion of the draft Constitution, the chief justice commented that the most difficult sections to draft related to local government, whilst the most sensitive discussions revolved around Buddhism and the role of the Central Monk Body. Underlying the discussions on Buddhism were concerns expressed by one delegate that “ethnic and religious differences are the main causes of problems in

<sup>22</sup> The drafting committee held its first meeting in Thimphu between November 30 and December 14, 2001. A further series of eight sessions of varying duration were held in Punakha, Bumthang, and Thimphu. The first draft was submitted to the Fourth King on December 9, 2002, and a second draft on June 11, 2003. It was not until late 2005 that a draft version was publicly circulated, and series of public events held across the country.

this world.”<sup>23</sup> The same delegate referenced the problems caused by vying religious factions when the Zhabdrung, Ngawang Namgyal, arrived in the seventeenth century. More significantly, he noted, “we have experienced it ourselves . . . in recent years in Dramitse. Tibet lost its independence because of politicization of religion.”<sup>24</sup> The observation drew the drafting committee’s attention to a brief challenge to the central government that had arisen in the 1990s in eastern Bhutan.

Three recurring themes emerge from the available notes of the drafting committee deliberations. The first is that the Dual System established by the Zhabdrung should be consolidated in the monarch. The second is a concern about the potential for religion to cause social division. The third is an emphasis on the similarity between the two main Buddhist schools in Bhutan, the Drukpa Kagyu and the Nyingma. The Punakha *chimi* argued that Kagyu and Nyingma “are just like different paths leading to the same destination.”<sup>25</sup> The comment is accurate for, although each school can be distinguished by its particular ritual practices and teachings, both draw on texts translated from Sanskrit into Classical Tibetan and on philosophical treatises and commentaries by masters of each school (Mynak Trulku 1997).

Prior to the publication of the draft Constitution in March 2005, rumors of the uncertainty about its contents circulated through Thimphu. When the draft was published, the king, cabinet ministers, the chief justice, and other officials began a series of meetings in each of the twenty *dzongkhags* (districts). The meetings, as reported by the media, appear to reveal a deep unease among the people who attended them toward both the draft Constitution and the proposed new form of government. Among the key concerns reported during these public meetings were provisions for the removal of the monarch and, at least during the first meetings, the fact that Buddhism was not declared the state religion. The king and the ministers addressed the concerns expressed during these meetings, with the king noting that the language used in the Dzongkha text presented difficulties for many ordinary people. As a result of the meetings and later debates, the draft Constitution underwent at least two further phases of revision with a third version of the Constitution released in August 2006. Finally, it is worth noting that the draft Constitution was published on the Internet, stimulating wide-ranging discussions and drawing critical comments from anonymous Bhutanese bloggers. The Internet has provided the Bhutanese with a range of platforms on which they are able, anonymously, to comment and critique a range of policies, including the draft Constitution. However, it is unclear to what extent, if any, the views expressed in chat rooms or other platforms influenced the revision and final version of the Constitution.

<sup>23</sup> Dasho Ugen Dorji, Hon. Speaker of the National Assembly (Drafting Committee n.d., 4.61).

<sup>24</sup> Dorji (Drafting Committee n.d., 4.61). Dramitse is a Nyingma monastery located in Mongar district, eastern Bhutan.

<sup>25</sup> Namgyal Phuntsho, Punakha *chimi* (Drafting Committee n.d., 4.62).

The final Constitution came into force on July 18, 2008. In a televised event, the occasion was marked with a simple ceremony held in the main temple of Thimphu Dzong. A special version of the Constitution, written in gold Dzongkha script, was placed before the images of the Buddha, Guru Rinpoche, and the Zhabdrung Ngawang Namgyal. Beside it was a copy of the Zhabdrung's own law code underscoring the continuity between the government established by him in the early seventeenth century and the new system of government established by the Constitution. The ceremony was marked by prayers "for the prosperity of the nation and the fulfilment of the aspirations of the Bhutanese people" (Dorji, Penjore and Wangchuk 2008). The Fifth King, in an act reminiscent of the 1907 coronation, added his seal to the Constitution. After the ceremony, the Constitution text was escorted to the National Assembly "where it was placed before the Golden Throne."

Before turning to consider the Constitution, it is worth commenting on the transition from the Fourth to the Fifth King. On December 9, 2006, the Fourth King announced in a *kasho* that he was abdicating and transferring his power to the Fifth King. The *kasho* ends with a "religious homage and a prayer for the nation" that emphasizes Bhutan as a Buddhist country and the legacy of the Zhabdrung:

May the blessing of Ugyen Guru Rinpoche, the father of our nation, Zhabdrung Ngawang Namgyal, and our guardian deities continue to guide the destiny of our country and protect the future of the Glorious Palden Drukpa. (Pommaret 2015, 258)

The *kasho* shocked the Bhutanese; the draft Constitution provided for the monarch to step down once they reached the age of sixty-five. The Fourth King was only fifty-one. When I spoke with the Bhutanese about the Fourth King's abdication and the *kasho*, they described the Fourth King as being a religious monarch, succinctly expressed in this final statement. The sacral element of the Bhutanese monarch is a theme to which we will return later in the chapter.

#### 4.8 THE CONSTITUTION: SEPARATION OF RELIGION AND POLITICS

According to the chairman of the constitutional drafting committee, Lyonpo Sonam Tobgye, the "Constitution is . . . the Supreme Law of the nation and throws light on the structure of the polity" (Tobgye 2015, 1). Lyonpo Sonam Tobgye's exposition on the new Constitution emphasized the role of the monarch as a "Buddhist" monarch, but the new government structure removed the Central Monk Body from the executive and legislature. Buddhism is mentioned as "ideology and precepts" or as the "ethics" that underpin the "tradition, culture, [and] philosophy" of Bhutan (Tobgye 2015, 1–2). To understand the Constitution's underlying reconfiguration of the Bhutanese polity, this section analyzes select articles that highlight the intention of the constitutional drafters to separate religion and politics in Bhutan.

#### 4.8.1 An Invocation: Three Jewels and the Protectors

Before turning to consider the Constitution proper, it is worth noting the preamble. Set out on a separate page in both the Dzongkha and English versions, the preamble is contained within a circular representation of a mandala.<sup>26</sup> In the four corners of the page and surrounding the mandala are four white conch shells (reminiscent of those on the Zhabdrung's *Ngachudrukma* seal),<sup>27</sup> each with a flowing ribbon. The outer circle of flames protects an inner circle or fence of gold *vajras*.<sup>28</sup> Inside the circle of *vajras* are eight dharma wheels, each separated by eight mantras written in Lantsa script with the actual text of the preamble in the center.<sup>29</sup> The precise symbolism of the preamble's mandala may not be fully understood by ordinary Bhutanese: for example, the white conch shells are associated with, among other things, the proclamation of the *buddhadharma*. But the idiom of the text is familiar and recognizable.

#### Preamble

WE, the people of Bhutan:

BLESSED by the Triple Gem, the protection of our guardian deities, the wisdom of our leaders, the everlasting fortunes of the Pelden Drukpa and the guidance of His Majesty the Druk Gyalpo Jigme Khesar Namgyel Wangchuck;

SOLEMNLY pledging ourselves to strengthen the sovereignty of Bhutan, to secure the blessings of liberty, to ensure justice and tranquility and to enhance the unity, happiness and well-being of the people for all time;

DO HEREBY ordain and adopt this Constitution for the Kingdom of Bhutan on the Fifteenth Day of the Fifth Month of the Male Earth Rat Year corresponding to the Eighteenth Day of July, Two Thousand and Eight.

The opening line in English mirrors other written constitutions. In the Dzongkha version, the term "*nga beas*" or "we" is used to emphasize the "people as a collective body" (Tobgye 2015, 22). However, the English translation glosses references to a range of deities. The complete Dzongkha invocation to the "guardian deities" refers to "dharma protectors" (*chos skyong*) and guardian deities (*srung ma*).<sup>30</sup> The preamble succinctly merges the range of worldly deities that still play an important role in religious practices at the local and national level. The opening section of the preamble mirrors the language found in the preamble to the Supreme Law Code

<sup>26</sup> Tib/Dzo: *dkyil 'khor*.

<sup>27</sup> Tib/Dzo: *Dung dkar*.

<sup>28</sup> The "mountain of fire" (Tib: *me ri*) follows the traditional sequence of yellow, blue, red, and green. Vajra-Tib: *rdō rje*.

<sup>29</sup> Tib/Dzo: *'khor lo*. Lantsa is an Indian Buddhist script used for mantra based on Sanskrit.

<sup>30</sup> The Dzongkha reads: *rang re'i chos skyong srung ma'i mgon skyabs*.

1959 and other statutes.<sup>31</sup> In his discussion of the preamble, Lyonpo Sonam Tobgye simply states, “this invocation denotes the records of historical and religious beliefs and its derivative values” (Tobgye 2015, 22–23). Whilst acknowledging Bhutan’s religious beliefs and values, this comment glosses over for the non-Dzongkha reader the richer, fuller meaning given in the Dzongkha version, which is firmly rooted in the ritual practices of the Drukpa state.<sup>32</sup> It serves as a reminder that we should not overlook or undervalue the implicit underlying cultural and religious values of the drafters, including the chairman of the drafting committee.

#### 4.8.2 Article 1: *The Kingdom of Bhutan*

Broad and wide-ranging, Article 1 contains provisions on territory and international borders, as well as on the national flag, national anthem, national day, and national language (Article 1(5), 1(6), 1(7) and 1(8)). These provisions underscore the importance to the Bhutanese state of recognition, both internally and externally, of its independence and distinct identity. Of significance, Article 1 of the Constitution defines the sovereignty of Bhutan and the new structure of the Bhutanese state. Declared by Article 1(2) to be a “democratic constitutional monarchy,” the Bhutanese state “shall be a separation of the Executive, Legislative and Judiciary” (Article 1(13)). It is worth noting that according to Lyonpo Sonam Tobgye this separation of powers has deep roots in premodern Bhutan. According to him “[the] Zhabdrung’s *Kathrim* and the *Thimzhung Chhenmo* [also] have a provision on separation of powers” (Tobgye 2015, 26). According to Article 1 (11), the Supreme Court “shall be the guardian of this Constitution and the final authority on its interpretation.” Here too one finds a hidden Buddhist element, given that the new Supreme Court complex in Thimphu was designed as a mandala with each of the five court buildings dedicated to one of the five *dhyāna* buddhas (Whitecross 2018).

#### 4.8.3 Article 2: *The Monarch*

In the process of developing the Constitution, the role and position of the monarch was a key consideration. The Fourth King instigated the shift from direct royal rule to cabinet government and, with the 2008 Constitution, to an elected parliament and national government for the first time in Bhutanese political history. In discussions with the Bhutanese during the years between the royal *kasho* and the finalization of the Constitution, the future role of the monarch was one about which they

<sup>31</sup> *Khrims Gzhung Chenmmo* 1959. A more recent example is the Water Act 2011, which has a foreword that opens with references to Padmasambhava and to Zhabdrung Ngawang Namgyal.

<sup>32</sup> As with all Bhutanese legislation or legal texts, the Dzongkha version is the definitive text rather than the English version. Following the public consultation in 2004, the Dzongkha version underwent further work to ensure it would be easily understood.

expressed deep concern. These Bhutanese interlocutors identified the monarch with their sense of national identity and implicitly, the wellbeing of the country.<sup>33</sup> Article 2 is one of the longest in the Constitution, running to twenty-six subsections, two of which will be analyzed. Article 2(1) states that “His Majesty the Druk Gyalpo is the Head of State and the symbol of unity of the Kingdom and of the people of Bhutan.” This simple statement captures and addresses Bhutanese concerns about and views of the monarch. As with the Zhabdrung, the monarch is the apex of the political system.

The sacral, religious dimension of the monarch is expressed specifically in Article 2(2). The article does two key things. Firstly, it proclaims that the Dual System (*Chhoe-sid-nyi*) remains in place “unified in the person of the Druk Gyalpo” (Article 2(2)). Secondly, it declares that the Druk Gyalpo, “as a Buddhist, shall be the upholder of the *Chhoe-sid*.” This goes further than the 1907 contract for the monarchy because it sets out, for the first time, that religious (*chos*) and secular (*srid*) authority are combined in one person: the monarch. This is very reminiscent of the previously mentioned Zhabdrung declaration “I turn the Wheel of the Dual System.” Where it was unclear whether Ugyen Wangchuk, when elected in 1907 as king, was replacing the Desi or both the Desi and the Zhabdrung lineages, this matter has been implicitly addressed by Article 2(2).<sup>34</sup> The monarch continues Zhabdrung Ngawang Namgyal’s legacy of merging temporal and religious authority. This is further underscored by the provision in Article 10 requiring that each session of the parliament open with the king present and accompanied by rituals introduced by the Zhabdrung. These include the opening and closing of each session with Buddhist prayers.<sup>35</sup> The monarch, as the Zhabdrung’s legitimate heir, embodies the Dual System and is explicitly a Buddhist.

#### 4.8.4 Article 3: *Spiritual Heritage*

The Constitution states in Article 3(1) that “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion, and tolerance.” The intention of the drafters was, after debate, not to declare Buddhism, or a particular Vajrayāna school of Buddhism, to be the state religion. Rather, its centrality to Bhutanese culture, society, and history should be acknowledged. As suggested in the introduction, the separation of Bhutanese culture and

<sup>33</sup> This was noticeable after the Fourth King led a short military action in southwest Bhutan to remove various Indian insurgent groups from Bhutanese territory (November/December 2003).

<sup>34</sup> Implicitly, it addresses any concerns that had previously arisen from subsequent incarnations of the Zhabdrung during the twentieth century.

<sup>35</sup> Art. 10(6). At the commencement of each session of parliament, the Druk Gyalpo shall be received in a joint sitting of parliament with Chibdre Ceremony. Each session shall be opened with a *Zhugdrel-phunsum tshog-pai ten-drel* and each session shall conclude with the *Tashi-mon-lam*.

society from the pervasive presence of Buddhism is a difficult challenge with which drafters grappled.

Under the Dual System established by Zhabdrung Ngawang Namgyal, monks and religious figures played a key role in the administration of the Drukpa state. The political reforms of the Third King ensured that the Drukpa Kagyu order were represented in government and on the Royal Advisory Council. However, Article 3(3) of the 2008 Constitution states:

It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan. *Religious institutions and personalities shall remain above politics* [emphasis added].

For the first time since the foundation of the Drukpa state in the 1620s, religious figures from the Drukpa Kagyu order are excluded from participating in politics at any level. Of course, this exclusion applies across all religious practitioners, not only those in the Central Monk Body, and includes non-Buddhist “institutions and personalities.”<sup>36</sup> The decision to break with the tradition of including representatives and advisors from the Central Monk Body (Zhung Dratshang) was not taken lightly.<sup>37</sup> However, it was probably recognized by those involved in drafting the Constitution that its terms could not exempt the Central Monk Body from this exclusion from political activities if it was to achieve the envisaged separation of politics and religion.

Article 3(4)–(6) briefly addresses the appointment of the Je Khenpo and the five *lopöns* (spiritual masters), as well as the membership of the Dratshang Committee.<sup>38</sup> These provisions solely concern the Central Monk Body. Other Buddhist organizations must comply with the requirements set out in the Religious Organizations Act 2007. It is important to note that the majority of temples, monasteries, and other religious institutions are privately owned, or community based.

Of course, it would be difficult, after 400 years, to remove state support for the Central Monk Body. After all, the declaration of the “glorious Drukpa victorious in every direction” implicitly refers to the Drukpa Kagyu school. The Central Monk Body continues to perform the rituals for the wellbeing of the kingdom and, accordingly, the Constitution states in Article 3(7) that “the Zhung Dratshang and Rabdeys shall continue to receive adequate funds and other facilities from the State.” Therefore, whilst no longer represented in the reformed National Assembly or National Council, the Drukpa Kagyu retains the official endorsement of the Bhutanese state.

<sup>36</sup> In this way, it is similar to the disenfranchisement of religious clergy in Myanmar, which Iselin Frydenlund describes in Chapter 10.

<sup>37</sup> Dzo: *gzhung grwa tshang* literally means the State Monk Body and is usually referred to as the Central Monk Body.

<sup>38</sup> The Dratshang Committee (*grwa tshang lhan tshog*) has oversight of the Central Monk Body.

The state is given further responsibilities under Article 4. This article focuses on the role of culture and heritage. Article 4(1) states that:

The State shall endeavor to preserve, protect, and promote the cultural heritage of the country, including monuments, places, and objects of artistic or historic interest, *Dzongs*, *Lhakhangs*, *Goendeys*, *Ten-sum*, *Nyes*, language, literature, music, visual arts, and religion to enrich society and the cultural life of the citizens.

Whereas Buddhism is defined as the “spiritual heritage” of the kingdom, Article 4(1) classes religious sites and buildings, as well as “religion,” as part of Bhutan’s “cultural heritage.” There is an interesting merging of tangible and intangible culture encompassed by Article 4(1). The Bhutanese state has in recent years recognized the importance of its national culture, as well as the vulnerability of religious sites and their contents to natural disasters, fire, theft, and vandalism. What is unclear from the wording is to what extent the Bhutanese state is obliged to “promote” religion. The clause is arguably heavily focused on Buddhist cultural heritage, and by extension “religion” refers to Buddhism, rather than Hinduism, which is practiced by Nepali speakers. The state has supported the construction of a major new Hindu temple in the capital, Thimphu, but there have been claims by Hindu organizations that their other planning applications are less likely to be given approval than those submitted by Buddhist organizations (U.S. Department of State, Office of International Religious Freedom 2019, 1).

#### 4.8.5 Religion: State Policy and Fundamental Rights

References to religion and to Buddhism appear in several other articles of the Constitution. Under Article 7(4) on Fundamental Rights, Bhutanese citizens enjoy the freedom of religion, subject to the state being able to reasonably restrict this freedom to avoid “incitement to an offence on the grounds of race, sex, language, religion or region” (Article 7(22)(d)). This provision is further developed in Article 15 on political parties, which explicitly prohibits parties organizing on a regional, ethnic, or religious basis. The Election Act 2008 builds on these restrictions, suggesting that the state is concerned with the potential of religion, as well as other markers of difference, to undermine “national cohesion and stability.”

Whilst political parties and candidates must not use religion as the basis for membership, the principles underlying state policy set out in Article 9 include a clear statement reminiscent of those contained in earlier law codes that emphasized the “happiness” of the populace. Article 9(2) declares that “the State shall strive to promote those conditions that will enable the pursuit of Gross National Happiness [GNH].”<sup>39</sup> In the period following the enactment of the Constitution, the concept

<sup>39</sup> Art. 9 contains twenty-four sections ranging from Gross National Happiness to the right to a fair trial, and broader principles reflecting its international obligations, for example in relation to the rights of children and women, as well as around employment, health, and education.

of Gross National Happiness was secular, and focused on four pillars: sustainable and equitable socio-economic development; environmental conservation; the preservation and promotion of culture; and good governance (Royal Government of Bhutan 2009). In turn, these four pillars were incorporated into nine domains of GNH set out in the 2010 “GNH Index of Bhutan.”<sup>40</sup> Whilst acknowledging that “socially engaged Buddhism and Buddhist moral and ethical engagement with happiness influences GNH,” Ritu Verma describes GNH as “a secular concept” (2017). In the 2015 GNH survey, questions on spiritual practice and belief (for example, around compassion, karma, and meditation practice) were refined and extended, allowing for a more nuanced presentation of the underlying Buddhist ethics that informs GNH (Ura et al. 2015).

Finally, Article 9(20) builds on the idea of Buddhism as a “spiritual” and “cultural heritage,” by promising that the state will “strive to create conditions that will enable the true and sustainable development of a good and compassionate society rooted in Buddhist ethos and universal human values.” This is the most explicit reference in the Constitution to Buddhism and its values. For his part, the chief justice who helped design this clause has suggested that “Buddhist ethos” refers to the six perfections of Buddhist morality, or *pāramitās* (Tobgye 2015, 137).

If Buddhism is not the official state religion and the Central Monk Body is not part of the government, how can the constitutional scheme be described as “Buddhist” in any strong sense? The answer lies in its embodiment of the Dual System explicitly by the monarch himself – a novel situation in Bhutanese history. The coronation rituals created for enthronement symbolically present the monarch as the legitimate successor of the Zhabdrung. The monarch, as a Buddhist king, takes the role of the Zhabdrung, supported by the prime minister and government (secular) and by the Je Khenpo and Central Monk Body (religious). The status of the monarch as a Buddhist king, however, sits alongside other constitutional principles that claim to separate religion and politics.

#### 4.9 WHAT DO THE BHUTANESE THINK OF THE CONSTITUTION?

The previous sections considered the nature of the theocracy established by Zhabdrung Ngawang Namgyal and its development up to the enactment of the 2008 Constitution, focusing particularly on the legal texts themselves. This section considers how Bhutanese citizens have interpreted those texts, drawing on recent interviews with the Bhutanese about their views of the Constitution.<sup>41</sup> Two principal themes emerged

<sup>40</sup> The nine domains are: living standards, health, education, ecological diversity and resilience, cultural diversity and resilience, community vitality, time use, psychological wellbeing, and good governance (Ura, Alkire, Zangmo, and Wangdi 2012).

<sup>41</sup> Interviews were conducted via Zoom and Facetime. In total, ten interviews were conducted with seven men and three women. All of the interviewees are from farming families, three hold

during these interviews. The first theme relates to the separation of religion and politics. The second returns to the conceptualization of the Buddhist monarch in light of the recent role of the Fifth King in leading the country's efforts to contain the COVID-19 pandemic, as well as in responding to associated economic challenges. The interviews focused on ordinary Bhutanese citizens, rather than lawyers, judges, or state officials. This approach was chosen to redress the discussion of the Constitution as a legal document by acknowledging its value as a living document.

#### 4.10 FROM GOMCHEN TO GUP: AN UNEXPECTED CONSEQUENCE

Aku Sengge rises early every morning. In a small room off the main living space, in front of an altar made from tubular shelving, he begins his daily ritual practice. Once the morning prayers and mantra recitations are completed, accompanied with the occasional ringing of a small hand bell and, on certain days, the rattle of a small hand drum, he prepares breakfast for his family. Now that he is retired, he devotes his days to religious practice. Born and raised in northeastern Bhutan adjacent to the Tibetan border, Aku Sengge was sent to become a monk when he was twelve. He remained in the local monastery in Kurtoe where he learned to read Classical Tibetan, and to perform a range of rituals, as well as to carry out a range of tailoring tasks, including making appliqué thangkhas. In his late twenties he met his wife, and when she fell pregnant, he decided to leave the monastery to raise a family. Since settling in his wife's village, Aku Sengge has become an indispensable part of local life, conducting rituals for his neighbors.

A devout practitioner, Aku Sengge, became close to the village lay monk/practitioner. The elderly *gomchen* appreciated Aku Sengge's knowledge of rituals and his ability to read Classical Tibetan.<sup>42</sup> It was through his participation in and conduct of the annual rituals for his neighbors that Aku Sengge eventually became the village *gomchen*. Outside the formal state-sponsored monastic body, the *gomchen* is an important feature of local, everyday religious practice in villages and rural communities. They are called on to perform rituals and prayers at times of childbirth, marriage, and death, to remove sickness, and for "other social and religious functions" (Kinga 2002, 27). Aku Sengge's own teacher taught him about the local deities and spirits that are a prominent feature of popular religious practice throughout Bhutan.

Despite his fulfilling life, Aku Sengge is worried. His son died young, and his daughter moved away from her natal village to teach Dzongkha in another district. Education and a desire for a life removed from agriculture has led many young

university-level degrees, three hold college-level degrees, and four have no formal educational qualifications. Two were aged 60+, four were 50+, and the remaining four were 40+. They were located in the following districts: Phuentsholing (1), Paro (1), Thimphu (3), Jakar (2), Tashigang (1), Kanglung (2).

<sup>42</sup> Tib: *chos skad*.

people, particularly, though not exclusively, men, to leave the village. Few of the young people want to train to become *gomchen*, and Aku Sengge worries that there will be no new *gomchen* to continue the practices taught to him. His concerns touch on a wider social challenge: the migration from rural to urban settings that has escalated over the last decade.

A younger Bhutanese informant has different concerns. Karma Tshering asked to join a monastery when he was sixteen. Originally from the eastern district of Tashigang, he was educated and raised at the military base at Tencholing, in Wangduephodrang. After eight years of study, he decided to return to lay life and moved back to his mother's home village in Tashigang district. His maternal aunt's husband was the village *gomchen* and his uncle welcomed him as his assistant *gomchen*. Through Karma's family ties and his attendance at ceremonies hosted by village households and the annual rituals for the community, he established a good reputation. However, Karma, who had attended high school until he was sixteen, explained he wanted to help his neighbors in more practical ways. Acknowledging the important spiritual role of being a *gomchen*, Karma decided after discussion with his family, in particular his mother, aunt, and uncle, to stop being a *gomchen* in order to be able to vote and, more importantly for Karma, to stand for election at the village level. These activities were forbidden to *gomchen* by Bhutanese law.

In interpreting the aim of the Constitution to separate politics and religion, Section 184 of the Election Act 2008 states that:

A *tulku* [reincarnate], lam [religious person], any influential religious personality or ordained member of any religion or religious institutions excluding the laity, as determined/registered as religious organizations or religious personalities under the provisions of the Religious Organizations Act 2007, shall neither join a political party nor participate in the electoral process as they must remain above politics and cannot use their influence for the benefit of any party or candidate.

*Gomchen*, as locally "influential religious personalities," may not stand for election nor vote. Aku Sengge is equivocal about his lack of voting rights. He views politics as a worldly activity that distracts from religious practice, specifically meditation and merit making. During the various elections held since 2008, he has avoided all meetings and chosen not to take part in discussions, even with family members of the candidates put forward. Aku Sengge's attitude contrasts with that of Karma.

Karma lacks the necessary educational requirements to stand for the National Assembly or the National Council. Both require "a formal university degree" (Election Act, Sections 176(d), 177(d)). However, he is "functionally literate and possesses skills adequate to discharge his duties" as a member of the local government (Election Act, Section 178(d)). Karma explained: "It was my mother who first suggested it. I was surprised because she wanted me to be a monk . . . Now she feels that if she can't stand, I should." However, Karma's surprise at his mother's change of attitude and her preference that he take on a local political role was echoed by

other Bhutanese. A former monk from eastern Bhutan, Tenzin, commented that women in his home village were increasingly looking to learn about business, and less inclined to attend to the annual rituals. Although the comment was made in passing, it is one that others have observed in recent years.

Concerns over the decline of religious practice are not new in Bhutan. Nor can these observations be taken to suggest that Buddhism is waning in the country. They do suggest that the formal separation of politics and religion, inaugurated by the 2008 Constitution, may be having unexpected consequences. These include the declining numbers of *gomchen* and the number who are choosing to set aside their lay monk/practitioner status. Karma's decision was made because of the legal prohibitions set out in the Election Act. Yet, his mother was a key factor in his decision. Her preference that her son give up his status as a *gomchen* echoes Tenzin's own observations about changes taking place at the local level. This was highlighted in 2016, when both candidates for the local government position of *gup* (village chief) in Bartsham were former *gomchen* (Zangmo 2016).

Echoing the separation between religion and politics that appears in the 2008 Constitution, the Religious Organizations Act of 2007 applies a similar rubric to all organizations except for the Central Monk Body.<sup>43</sup> At present, the register of religious organizations shows 127 entries, all Buddhist, except 2 Hindu organizations. The legal body created to oversee the implementation of the Act, the Chhoday Lhentshog,<sup>44</sup> has six duties set out in Section 13. These include, in addition to promoting "the principles and values of peace, non-violence, compassion, and tolerance" echoing the phrasing of Article 3(1), working to "create the conditions that will enable the true and sustainable developments of a good and compassionate society rooted in Buddhist ethos" (The Religious Organizations Act 2007, Section 13 (a) and (b)). The fourth duty is to "ensure that religion remains separate from politics in the country" (Section 13(d)).

Based on the provisions of the Religious Organizations Act 2007 and the Elections Act 2008, there have been bans on public religious activities ahead of upcoming elections. For example, the Election Commission of Bhutan issued a notification that it expected religious institutions and clergy "shall not hold, conduct, organize or host any public activities from January 1 until the election." The Election Commissioner, Chogyel Dago Rigdzin, described the ban as a "preventative measure" to avoid the mixing of politics and religion. Guidelines published by the Election Commission remind readers that under the Constitution, religious institutions and personalities "shall be responsible . . . to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan" (Election Commission of Bhutan 2012, 1). The Guidelines go on to define a "religious personality" as a Bhutanese "citizen who is a monk, *gomchen*, nun, priest, *sādhu*, pundit, an

<sup>43</sup> Dzo: *dGe 'dun grwa tshang*, an alternative term for the Central Monk Body.

<sup>44</sup> Dzo: *Chos sde lhan tshogs*, Religious Council.

ordained, or a robed person of any religion” (3). The Guidelines then prohibit “performing or sponsoring any activity of religious nature for or by a political party, candidate or supporter . . . that could be exploited for political gains” (2).

Aku Senge and Karma both commented that the ban included important practices that they, as *gomchen*, regularly performed, such as rituals dedicated to the local deities that form a major part of religious practice at the village level.<sup>45</sup> Do they feel that the current laws should be amended? Aku Senge worries about the longer-term impact of the prohibitions. For him, failing to perform the rituals regularly is serious. His concerns range from the immediate spiritual and welfare concerns of not performing the rituals for individuals and communities, to the necessity of rituals for building and representing communities. Karma hopes that by encouraging a public discussion over the prohibitions on rituals before elections and the impact on *gomchen* that the current laws will be repealed. Karma’s comments reflected concerns expressed by Tshering Dorji, an elected member of the National Council for whom “Buddhism has played [a] significant role in the life of an individual citizen and leaders, which in turn has shaped Bhutanese polity, culture, and society. That is why I appreciate the merit in the need for the religion to stay above (not separate from) politics in our context” (2012).

#### 4.11 THE BUDDHIST MONARCH: GRANTING KIDU IN A PANDEMIC

Throughout my reign, I will never rule you as a King. I will protect you as a parent, care for you as a brother and serve you as a son. I shall give you everything and keep nothing; I shall live such a life as a good human being that you may find it worthy to serve as an example for your children; I have no personal goals other than to fulfil your hopes and aspirations. I shall always serve, day and night, in the spirit of kindness, justice and equality.

His Majesty’s Coronation Address, Punakha Dzong, November 6, 2008

Conducting any interviews at present means that interviewer and interviewee share one problem: the COVID-19 pandemic. A recurring theme across the interviews was the role of the Fifth King in supporting the Bhutanese government’s control of the pandemic. The handling of the pandemic by the Bhutanese authorities has been remarkable: national lockdowns were successfully rolled out and enforced, citizens flown home by the state, and infection rates were kept low, with only one death (Drexler 2021). In his public speeches and messages throughout 2020, the Fifth King regularly supported the Bhutanese government in its work to contain the virus and to reassure the population.

<sup>45</sup> The Guidelines specify the following rituals: *kelha-yuellha-neydhag-zhidhag soelkha*, *dralha soelni* (various forms of local deity), *tordog phangni* (torma rituals), *jangkri*, *pawo pamo soelni* (shaman/medium), *gegtrey phangni* (expulsion rituals), witchcraft, exorcism . . . *wang*, *lung thri* (forms of empowerment) (Election Commission of Bhutan 2012, 2).

The discussion of the king's words and, more importantly, his actions, highlighted one key feature: the granting of *kidu* (royal relief). The above-discussed Article 2 of the Constitution of Bhutan sets out the right of the monarch to give *kidu* to those in need. An established feature associated with the monarch – the right to ask for and be awarded *kidu* – was described by one interviewee as “going for shelter to the king.” Awarding *kidu* is for many a demonstration of the king's fulfilment of his Buddhist duties as king. *Kidu* has featured in several speeches by the Fifth King, notably in 2012, when he linked the granting of *kidu* to sacred duty: “a King's sacred duty is in looking after the wellbeing and *kidu* of our people” (Wangchuk 2012). In 2020, as a result of the closing of the borders and the cessation of tourism, it is estimated that up to 50,000 Bhutanese have either lost their main source of income or employment.

In April 2020, the Druk Gyalpo's Relief Kidu fund was launched by the Fifth King.<sup>46</sup> The fund was established to support those whose incomes have been affected by the pandemic. Originally set to run for three months, the relief fund was extended until July 2022. Between April 2020 and March 2022, the fund has provided financial support to over 54,783 applicants.<sup>47</sup> The practical and symbolic significance of the relief fund was emphasized in interviews. The sacral element of the monarch, though not expressed in such terms, was noticeable to observers and Bhutanese alike, and suggests that for many Bhutanese, Article 2 encapsulates their views on the Fifth King as a Buddhist king. Admittedly, for some who grew up and remember tales of their grandparents living under the Second King there appears to have been a shift in the perception or character of the monarch. This shift appears linked to the increased focus on the Fourth King and, more recently, on the Fifth King, as Buddhist monarchs.

The Fourth King, Jigme Sengye Wangchuk was (and is) revered by the Bhutanese in a way that other earlier kings do not appear to have been.<sup>48</sup> In a longevity prayer written for the Fourth King in about 1967 when he was crown prince, Dilgo Khyentse, a prominent Tibetan Nyingma teacher, appealed to the Bodhisattva Padmasambhava on behalf of the king,

With your power of blessing and pervasive charisma,  
In the southern great land of Dharma,  
May the crown prince reign supreme in great fame,  
During his noble reign as Dharma king,  
And may his service toward all people.

(Palmo 2008, 246–48)<sup>49</sup>

<sup>46</sup> Dzo: *'brug rgyal po'i rgud gso'i skyid sdug*.

<sup>47</sup> <https://royalkidu.bt/> (last accessed July 11, 2022).

<sup>48</sup> A similar point is made by Khemthong Tonsakulrungruang in Chapter 8 in relation to the late Thai king, Bhumibol.

<sup>49</sup> Chapter 16, “Blessing Bhutan,” is by the Queen Mother Kesang Chodron Wangchuck (mother of the Fourth King) and Lupon Pemala.

The emphasis on the Fourth King as a dharma king appears to foreshadow how he became viewed by the Bhutanese. During earlier fieldwork and more recent discussions with the Bhutanese, several commented on the family descent of the Fourth King and Fifth King from the Buddhist teacher Pema Linga (1450–1521). More recently, in a publication marking his sixtieth birthday, the Fourth King is explicitly described as a bodhisattva and *cakravartin* king, a common theme that is discussed in other chapters in this volume. In the recent pandemic, we see a similar portrayal of the current king, the fifth Druk Gyalpo, Jigme Khesar Namgyal Wangchuk. In one conversation, the *cakravartin* king was described as appearing during difficult times and that the Fourth King demonstrated this throughout his reign, particularly through his vision to transform the government of Bhutan. The religious dimensions of the monarch have been cultivated and serve to elevate him above the political fray, associating him and his successor with the wellbeing of the kingdom. As discussed above, the separation of religion from politics was aimed at placing religion – or specifically Buddhism – above politics. In a similar way, the reconfiguration of the political system of government allows the expressly Buddhist monarch to be on the one hand supportive of governments and on the other, above “politics.”

#### 4.12 CONCLUSION

Four hundred years after his arrival in Bhutan, Zhabdrung Ngawang Namgyal’s legacy remains. The election as king of Ugyen Wangchuck in 1907 shifted political power and control to the monarch. The move to cabinet government was the first step of a trajectory raising the monarch above everyday politics and government, and towards the unifying role of the Zhabdrung. The removal of the Central Monk Body from government marked a shift in the relationship between state and religion, but not one that undermined or removed the centrality of Buddhism in Bhutanese life. Rather, the Constitution recast the Dual System through its embodiment in the person of the monarch. As argued above, the Constitution transformed the role of the monarch as a Buddhist king, a dimension that was not promoted by the first two Bhutanese kings. The Fourth King, as prophesized by Drudra Dorje (Pommaret 2015, 258), ordered the preparation of the Constitution, marking a shift toward the explicit sacralization of the monarch, as bodhisattva, *dharmarāja*, and *cakravartin*. However, as illustrated above, there are concerns about the unintended consequences on religious practices and practitioners of the desire by the drafters of the Constitution to separate politics and religion. Running through the discussions of the drafting committee, and in more recent public discussions about the separation of Buddhism and politics, is a tension between continuity with the past – real or imagined – and modernity. Perhaps, as some informants suggested, the current restrictions will be removed as Bhutan matures as a democracy. Yet there are strong forces that other Bhutanese view as marking a decline in religion – Buddhism – in

Bhutan. As Aku Senge wistfully noted, each generation “must work out what the dharma – Buddhism – means to them.”

## REFERENCES

- Allison, Elizabeth. 2015. “Religion Inscribed in the Landscape: Sacred Sites, Local Deities and Natural Resources.” In *The Changing World Religion Map*, edited by Stanley D. Brunn, 439–59. Dordrecht: Springer.
- Aris, Michael. 1979. *Bhutan: The Early History of a Himalayan Kingdom*. Warminster: Aris & Phillips.
1986. *Sources for the History of Bhutan*. Vienna: Arbeitskries fur Tibetische und Buddhistische Studien Universitat Wien.
1994. *The Raven Crown: The Origins of Buddhist Monarchy in Bhutan*. London: Serindia Publications.
- Dorji, Kinley, Penjore, Ugyen, and Wangchuk, Rinzin. 2008. “The Constitution of the Kingdom of Bhutan Has Been Adopted.” *RAO Online*, July 19, [www.raonline.ch/pages/bt/pol/bt\\_polconstoi.html](http://www.raonline.ch/pages/bt/pol/bt_polconstoi.html)
- Dorji, Sangay. 1999. *dpal 'brug pa rin po che zhabs drung nga dbang mam rgyal gyi mam*. Thimphu: Dzongkha Development Commission.
- Dorji, Tshering. 2012. “Religion and Politics. What Is the Right Mix?” *Tshering Dorji's Blog*, July 30. <https://tsheringbhutan.wordpress.com/2012/07/30/religion-and-politics-what-is-the-right-mix/>. Accessed February 7, 2021.
- Drafting Committee. n.d. *Minutes of the Drafting Committee* (English). High Court of Judiciary (no longer available).
- Drexler, Madeline. 2021. “The Unlikeliest Pandemic Success Story.” *The Atlantic*. February 10.
- Druk Gyalpo's Relief Kidu. 2021. <https://royalkidu.bt/>. Accessed July 11, 2022.
- Election Commission of Bhutan. 2012. *Guidelines for Interpretation of Section 184 of the Election Act of the Kingdom of Bhutan, 2008, Concerning Religion and Elections*. Thimphu: Election Commission.
- Givel, Michael. 2015. “Mahayana Buddhism and Gross National Happiness in Bhutan.” *International Journal of Wellbeing* 5 (2): 14–27.
- Halkias, Georgios T. 2013. “The Enlightened Sovereign: Kingship and Buddhism in Indo-Tibetan Tradition.” In *A Companion to Buddhist Philosophy*, edited by Steven Emmanuel, 491–511. Chichester: Wiley-Blackwell.
- Kinga, Sonam. 2002. *Changes in Bhutanese Social Structure. Impacts of Fifty Years of Reforms: 1952–2002*. Chiba: Institute of Developing Economics, Japan External Trade Organisation.
- Kohli, Manorama. 1982. *India and Bhutan. A Study in Interrelations 1772–1910*. New Delhi: Munshiram Manoharlal Publishers.
- Mathou, Thierry. 1999. “Bhutan: Political Reform in a Buddhist Monarchy.” *Journal of Bhutan Studies* 1 (1): 114–45.
- Moore, Matthew J. 2016. *Buddhism and Political Theory*. New York: Oxford University Press.
- Mynak Tulku. 1997. “Religion and Ritual.” In *Bhutan: Mountain Fortress of the Gods*, edited by Christian Schicklgruber and Françoise Pommaret, 137–57. London: Serindia Publications.
- Palmo, Ani Jinba (trans.). 2008. *Brilliant Moon: The Autobiography of Dilgo Khyentse*. Boston: Shambhala Press.

- Phuntsho, Karma. 2000. "On the Two Ways of Learning in Bhutan." *Journal of Bhutan Studies* 2(2): 96–126.
2013. *The History of Bhutan*. Noida: Random House India.
- Pommaret, Françoise. 1997. "The Birth of a Nation." In *Bhutan: Mountain Fortress of the Gods*, edited by Christian Schicklgruber and Françoise Pommaret, 179–207. London: Serindia Publications.
2015. "The Cakravartin King." In *The Bodhisattva King: His Majesty Jigme Singye Wangchuck*, edited by Thierry Mathou, 253–67. Bangkok: Bhutan Publishing House.
- Rose, Leo E. 1977. *The Politics of Bhutan*. Ithaca: Cornell University Press.
- Royal Court of Justice. 1999. *The Bhutanese Legal System*. Thimphu: Royal Court of Justice.
- Royal Government of Bhutan. 2009. *Tenth Five Year Plan (2008–2013)*, vol. 1. Thimphu: Gross National Happiness Commission.
- Schwerk, Dagmar. 2019. "Drawing Lines in a Mandala: A Sketch of Boundaries between Religion and Politics in Bhutan." Working Paper Series of the HCAS "Multiple Secularities – Beyond the West, Beyond Modernities" 12. Leipzig: Leipzig University.
- Smith, E. Gene. 2001. *Among Tibetan Texts: History and Literature of the Himalayan Plateau*. Boston: Wisdom Publications.
- Tobgye, Sonam. 2015. *The Constitution of Bhutan: Principles and Philosophies*. Thimphu: Royal Court of Justice.
- Ura, Karma, Alkire, Sabina, Zangmo, Tshoki and Wangdi, Karma. 2012. *A Short Guide to Gross National Happiness Index*. Thimphu: Centre for Bhutan Studies.
2015. *Provisional Findings of the 2015 GNH Survey*. Thimphu: Center for Bhutan Studies and Gross National Happiness Research.
- US Department of State, Office of International Religious Freedom. 2019. *Bhutan 2019 International Religious Freedom Report*. [www.state.gov/reports/2019-report-on-international-religious-freedom/bhutan/](http://www.state.gov/reports/2019-report-on-international-religious-freedom/bhutan/).
- Verma, Ritu. 2017. "Gross National Happiness: Meaning, Measure and Degrowth in a Living Development Alternative." *Journal of Political Ecology* 24: 476–90.
- Wangchuck, Ashi Dorji Wangmo (HM the Queen of Bhutan). 1999. *Of Rainbows and Clouds: The Life of Yab Ugyen Dorji as Told to His Daughter*. London: Serindia.
- Wangchuck, Jigme Khesar Namgyel (HM the Fifth Druk Gyalpo). 2012. "About His Majesty the King of Bhutan." July 26. <http://kidufoundation.org/about-his-majesty-the-king-of-bhutan/>
- Wangchuck, Jigme Singye (HM the Fourth Druk Gyalpo). 1998. "Kasho Issued to the Speaker of the National Assembly." June 10. [www.nab.gov.bt/assets/uploads/docs/resolution/2014/76th\\_Session.pdf](http://www.nab.gov.bt/assets/uploads/docs/resolution/2014/76th_Session.pdf)
- White, J. Claude. 1999 (1909). *Sikkim and Bhutan: Twenty-One Years on the North-East Frontier, 1887–1908*. Delhi: DK Fine Art Press.
- Whitecross, Richard W. 2018. "Thrimshkhang and the Spatial Evolution of the Courthouse in Bhutan." In *Buddhism, Culture and Society in Bhutan*, edited by Seiji Kumagai, 97–115. Kathmandu: Vajra Press.
- Windischgratz, Michaela and Wangdi, Rinzin. 2019. *The Black-Slate Edict of Punakha Dzong*. Thimphu: JSW Law Publishing Series.
- Zangmo, Tanden. 2016. "Two Ex-Gomchens Vying for Bartsham Gup Post." *The Bhutanese*, August 13. <https://thebhutanese.bt/two-ex-gomchens-vying-for-bartsham-gup-post/>