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### **Buddhism, Homosexuality, and Non-binary Genders in Thailand**

One of the most popular destinations for sex tourism in Asia, the streets of Pattaya are lit up with neon signs. Sex workers line up along the busy bars, waiting for someone to throw a glance, or maybe some money, their way. Perhaps more than half of them identify as *kathoe*, a Thai umbrella term for a non-normative gender. Even though prostitution is technically illegal in Thailand, it is nevertheless practiced in its hundreds of bars and massage parlours. Ever since the military junta took control just half a year ago, however, things have not been easy for these transgender sex workers. Determined to cleanse the city of its “moral impurities”, General Prayuth Chan-ocha has declared a crusade against the *kathoe*. Citing Buddhism and a return to Thailand’s position as a Buddhist haven, the junta leader has won the approval of many Thai citizens through his zealous cleansing of the country’s tourism industry (Hookway 2014).

Thailand, formerly Siam, is a country with a booming tourist industry, with its exotic beaches, elephants, and Buddhist temples. As one of the few predominantly Theravada Buddhist countries in the world, Thailand prides itself on its moral integrity and diplomatic ability, being the only country in Southeast Asia to escape European colonization. The same country, however, is also perhaps better known for its vibrant nightlife, cabaret shows, and gay and transgender scene. How do these two very different, if not contradictory, aspects of Thailand coexist? The situation of the *kathoe*, commonly translated as ladyboys or transgendered, in Thailand is an interesting clash between traditional, religious, and contemporary values. Despite popular constructions of Thailand as a haven for transgendered people, we find that the truth is often not the case. This paper seeks to explore the complex attitudes of the Thai on both homosexuality and *kathoe*, shedding some light on the society's

apparent paradox of both stigmatization and acceptance of non-heterosexual identities, while seeking to understand the origins of such attitudes.

The perception of Thailand as a haven for gender and sexual minorities is not completely unfounded, however. Though no one knows exactly how big the sex industry in Thailand actually is, according to one statistic, sex tourism makes up more than 1% of the country's GDP (Renton 2005). Pattaya, one of the country's most popular spots for tourists, boasts vast numbers of gogo bars, massage parlours, and *kathoey* cabaret shows. In fact, the Tourism Agency of Thailand in 2012 launched the "Go Thai Be Free" campaign which specifically targets "pink tourism" (Yongcharoenchai 2013), or tourism of the country's LGBT community, even explicitly claiming in one of their promotional videos that "Thailand welcomes the gay community" (*Thailand Insider* 2013). It also arguably has Asia's largest gay scene, and even annually holds the world's most prestigious and largest beauty pageant for transgender women, Miss International Queen. Furthermore, the existence of the word for transgender, *kathoey*, in Thai dates back at least a few centuries, suggest a substantial, unwritten history of transgenderism in Thailand. What is puzzling, however, is the context in which this culture of promiscuity and sexual freedom emerged from. Thailand, as mentioned above, is a predominantly Buddhist society. In popular culture, Buddhism is notorious for being tight-lipped about matters concerning sexuality, as the concept of sexual renunciation is one of the central aspects of the Buddha's teachings. What aspects of Thai society allow such a juxtaposition of Buddhist spirituality and sexual freedom to exist?

To ultimately understand gender identity construction in contemporary Thailand, several things have to be taken into account. Most importantly, it has to be emphasized that Thailand has its own unique history, culture, religion, and language, all of them dramatically different from what most people from the West are accustomed to. As such, usual conclusions may not be applicable for the cultural and historical context being studied. In other words, Thai modernity is markedly different from

mainstream Western modernity due to cultural and historical differences. In the Thai language, for example, only one word is used to mean both “sex” and “gender”. In fact, “there is no translation or the equivalent Thai word for ‘gay,’ and as of 1996, the construct ‘sexual orientation’ had not been translated even for academic use” (Taywaditep et al.). This indicates that sex and gender are not properly distinguished in the Thai context, and so is something that has to be kept in mind. Partly because of this, Western labels cannot be equated to their Thai counterparts, since the contexts surrounding their respective conceptualizations are different. Being “gay” in the West, for example, is very different from being “gay” in Thailand, as the label has been adapted to fit the traditional framework of the conceptualization of sexual identities in the latter. One major phenomenon in contemporary Thai society with its roots in this cultural difference is the existence of a pervasive gender dichotomy (Morris 1994, 18-19; Taywaditep et al.), which would prove to be one of the most influential factors of the construction of sexual identities in the Thai context, as we will later see. Because of this, one of the major goals of this paper is to dissect the origins of the binarised gender, firstly by understanding the cultural and historical background behind it.

## **I. The History and Culture of Tai Societies**

The notion of “Thailand” as a nation-state, complete with a unifying history and a distinct set of values, is actually a relatively recent construction: in reality, the area which is now known as Thailand was a collection of Tai city-states competing for influence over each other. “Tai” is a term referring to the ethnicity of Tai-speaking tribes who migrated into the region in the 2<sup>nd</sup> century BCE (in contrast to “Thai”, which refers to the nationality of people living in the country, especially after 1939 when the country’s name was officially changed from Siam to Thailand). One widely-accepted hypothesis suggests that the Tai peoples migrated to Southeast Asia from the area which is now southern and southeastern China. They settled in the plains of modern-day Thailand, Laos, northern

Vietnam, Myanmar, and western India, forming city-states which competed with the Dvaravati and Khmer civilizations for control over the fertile plains around the Chao Phraya river valley (Matzner 2002). During the 13th and 14th centuries, as the dominant kingdoms began to break up into smaller city-states, the Tai were able to assert their dominance over local Mon and Khmer populations, and a group of Tai known as the Siamese gained control over the area. They formed a city-state called Sukhothai, the first of four kingdoms of Thai history, which will become the first major step in the formation of the nation of Siam, and then later Thailand.

One interesting aspect of the social structure of these pre-modern societies is the role of masculinity. In these societies, masculinity was equated with sexual prowess, shown through one's sexual partners. As a result, polygyny was a common, if not expected, practice of men in these communities: the more wives a man has, the greater status he has in society (Loos 2006, 114). Interestingly, when this practice was challenged by the West, the Siamese defended it as a result of their religion, as Buddhism did not explicitly disallow multiple sexual partners (Loos 2006, 121). In fact, King Vajiravudh spoke out against banning polygyny early in his reign, describing the practice as an "authentic Thai Buddhist practice", and that banning it would only be admitting Buddhism was inferior to Christianity. This interpretation stems from both the Vinaya's vague definition of sexual misconduct and ideas of female pollution. In this instance, it seems that Buddhist teachings were used only as a tool to justify the values held by people at the time, an idea which is worth revisiting in the context of a modernized Thai state.

At the same time, the concept of a third gender does not seem to be a foreign one to pre-19th century Siamese society, as instances of hermaphroditism and cross-dressing was referenced in multiple historical records. Michael Peletz argues that sexual diversity and gender pluralism was in fact celebrated in these societies (Taywaditep et al.). In particular, a recently-discovered Yuan (northern Tai) creation myth, recently compiled and translated by Anatole-Roger Peltier in *Pathamamulamuli*:

*The Origin of the World in the Lan Na Tradition*, features a character of a third gender. In the creation myth, humans were created in three genders: male, female, and hermaphrodite. Based on this fact alone, it is perhaps appropriate to conclude, as Morris argues, that “the hermaphrodite does not undermine oppositions between male and female but constitutes the third point in a triad in which there can be no single antithesis” (Morris 1994, 21). Nonetheless, the hermaphrodite plays a smaller role compared to its male and female counterparts, disappearing from the story completely halfway into it. Apart from this instance, there does not yet exist enough evidence to conclude that third genders were in any way visible or important to premodern Tai societies (Matzner 2002). The only other records concerning non-normative genders in Siam were from the perspectives of European travellers and officials. For instance, Anna Leonowens, teacher of King Mongkut’s children, reported “women disguised as men, and men in the attire of women, hiding vice of every vileness and crime of every enormity” (Morris 1994, 22). However, even in this instance, it could be argued that the “women disguised as men” could have referred to the female “Amazonian guards” (as Leonowens later called them) of the palace, while “men in the attire of women” could have referred to male actors playing the parts of women (Jackson 2003). Nevertheless, the boundaries between gender roles in premodern Siam was oftentimes fuzzy and not legally enforced, there being no rules to regulate sexuality until the cultural reforms of the colonial age.

Religion is another important aspect of Tai societies, and any serious study of the subject cannot be complete without a look into the country’s intricate relationship with Buddhism, specifically of the Theravada tradition. The form of Buddhism practiced in present-day Thailand is an eclectic mix of different traditions, from Theravada Buddhism to Brahmanism to folk spirits. Before the arrival of Buddhism, indigenous folk religions centered around spirits called *phi* appears to have been the main source of spirituality in the area. Buddhism first arrived in the region now known as Thailand during the 3th century BCE, in more or less the same form as was practiced by the great Buddhist Emperor

Ashoka (Kusalasaya 2006). Since then, multiple waves of different forms of Buddhism have influenced local spiritual practices, including Mahayana traditions from the Srivijaya from the south and Burmese Buddhism from the north. During this time, societies in the area became very closely acquainted with the blend of Mahayana Buddhism and Brahmanism practiced in the Khmer Empire (which in turn was influenced by the Mahayana traditions of the Srivijaya). Much of the Brahmanic influence in Thai societies today, including religious and cultural rites, was spread to Thailand during this period. Buddhism was made the state religion of Sukhothai in the 13th century. However, the most important wave of Buddhism to arrive in Thailand is arguably Lankavamsa Buddhism, or Ceylon Buddhism. As a result of the efforts of King Parakramabahu of Lanka, King Ramkhamhaeng of Sukhothai invited monks from the Kingdom of Lanka to the capital and gave them royal support in the spread of Lankavamsa Buddhism in his kingdom, an event which was recorded in one of the king's rock inscriptions dated 1277 CE. Since then, Lankavamsa Buddhism had become immensely popular in the kingdom, its influence felt in politics, architecture, and the study of Pali (Kusalasaya 2006). As with the case in most Buddhist societies, a distinct amalgamation of Buddhism and local beliefs emerged as the principal religion in the area, a set of traditions now known as Thai Buddhism.

In present-day Thailand, this unique blend of traditions is still present in almost every aspect of Thai society. Almost 95% of Thailand's citizens are Theravada Buddhists, according to a 2006 census (Taywaditep et al.). Two major sects of Buddhism, Maha Nikaya and Thammayut Nikaya, exist in Thailand, the latter officially endorsed by the royal family. Theravada Buddhist teachings and traditions form a basis for daily life for most people in the kingdom, including accumulating karma by merit-making (*tham bun*), meditation (*nang samathi*), and following the Five Buddhist Precepts (*panjasin*), all of which are taught in schools. In fact, the constitution of Thailand specifies that the king of Thailand must be Buddhist and the Upholder of the Buddhist faith (Kusalasaya 2006).

## II. Gender and Sexuality in Thai Buddhism

Going back to the original question posed earlier, the existence of *kathoey* in such a deeply Buddhist society is still as baffling to us as when we started. To finally start shedding some light on this, a closer scrutiny of references to non-heterosexual genders in Theravada Buddhist scriptures should be conducted. The Vinaya identifies four gender types: male, female, *ubhatobyanjanaka*, and *pandaka*. The definitions of the non-normative genders, *ubhatobyanjanaka* and *pandaka*, are not clearly defined, referring to different things in different parts of the Pali canon. However, broadly speaking, *ubhatobyanjanaka* refers to hermaphrodites, while *pandaka* refers to individuals with abnormal sexual behaviors. The definitions of these terms given by classical Buddhist writers and Thai Buddhists mostly agree with each other. For example, both the Pali Text Society and Thai Buddhist reformist writer Phra Ratchaworamuni define *ubhatobyanjanaka* as someone having characteristics or sexual organs of both sexes (Jackson 1997). Definitions of *pandaka* are understandably more diverse, encompassing behaviors like oral sex, cross-dressing, and voyeurism. This distinction between *ubhatobyanjanaka* and *pandaka* can be problematic, however, as abnormal biological characteristics and abnormal sexual behaviors are independent and are not mutually exclusive categories. A man would be labeled differently depending on his behaviors, as it appears that in early Buddhist communities “men who engaged in receptive anal sex were seen as feminized and thought to be hermaphrodites”, while “men who engaged in oral sex were not seen as crossing sex/gender boundaries, but rather as engaging in abnormal sexual practices” (Jackson 2003). This naturally lead to the influence of stereotypes and attitudes towards these non-normative genders in ancient Indian societies to seep into the fabric of religion. Because *pandaka* were seen as knowing agents of their sexualities, they were “considered in some degree to share the behaviour and psychological characteristics of the stereotypical ‘bad’ woman [in ancient India]” (Zwilling 1992, 205). In other

words, men who engaged in abnormal sexual behaviors were stereotyped as having the same characteristics as sexually promiscuous women.

It is perhaps even more interesting to see how Thai Buddhist writers relate these Indian terms to the native Thai concept of *kathoey*. In 1989, Khamhuno, a columnist in a news magazine of Buddhist affairs, describes *ubhatobyanjanaka* as *kathoey thae*, or “true *kathoey*”, while *pandaka* are translated as *kathoey thiam*, or “pseudo-*kathoey*”. It is worth noting that the use of *kathoey* in the translations of both *ubhatobyanjanaka* and *pandaka* suggests that the term *kathoey* encompasses both biological and behavioral identities. Indeed, contemporary Thai accounts of *ubhatobyanjanaka* and *pandaka* are complicated by writers’ tendencies to use the term *kathoey* interchangeably when referring to one or the other. The term *kathoey* reflects traditional Thai values on gender and was not derived from Buddhist concepts of gender and sexuality, and so the cultural frameworks behind these terms do not necessarily align with one another (Jackson 1997).

Attitudes towards these non-normative genders in Buddhism are complicated: while the Tripitaka generally regards homosexual behavior as no different from heterosexual behaviors, there does exist some instances of prejudice against gender minorities. It is natural to think that sexual behaviors are equally condemned in Buddhism, regardless of the genders of the individuals performing them. After all, any form of sexuality is a manifestation of desire and the root of suffering. This is illustrated in the Vinaya with the sentence: “The penis you insert into the mouth of a cobra is yet better than the penis you insert into the vagina of a female monkey” (Jackson 1997). Indeed, the Vinaya makes no distinction between heterosexual and homosexual behaviors, and both are viewed as equally repugnant. However, looking more closely at the texts, this may not be the case. It can be argued that early Buddhism appears to have institutionalized prevailing attitudes to *pandaka* at the time of the Buddha. In particular, the story how *pandaka* were banned from ordination in the Sangha is a clear example. In the story, an ordained *pandaka* went to a group of young monks asking them to assault the



*pandaka*. Rejected, he then went to a group of novices and asked the same thing from them. Rejected again, the *pandaka* now went to a group of elephant herders and did the same. The elephant herders gave in to his request, and criticized the Sangha for violating their vows of celibacy. As a result, the Buddha was forced to ban *pandaka* from being ordained in the sangha (Jackson 1997). This story clearly implies that the Buddha was concerned not with the moral consequences of the *pandaka* ordination, but with the image and social acceptability of the sangha, as the ban on the ordination of *pandaka* was only put in place after a specific *pandaka* jeopardized the sangha's respectability. This suggests that Buddhist institutions were in some part affected by the attitudes towards *pandaka* in ancient India which was previously discussed (Jackson 1997). The Buddha's attitudes towards individual *pandaka* and *ubhatobyanjanaka* seemed to be only dependent on how open they are about their difference. It is also interesting to see that due to the nature of the definition of *pandaka* as an individual with abnormal sexual behaviors, it is almost inevitable that the *pandaka* would be more discriminated against, as it is exactly those behaviors which draw attention towards their difference in the first place.

### **III. The Foundations of Thai Sexual Modernity**

As Siam entered the age of globalization, however, these existing ideas of non-normative genders have been dramatically transformed with the cultural landscape of the country through major cultural and political reforms from Siamese interactions with Western powers. At the start of the 19<sup>th</sup> century, the threat of European colonialism loomed ever closer with British victory in the First Anglo-Burmese War in 1826. Foreign powers, especially the British and the French, competed for control of the Indochina peninsula. Eventually, by the end of the century, Siam found itself surrounded by colonial powers: the British in Burma to the west and in the Malay States to the south, and the French in French Indochina to the east. Sensing the threat of colonization, Siam signed numerous

unequal treaties during the reigns of King Mongkut and King Chulalongkorn, including the Bowring Treaty in 1855 which granted extraterritorial rights to the British. Because foreign powers justified these unequal treaties on Siam's purported backwardness, King Chulalongkorn initiated a program of cultural and legal reforms with the goal of establishing Thai modernity and international sovereignty, and "to prove to imperial powers that Siam was a capable equal" (Loos 2006, 88).

Of these cultural reforms, laws concerning the family unit are perhaps the most relevant to our topic. In the citizenship laws and Surname Act of March 1913, King Vajiravudh officially introduced a patrilineal succession to both the Siamese citizenship and surnames, giving legal power to male individuals (Loos 2006, 142). After decades of debate, polygyny was eventually abolished in 1935. Before that, polygyny was widely practiced and even recognized under civil law. Not only did this ban on multiple wives send ripples of culture change across the pre-modern Siamese society, a society centered around the expression of masculinity through the acquiring of sexual partners, this form of state-sanctioned marriage also led to a creation of a monogamous, heteronormative society. King Vajiravudh, with the abolishment of polygyny, envisioned the family unit as a microcosm for the nation, or *chat* in Thai (Loos 2006, 123). In this model, wives acted as the social glue holding the unit together. For this to happen, the conceptualization of gender and sexuality has to be "modernized" and moralized to align with the values King Vajiravudh envisioned for the nation. This was a major step in changing the attitudes of the Siamese towards gender and sexuality in both the public and private spheres.

This was not, however, the end of the cultural and political reforms. The final major step towards Siamese modernity was spearheaded by the country's fascist government during the years of World War II. Between 1939 and 1942, the military dictatorship of Field Marshal Phibunsongkhram further issued a series of 12 decrees called the Cultural Mandates (*Ratthaniyom*), aimed at creating a unified and "civilized" Thai state, modelled after Nazi Germany and the Japanese Empire. These are

the decrees which changed the country's name to Thailand, defined the country's flag, national anthem, and the practices associated with them (and are still in place today). Mandate 10, however, is of

particular interest, as it had significant consequences for the conceptualization of gender. According to the decree, Thai people “should not

appear at public gatherings, in public places, or in city limits without being appropriately dressed”. Men are to wear

a buttoned shirt and long pants, while women are to wear a skirt and let their hair grow. As simple as this change in habits may seem, it had drastic

consequences for the society of Thailand. For the first time in their

history, Thai people were forced to abandon their traditional clothes in favor of Western-styled dress.

For the first time, two distinct forms of clothing were separately assigned to males and females. This is a huge departure from the simple nature of traditional Siamese garments, which were relatively androgynous and even allowed anyone to easily dress as the opposite gender. As Rosalind Morris notes, for the first time in history, “dress became a means of signifying a binarised genital identity, [which] marks an important development in the history of Thailand's sex/gender system [...] in its histrionic assertion of binarity” (Morris 1994, 34).

This binarization of gender catalyzed the creation of an even more rigid gender dichotomy in Thai society. As discussed, masculinity in precolonial Tai societies was equated with sexual prowess. However, these ideas of masculinity and femininity were not “genders” in the modern sense; they were more personal identities. These were not tied to biological sex, as nurturing men and promiscuous



Fig. 1: A poster accompanying *Ratthaniyom 10*. The left box shows undesirable clothing, while the right shows proper public wear, with descriptions underneath.

women do have special religious roles in Tai societies (the *maa khii* in northern Thailand are an example of this) (Taywaditep et al.). However, with this new binarised gender identity and formalized gender roles introduced with cultural reforms, gender is now assigned based on a person's biological sex. For example, anyone born a woman is expected to be a "*kulasatrii*", a term for a stereotypically reserved and nurturing woman, and act according to traditional ideals of nurturing womanhood. This system of binarised sexuality became a pervasive trend of thinking in the minds of Thai people.

This gender dichotomy put non-heterosexual identities in a challenging situation as Thai society saw the increased visibility of non-heterosexual identities during the late 20<sup>th</sup> century, partly as a result of the AIDS epidemic. The presence of Japanese and American soldiers in both World War II and the Vietnam War ignited an explosion in sex work, as fishing villages like Pattaya were designated as "Rest and Recreation" centers for stationed troops. The increasing popularity of prostitution then paved the way for the AIDS epidemic in Thailand, which was first reported in 1984 (Taywaditep et al.). The alarming growth of AIDS in the sex industry prompted the active identification of the source of the problem by the government, and as in many cases around the world, the blame was largely placed on the LGBT community. Seeking inspiration from Western models of sexuality, the 1980s saw a huge diversification of gender identities, as a way of strengthening in-group identity within the LGBT community (Winter 2011). It is during this time that the conceptualizations of present-day nonheterosexual identities appeared, constructed around this binarised gender. It is also during this time that the *kathoey* identity evolved to its present-day connotations.

#### **IV. Contemporary Constructions of Gender in Thai Society**

Looking at the different existing gender identities in contemporary Thai society, we can see how non-heterosexual gender identities are constructed within the context of Thai culture. The gender dichotomy which emerged from the numerous cultural reforms of the 20<sup>th</sup> century has a huge role in

the construction of these identities, as it “pervades the Thai conceptualization of sex between men” and constructs sexual identities “in reference to the fundamental genders of male and female” (Taywaditep et al.). For identities Western communities have one word for, Thai conceptualizations of sexuality split this into two separate categories, one feminine and one masculine. In particular, homosexual males in Thailand are grouped into masculine *gay-kings* and feminine *gay-queens*. Even in homosexual identities where both partners are of the same biological sex, this gender binarism is a big part of the construction of sexual identity in Thailand. Due to them being “feminine”, *gay-queens* are stereotyped to have feminine characteristics, and are therefore “true homosexuals”, while *gay-kings* are seen as more masculine and therefore less likely to be “permanently” homosexual (Taywaditep et al.). Similarly, female homosexual identities are also split into the masculine *tom* and feminine *dee*. Furthermore, the ideas of masculinity being equated to sexual prowess still hold a strong sway over these conceptualizations. This can be seen in Thai bisexual males, who are playfully called “bisexual tigers” (*suea bai*) alluding to their sexual vigor, as they are thought to be “real” men with a healthy sexual energy, able to gain sexual pleasure from anyone, regardless of gender.

The construction of the *kathoey* identity is more complex, drawing from Thai Buddhist definitions of *kathoey* and traditional gender roles. Like the construction of homosexual identities, the Thai interpretations of the *kathoey* identity have been within the confines of gender bipolarity, at least in the modern sense of the word (Taywaditep et al.). However, unlike homosexual identities, the gender of the individual is left even more vague. There are a number of ways Thai people can conceptualize *kathoey* within this framework. Perhaps the most common way Thai people see *kathoey* is as a combination of the male and female genders, or as a third gender separate from the two. More recently, they have also been more often described as “women of the second kind” (*sao praphet song*), coinciding with the personal identities of many modern *kathoey*. This conceptualization of *kathoey* as predominantly female, however, proves to be a problematic construction. As the association of *kathoey*

with femininity become stronger, so do their link with the negative Buddhist connotations of females. Not only does the *kathoey* also seem to have adopted the nurturer role of women, ideas of female pollution are also extended to them as well (Taywaditep et al.). In particular, it is the existence in Buddhist texts of the *ubhatobyanjanaka* as a mix of genders, body of one gender with the energy of another, which helps reinforce this (Jackson 1997). As is probably apparent, these different ways of conceptualizing the *kathoey* makes this a very ill-defined identity, leading to the blending of gender and sexual identities and stereotypes (Jackson 1997). For example, in the eyes of most Thai people, gay queens and *kathoey* are not differentiated at all, due to both of them being some variation of the “female” gender.

Considering all of this information, it is now perhaps a good time to consider the origins of the seeming paradox between Buddhist ideas of sexual renunciation and Thailand’s contemporary culture of promiscuity. As we have seen, in premodern Tai societies, attitudes towards third genders are relatively accepting. We know there were attempts to understand nonheterosexual genders due to existence of the word *kathoey* and the appearance of a hermaphrodite character in a northern Tai creation myth. These understandings were greatly influenced by Buddhism, which encouraged the acceptance of these individuals through the concept of karma. However, despite this, Buddhism also somewhat institutionalized discrimination against *pandaka* and encouraged misogynistic trends of thinking, especially with the concept of female pollution. The concept of a binarised gender, however, was non-existent during that time and so these instances of gender do not have as much of an impact as it does today. The major turning point in attitudes was the 20th century cultural reforms, which caused there to be a formalization of gender. This, compounded with the effects of gender role stereotypes and female pollution, lead to mistrust of and prejudice against *kathoey*, planting the seeds for the complex juxtaposition of both stigmatization and tolerance of non-heterosexual identities which is present today. Ironically, this contradiction was the result of two Buddhist ideas: female pollution and tolerance

through karma. In other words, it could be argued that this apparent paradox in Thai attitudes to non-binary genders was already embedded in Buddhism itself. However, it did take a set of specific circumstances of gender redefinition and formalization to coax this situation out of the belief system.

## V. Negotiations of Sexuality in the Public Sphere

How non-heteronormative sexualities are managed in the public sphere is a good way to see how this culture of sexuality interacts with such a belief system as Buddhism. Though it seems like Thai society is generally accepting of non-heterosexual gender identities, in reality hostile attitudes towards *kathoeys* are common in contemporary society. Overall, the situation can be described as “tolerant but unaccepting” (Winter 2011, 254). Sure enough, agreeing with Buddhist ideas, a significant number of people in Thailand believe that *kathoeys* are a result of past sexual transgressions, and so do not believe that they deserve hate. Instead, many Thai people, including prominent Thai bhikkhu Bunmi Methangkun, believe that these individuals deserve pity and tolerance (Jackson 1997; Methangkun 1986). Indeed, the worst instances of prejudice and discrimination seem to be absent from Thai society (Winter 2011, 254). However, this does not mean that there is not prejudice against nonheterosexual genders. In a survey conducted in 2002 and 2003, Sam Winter and two other Thai researchers found that 75% of students report negative attitudes towards *kathoeys* (Winter 2011, 256). Among the statistics, half of the surveyed students would not accept their son being a *kathoeys* and believed that they were “somewhat unnatural”, around one in six could not accept being taught by a *kathoeys* lecturer, and one in eight believed they should not be allowed to work with children. It is interesting to also keep in mind that the students surveyed were a “young, highly educated, urbanized sample”. Additionally, there exists a high rate of crimes committed against *kathoeys*. According to the International Gay and Lesbian Human Rights Commission, 15 lesbians in Thailand were specifically targeted for their sexuality and murdered within a span of 6 years, from 2006 to 2012 (Winter 2011,

253). As a result, there is enormous pressure to conform to gender norms, for being open about sexuality would make you a target for discrimination and crime. Many choose to keep their identity private rather than risk their life or well-being.

Furthermore, this prejudice in some sense is a part of Thai legal institutions, as numerous legal barriers still exist for gender and sexual minorities, allowing for rampant discrimination in the workplace. A recent publication by UNAIDS about LGBT rights ranked Thailand halfway in a scale of LGBT rights: gender and sexual minorities are not overtly repressed, but at the same time, their most basic rights are not protected by legal authorities. Even though *kathoey* are not criminalized as in some other countries in the region (Malaysia in particular), there is no protection against the “subtle forms of sexual oppression that pervade Thai culture” (Winter 2011, 254-255). Sam Winter also goes on to argue that *kathoey* in Thailand experience violations of many rights claimed to be protected in the constitution of Thailand, the most salient being the right to work, right to marry and to found a family, and the right to privacy. On identifying documents, for example, the legal gender of the holder cannot be changed after birth. These documents, which include the national identity card, health care card, and passport, are used for a variety of things, including conducting legal business, registering for university exams, and gaining access to health care in hospitals. As can be expected, the fact that these documents are required for legal processes allows discrimination to be rampant in these institutions. University students, for example, can be denied entering examination centers if the gender on their identifying documents do not match the strict dress code of educational institutions (Winter 2011, 258). Furthermore, until recently, transgenderism was labeled a gender identity disorder. This could lead to *kathoey* to be discharged from the military and labeled “permanently insane”, making it virtually impossible to find another decent job (Winter 2011, 265). Furthermore, same-sex unions are also still not legally recognized in Thailand.



What are the causes of this prejudice? Winter identifies five components of prejudice against the transgendered: mental pathology, denial as women, social rejection, peer rejection, and sexual deviance (Winter 2011, 265-266). As can be argued with mental pathology in mind, the main reason for this unacceptance stems from influence of ideas from the West. In premodern Siam, nonheteronormative behaviors were generally accepted and a relatively visible part of society. However, with the influence of the West, Winter argues that Western medical theories prompts and rationalizes prejudice. In other words, “the idea that transpeople are mentally ill serves to promote or support transprejudice” (Winter 2011, 267). It may also be tempting, however, to blame the misogynistic ideas of Buddhism as a cause for this prejudice. However, looking more closely, there does not seem to be any evidence pointing towards Buddhism’s role in promoting prejudice (on the contrary, Buddhism instead discourages prejudice against *kathoey* on the grounds that they are a result of accumulated karma from past lives). The third Buddhist precept on sexual misconduct, for example, do not explicitly mention homosexuality or transsexuality. This prejudice is most probably “grounded in other non-Buddhist beliefs, such as classism, animism, or Western medical theories” (Taywaditep et al.).

However, despite all this, there has been progress in LGBT rights in Thailand since the end of the 20<sup>th</sup> century. In 2002, transsexuality has finally been declassified as mental disorder, and the Thai military will no longer declare an individual “permanently insane” in discharge papers (Taywaditep et al.). Furthermore, a draft of the Civil Partnership Act has recently been submitted to the Thai legislative branch for consideration, although this has been postponed in light of the 2014 political unrest and subsequent military rule. Things are looking much better for gender and sexual minorities in legal matters in Thailand. Overall attitudes also are expected to be more accepting, due to exposure to the LGBT culture of other countries. More and more social networks have been formed, connecting previously isolated gay men in the country, many of whom do not have access to the gay scene in big

cities. Meanwhile, Thai mainstream media are starting to more accurately represent homosexuality and transgenderism (Taywaditep et al. 2009). All of these are helping to create more solidified, diverse gay identity as more and more Thai men participates in this new modernity.

The future of gender and sexual minorities in Thailand is far from bleak. As Winter notes, more recently “[*kathoey*] have shown an unwillingness to continue passive acceptance of this minoritized position, beginning instead to organize themselves to fight for rights, and working with activists in the broad GLBT community to do so” (Winter 2011, 255). Already, there are numerous LGBT organizations in Thailand, including Anjaree Thailand, the Asia-Pacific Transgender Network, and the Rainbow Sky Association. And even though the role of Thai Buddhism may have been largely ignored by most people as a possible solution, the accepting nature of Thailand’s state religion definitely will be an immense asset to the fight for equality, by promoting tolerance and acceptance of individuals with non-heterosexual identities. Though religious values may have contributed to the gender dichotomy, there is no reason why the same religion cannot be a solution, as Buddhist values have been used before to argue for a polygynous and sexually pluralistic society.

Overall, despite popular views of Thailand as accepting of homosexual and transgender identities, we see that this is not entirely the case in contemporary society. While Thai Buddhism is largely silent on homosexuality and non-binary genders, Thai monks have alluded to the fact that *pandaka*, and by extension *kathoey*, are not allowed to ordain. While there are no laws prohibiting homosexual behaviors, societal pressure often forces homosexuals to shroud their lives in secrecy. While *kathoey* seem to be largely accepted in Thai society, prejudice and discrimination run rampant in professional circles. This apparent paradox of acceptance and stigmatization is present in virtually every aspect of culture and society. However, at the coming of the millenium and with the rise of the internet, attitudes and gender identities are evolving faster than ever before. Even though homosexuality and other non-heterosexual identities are still stigmatized in Thai society, people have

become more accepting the past few years from exposure to the world of the 21st century, with the help of more sympathetic portrayals of *kathoey* in media and Buddhist ideals of tolerance and acceptance.

The cultural history of Thailand had not been without acceptance of these non-normative genders, and even though progress away from the extreme values of the 20th century may have been slow, globalism of the 21st century may be what it takes to reintroduce sexual pluralism back into Thai society. Despite the preexisting attitudes of *kathoey*, Thailand has had a head start in defining what it means to be a gender minority. Given time, it's reputation in the LGBT community may eventually be fully realized again.

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