

# **Evolution of the Meaning of Happiness in Modern Bhutan from 2008 to 2019\***

*Michael Givel<sup>†</sup>*

## **Abstract**

*Background: This paper will analyse the legal meaning of what constitutes Gross National Happiness (GNH) and happiness in Bhutan from 2008 to 2019. These legal definitions are then linked with whether they reflect balancing traditional cultural values with material needs of happiness through governmental and individual actions to become enlightened.*

*Results: Bhutanese legislative Acts from 2008 to 2019 have adopted and updated happiness requirements in five of nine GNH material domains including health, economic development, cultural resiliency, good governance, and ecological resiliency. One other Act in the area of disaster management has implemented the constitutional happiness provision for security. These Acts and constitutional provisions balance traditional values and material needs of happiness by government requirements and individual actions to become Enlightened.*

*Conclusion: The meaning of happiness in Bhutan while solidly grounded in foundational concepts of GNH and happiness continues to evolve as Bhutan progresses now and into the future.*

## **Introduction**

The definitive meaning of Gross National Happiness (GNH) and happiness in Bhutan occurred when His Majesty the Fourth King of Bhutan, Jigme Singye Wangchuck discussed and

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\* Appreciation is given to the Jigme Singye Wangchuck School of Law in Thimphu Bhutan for helpful assistance and guidance in my research related to Bhutanese statutory Acts from 2008 to 2019.

<sup>†</sup> University of Oklahoma-Norman, Department of Political Science, Norman, Oklahoma, USA. Contact [mgivel@ou.edu](mailto:mgivel@ou.edu) for correspondence and reprints.

defined GNH in the 1980s.<sup>1</sup> In a 1980 *New York Times* interview, King Wangchuck stated: "...that the country's "gross national happiness" should not be sacrificed in the pursuit of a greater gross national product." (Kaufman, 1980) In a 1986 interview with the *Weekend Financial Times of London*, the Fourth King further explained the overall meaning of GNH as balancing modern development with traditional values in Bhutan:

We are convinced that we must aim for contentment and happiness. Whether we take five years or 10 to raise the per capita income and increase prosperity is not going to guarantee that happiness, which includes political stability, social harmony, and the Bhutanese culture and way of life (Elliot, 1987).

More recently, as defined in a major national 2015 survey report on GNH and happiness in Bhutan published by the Centre for Bhutan & GNH Studies, a research institute created in 1998 by the Royal Government of Bhutan:

GNH can be both a development philosophy as well as a personal ethos and can operate at those two levels. As a personal ethos or personal program for shaping one's life-journeys and realizing wellbeing and happiness, GNH can be very helpful regardless of whether the government does or does not follow GNH policies. In our individual capacities, we can restructure our values and behaviour towards GNH to pursue wellbeing and happiness holistically; we can practice GNH independent of the government's stance.

However, individuals' behaviour and ethos, and the extent to which we can achieve wellbeing and happiness are substantially affected by a government's policies and legislations. A state frames so many aspects of people's lives;

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<sup>1</sup> Some scholars and others believe the Fourth King in 1979 on his way back from Havana, Cuba from a Non-Aligned Nation conference discussed GNH being more important than GDP with an Indian journalist at the Bombay airport, India. However, there is no authoritative citation or quotation confirming this. Some scholars and others also have stated that the Fourth King said in 1972 that GNH is more important than GDP. Again, there is no direct and written source citation of this.

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it can be GNH or some other principles that inform its development philosophy (Centre for Bhutan Studies & GNH Research, 2016)

As noted by these overarching and definitive definitions, GNH is directly linked with promoting and creating the conditions for happiness as a key personal and governmental goal. Underlining GNH and happiness as a modern goal are Mahayana Buddhist tenets to increase happiness for all including governmental laws and policies that balance material requirements with becoming enlightened (Givel, 2015).

Considering these guiding definitions and policies of the meaning of GNH and happiness in Bhutan a question arises from the perspective of formal laws and court rulings, what has been the governmental effort to promote GNH and happiness based on formal written constitutional provisions and Acts as well as written court decisions in Bhutan from 2008 to 2019? Constitutional provisions in this paper include all written provisions in the 2008 Bhutan Constitution that reference GNH and happiness. All non-constitutional provisions include Acts enacted by the Bhutanese legislature and Supreme Court rulings that have determined or provided in writing the meaning of GNH and happiness in Bhutan. For this manuscript, a written constitutional provision is further defined as:

In public law, The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers. In a more general sense, any fundamental or important law or edict; as the Novel Constitutions of Justinian; the Constitutions of Clarendon. (Garner, 2019; The Law Dictionary, 2020)

Additionally, for this paper, written Bhutanese constitutional provisions is a reflection that a constitution is the source of the ultimate authority and rule by the Bhutanese government. It is also a delineation of what government values, such as

happiness, are authoritatively embodied in the supreme law of Bhutan. Included in this supreme law of Bhutan is an expectation that all within Bhutanese jurisdiction are legally subject to these values of Bhutanese sovereignty and rule. (Bilder, 2008; Hamilton, 1931; Kay, 2001) Given this, legal Acts as defined in this paper are enacted by a legislature and are created within the legal meaning and intent of Bhutanese constitutional provisions. (The Law Dictionary, 2021) Court decisions as defined in this paper interpret the intent and purpose of Bhutan's formal and written Acts and constitutional provisions.

In 2008, Bhutan adopted its first written constitution with a specific provision for GNH as well as two other constitutional provisions that delineate happiness. For this manuscript, I will analyse any written 2008 Constitution, any legal statutory Acts, and Bhutan Supreme Court decisions that provide a meaning of GNH and happiness from 2008 to 2019. This will be conducted in order to ascertain the current constitutional provisions, Acts, and court formal written legal meanings in Bhutan of GNH and happiness as they relate to the authoritative definitions of GNH and happiness as provided by the Fourth King of Bhutan in the 1980s and the Centre for Bhutan Studies & GNH in 2015.

## **Methods**

For this paper, the plain meaning of direct written 2008 constitutional provisions referencing GNH and happiness will be analysed. The *plain meaning for this manuscript* will follow the primary premise of legal positivism,<sup>2</sup> as the ordinary or

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<sup>2</sup> "Legal positivism is the thesis that the existence and content of law depends on social facts and not on its merits. The English jurist John Austin (1790–1859) formulated it thus: The existence of law is one thing; its merit and demerit another. Whether it be or be not is one enquiry; whether it be or be not conformable to an assumed standard, is a different enquiry." as noted in the *Stanford Encyclopedia of Philosophy* at: <https://plato.stanford.edu/entries/legal-positivism/>

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literal meaning of the language of a legal constitutional provision, statutory Act, or Bhutan Supreme Court case. (US Legal, 2019) For this paper, the plain meaning of the constitutional provisions, Acts, and court decisions will be analysed using this conservative approach to determining actual and literal meaning and intent.

The year 2008 was chosen to commence this analysis as this is when the first Bhutanese written constitution was adopted. Included in a first table will be the name of the constitutional legal citation and the date it was created. Every 2008 constitutional provision directly delineating GNH and happiness will then be provided verbatim. Finally, an analysis of the literal meaning of what is defined and meant as GNH and happiness will be in the final column of each table.<sup>1</sup>

A second table will include the name of adopted Acts referencing GNH and happiness from 2008 to 2019 and the date they were created. Every 2008 to 2019 Act provision directly defining GNH and happiness will then be provided verbatim. Finally, a summary of the literal meaning of what is defined and meant as GNH and happiness will be in the final column of each table. And in a third table, each Supreme Court decision name, and the date it was decided will be provided. Every Supreme Court section in a decision directly denoting GNH and happiness will then be provided verbatim. Finally, a summary of the literal meaning of what is defined and meant as GNH and happiness will be in the final column of this table.

Next, an analysis will be provided of the relationships and linkages of each of the Acts and Supreme Court decisions as compared with each literal meaning of GNH and happiness in the constitutional provisions. Through this analysis, this paper will ascertain if each meaning of GNH and happiness in Acts and Supreme Court decisions are congruent with the

constitutional provisions or have new definitions of GNH and happiness definitions occurred since the adoption of the 2008 Constitution.

Finally, a summary and analysis will be provided on whether the GNH and happiness provisions in the constitution, statutes, and court decisions are congruent with a balance of protecting traditional cultural values with material needs by individual or government efforts. This analysis will be conducted by summarizing in the first column of a third table all the literal meanings of GNH and happiness in Acts and Supreme Court decisions. The second column of this table will indicate their congruency or not with the overarching constitutional provisions of GNH and Happiness. The next column of this table will denote if each of these literal meanings of GNH and happiness focus on cultural or material realms or both. Finally, the last column of the table will describe if this is primarily individual or governmental or both in implementation. In this way, this table will illustrate how GNH and happiness is being defined and implemented from 2008 to 2019 based on Acts, Bhutan Supreme Court decisions, and constitutional provisions.

For this paper, the data will be obtained on the Bhutanese 2008 Constitution and Acts from the Bhutan Office of the Attorney General's webpage entitled, "Acts." (Royal Government of Bhutan-Office of the Attorney General, 2020) The Supreme Court decisions are located on the Bhutan Royal Court of Justice, Supreme Court web page, entitled "Judgments." (Royal Court of Justice Bhutan-Supreme Court, 2020)

## **Results**

In 2008, GNH was officially codified in the first written Constitution of Bhutan as well as the written Constitution containing two other references regarding happiness (Table 1). (Royal Kingdom of Bhutan, 2008) One written constitutional provision includes generally promoting GNH. The two other

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written constitutional provisions that reference happiness include, collectively, promoting happiness through liberty, justice, tranquillity, unity, peace, security, and good governance. These three constitutional provisions provide the overarching written legal framework and context in which the Acts are enacted.

Table 1. Happiness provisions in 2008 Bhutanese written constitution

Name	Date	Text of legal provision	Summary of definition of happiness
Bhutanese Constitution	2008	In Preamble: “SOLEMNLY pledging ourselves to strengthen the sovereignty of Bhutan, to secure the blessings of liberty, to ensure justice and tranquillity and to enhance the unity, happiness and well-being of the people for all time.”	Happiness is liberty, justice, unity, tranquillity, and well-being of the people.
Bhutanese Constitution	2008	Article 9, Section 2: “The State shall strive to promote those conditions that will enable the pursuit of Gross National Happiness.”	Happiness is promotion of societal conditions for GNH.
Bhutanese Constitution	2008	Article 20, Section 1: “The Government shall protect and strengthen the sovereignty of the Kingdom, provide good governance, and ensure peace, security, well-being and happiness of the people.”	Happiness is good governance, peace, security, well-being and happiness.

### **Bhutan Legislative Acts Interpreting Happiness**

Of the 38 Bhutan Acts enacted nationally between 2008 and 2019, 13 have written provisions directly defining the meaning of happiness (Table 2): Anti-Corruption Act, 2011; Bhutan Education City Act, 2012; Child Adoption Act, 2012; Civil Service Act, 2010; Domestic Violence Prevention Act, 2013; Local Government Act, 2009 (and 2014 Amendment); Narcotic Drugs, Psychotropic Substances & Substance Abuse Act, 2015; Original Translation of Bhutanese 1652 Legal Code,

2014; Tobacco Control Act, 2010; University of Medical Sciences, 2012; Waste Prevention & Management Act, 2009; Water Act of Bhutan, 2011. These acts, collectively, define happiness as protecting environmental quality, encouraging economic development, protecting culture and traditions, promoting good governance, sponsoring equality and justice, ensuring quality disaster management approaches, and ensuring and providing proper quality health options for Bhutanese citizens. As of 2019, no written Supreme Court decisions (and no table is, therefore, required) addressed and interpreted from a constitutional perspective the meaning of GNH and happiness (Royal Court of Justice Bhutan, 2016).

Table 2. Happiness provisions from 2008 to 2019 in all Bhutanese enacted acts at national level

Name	Date	Text of legal provision	Summary of happiness definition
Anti-Corruption Act	2011	In Preamble: "Bearing in mind the pursuit of Gross National Happiness to fulfil the people's aspirations and needs and enhance transparent and accountable governance"	Good Governance
Bhutan Education City Act	2012	Section 20, (Education City, board of director's duties): "Promote the City consistent with the Laws, Policies, environmental issues, national heritage and gross national happiness"	Environmental quality, culture
Child Adoption Act	2011	In Preamble: "WHEREAS, it is expedient that for the full and harmonious development of a child's personality, a child must grow up in a family and social environment of love, care and happiness"	Child Development and Culture
Civil Service Act	2010	In Preamble: "Whereas, it is expedient to develop a "small, compact and efficient Civil Service" as an important agent for the realization of the vision of Gross National Happiness"	Good Governance



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Disaster Management Act	2013	In Preamble: "WHEREAS in pursuit of Gross National Happiness, the Royal Government of Bhutan deems it necessary to protect the lives and properties of the people, ensure safety and security of the public assets and services by reducing and managing risk arising out of disaster, which threatens or affects the nation as a whole or part thereof"	Disaster management
Domestic Violence Prevention Act	2013	Paragraphs 1 and 2 of Preamble: "WHEREAS in consonance with the Constitution of the Kingdom of Bhutan towards the right to equality and to freedom and security of a person with the ultimate desire to realize happiness for all its citizens" "WHEREAS traditional means prevail to foster and promote family integrity and institution in the pursuit of Gross National Happiness"	Equality and family and culture
Local Government Act	2009; 2014	Paragraph 48: "(a) Promote conditions that will enable the pursuit of Gross National Happiness"	Promote good governance
Narcotic Drugs, Psychotropic Substances & Substance Abuse Act	2015	In Preamble: "WHEREAS, the Constitution of the Kingdom of Bhutan provides for the promotion of those conditions that will enable the pursuit of Gross National Happiness; WHEREAS, the health and well-being of the people of Bhutan are important elements of the development principle of Gross National Happiness"	Health
Companies Act	2016	Section 163: "The Regulatory Authority shall establish a Code of Conduct for the governance of companies which shall promote those conditions that will enable the pursuit of Gross National Happiness in	Economic development and business

		accordance with Article 9, section 2 of the Constitution of the Kingdom of Bhutan"	
Tobacco Control Act	2010	In Preamble: "Concerned with the physical health and well-being of the people of Bhutan which are important elements of the development principle of Gross National Happiness"	Health
University of Medical Sciences Act	2012	In Preamble: "WHEREAS, the people must have access to the high quality, wholesome health care services through holistic, patient centred, evidence-based and culturally appropriate approaches in harmony with the development paradigm of Gross National Happiness"	Health
Waste Prevention & Management Act	2009	In Preamble: "Protecting the environment and human health through sound management of waste in pursuit of Gross National Happiness and the age-old tradition of living in harmony with nature "Section 7: "The Middle Path and Gross National Happiness"	Environmental quality and health
Water Act of Bhutan	2011	In Preamble: "Being determined to protect the environment and human health through integrated water resources management in pursuit of Gross National Happiness and the age-old tradition of living in harmony with nature"	Environmental quality and health

### **Congruency of Acts and Supreme Court Ruling with Constitutional Provisions**

Overall, modern happiness as defined by written legislative Acts from 2008 to 2019 include: protecting culture and fostering traditions of Bhutan including Mahayana Buddhism and various Bhutanese customs. It also is living in harmony with nature, good governance, healthcare, disaster management, and proper economic development. When these are assessed and linked with the two constitutional

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requirements of promoting happiness by requiring: liberty, justice, tranquillity, unity, peace, security, and good governance. Only in the area of disaster management is there a link to the constitutional happiness provision of security.

The happiness provisions in these written Acts are, however and in part, congruent with the third constitutional goal of generally promoting GNH. GNH has nine general domains including: time, health, psychological well-being, time use, education, cultural diversity and resilience, good governance, community vitality, ecological diversity and resilience, and living standards (Centre for Bhutan Studies & GNH Research, 2016) In particular, the Acts from 2008 to 2019 provide new and expanded programmatic and policy descriptions on happiness in five of these nine GNH domains including health, good governance, economic development, ecological diversity and resilience, and cultural diversity and resilience.

### **Overall Happiness and GNH and Bhutanese Acts, Court Decisions, and Constitutional Provisions**

Related to the primary definitions of GNH and happiness by the Fourth King and the Centre for Bhutan & GNH Studies that GNH and happiness includes balancing material needs with traditional cultural requirements through individual and government approaches, the three constitutional provisions of GNH and happiness and the Acts that implement these constitutional provisions include requirements for material needs balanced with traditional culture (Table 3). This includes balancing the domain of cultural diversity and resilience with material needs in four of the other domains including the areas of health, good governance, ecological diversity, and economic development. While primarily emphasizing governmental approaches, the promotion of cultural diversity and resilience include providing the conditions through GNH adopted by government actions for individual pursuits to become enlightened and to preserve traditional culture.

Table 3. Overview from 2008 to 2019 of Bhutanese acts, court decisions, and constitutional provisions with general goals of GNH and happiness.

Summary of General Supreme Court and Statutory Definitions of GNH and Happiness	Congruency with Overarching Constitutional Defining GNH and Happiness?	Emphasizes Material or Cultural?	Implemented by Individual or Government Requirements?
Good Governance	Yes. GNH goal of good governance	Material	Government
Environmental Quality	Yes. GNH goal of ecological diversity and resilience	Material	Government
Cultural Protection Including Child and Family Development	Yes. GNH general goal of cultural diversity and resilience	Culture	Government and Culture
Disaster Management	Extends meaning of GNH and happiness to disaster management	Material	Government
Health	Yes. GNH general goal of health	Material	Government
Economic Development	Yes, GNH general goal of economic development	Material	Government

### **Conclusion and Analysis**

Enacted legislative Acts from 2008 to 2019 have in significant part adopted, expanded, and implemented happiness requirements in five of nine GNH domains. Additionally, Acts and constitutional provisions balance culture resiliency with material needs to obtain happiness. All have been enacted through government actions although protecting cultural diversity can be accomplished through governmental requirements to preserve cultural diversity along with individual efforts to become enlightened. One other Act in the area of disaster management has implemented the constitutional provision for security.

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This paper reveals that while Bhutan has primarily adopted and implemented from a legal perspective, key general elements of GNH and happiness, recent changes in definitions in new programme areas like disaster management continue to extend the definition of what is meant by being happy. Given this development, any new formal and written legal developments in the definition of happiness need to be monitored and considered carefully in the upcoming years to maintain a current overview and context of what future happiness in Bhutan means. The meaning of happiness in Bhutan while solidly grounded in general and foundational policies and concepts of GNH and happiness continue to be updated and evolve as Bhutan progresses now and into the future.

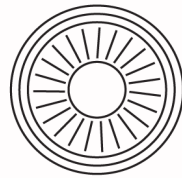
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# Journal of Bhutan Studies

Volume 43, Winter 2020 \* ISSN 1608-411X



Centre for Bhutan & GNH Studies