Championing Muay Thai in Canada: A Legal History from Criminalized to Recognized

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ABSTRACT:

The legal history of Muay Thai, like many combat sports in Canada, begins with criminalization and policing, includes a fight for legalization and recognition, and now enjoys governmental sanctioning support. In June 2024, the International Federation of Muay Thai Associations (IFMA), hosted the Senior World Championship tournament in Greece and celebrated the recent recognition of Muay Thai by the International Olympic Committee and pursuit of inclusion in future Olympic Games. This article takes a sociolegal history approach to the efforts to legalize Muay Thai. The article separates the legal history of Muay Thai in Canada into four time periods: (i) the period of outright criminalization of prize fighting, (ii) establishing the first Muay Thai training facility in Toronto in the 1980s-1990s, (iii) the legal advocacy efforts for governmental recognition and achievement of Provincial Sport Organization (PSO) status in the 2010s, and (iv) the successful governance of Muaythai Ontario as the model for other PSOs in Canada in the 2020s. In doing so, this article argues that the legal transformation of Muay Thai reveals how criminal law has historically enforced dominant cultural norms while marginalizing racialized practices, and how current legal reform signals a broader shift toward pluralistic recognition in sport regulation.

Keywords: *sport law, legal history, criminal law, prize fighting, Muay Thai, combat sports, sport governance*

INTRODUCTION

Muay Thai – also known as Thai boxing – has a complicated and unique legal history in Canada that illustrates the struggle of amateur combat sports from being deemed illegal prize fights to fully regulated amateur sport competition by provincial governments. For most of Canadian history, combat sport competitions were criminalized as illegal prize fights under the *Criminal Code*.[1] As the sport of mixed martial arts (MMA) grew in popularity across North America

[1] Currently s. 83, under PART II – Offences Against Public Order, Criminal Code, R. S. C., 1985, C. C-46).

during the 1990s and 2000s, governments necessarily began investigating avenues to regulate amateur and professional combat sports.[2]

In tandem, the Muay Thai community in Ontario steadily grew, with an Ajahn (Thai teacher/professor) supporting Krus (Muay Thai instructors) to establish training facilities, sharing knowledge with students, and developing world champions. With several iterations and attempts at leadership, a few members of the Muay Thai community collaborated with the Ontario government to establish a Muay Thai organization that would see athletes develop and compete. In 2017, an organization called Muaythai Ontario (MTO) emerged and now enjoys full authority to sanction legal Muay Thai competitions province wide.[3] As of writing this article, the organization is working closely with the national organization, Muaythai Canada (MTC), to encourage Muay Thai communities in other provinces to seek provincial recognition and PSO status.

This article argues that the legal status of Muay Thai in Ontario reflects a broader tension between criminal law's historical moral paternalism and contemporary demands for cultural pluralism, regulatory nuance, and athletic opportunities. In tracing Muay Thai's journey from criminalization under s. 83 of the *Criminal Code* to its recognition and regulation as a legitimate amateur sport, the article highlights how legal reforms were not merely technical but symbolic acts of cultural inclusion. In recovering this legal history, Muay Thai is situated within a larger narrative of resistance, resilience, and the complex interplay between law, identity, and legitimacy in the Canadian sport landscape.

BACKGROUND OF MUAY THAI

Muay Thai is the national sport of Thailand and is now practiced worldwide as a popular combat sport and martial art. Today, a typical Muay Thai competitive bout involves two athletes entering a four-sided roped ring, performing a *wai kru* as a salute to their teachers, and engaging in combat for three to five rounds, each round lasting two to five minutes with a brief break in between rounds. Athletes strike each other with gloved fists, kicks,

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2 Jared Walters & Michael Heine, "Between 'Battlecade' and 'UFC Redemption': The Growth of Mixed Martial Arts in Canada 1996–2013"(2021) 38:5 *The International Journal of the History of Sport* 527 – 544.

3 Discussed at length in Part III.

elbows, and knees[4] to either (1) score points to win a favourable decision from the judges, or (2) cause the referee to stop the match early by rendering the opponent unfit to continue the competition.[5] Muay Thai competitive events draw large cheering crowds, and each event generally features ten to fifteen bouts.

This modern iteration of Muay Thai developed from a rich centuries-long history.[6] The history of Muay Thai can be separated into three distinct time periods: the War Period, the Game Period, and the Sport Period.[7] As a martial art, Muay Thai was developed during harsh wartimes in Siam (later renamed Thailand in 1939).[8] During the War Period, the common Thai in rural areas used any and every possible weapon at their disposal to protect their homes from raiding rival kingdoms, villages, and nomadic tribes. This period is characterized by the necessity of survival, with no formal rules or organization, and a drive to incapacitate one's attackers by any means necessary.

During the Game Period, hand-to-hand combat styles were refined during peacetimes. Competitions between fighters kept their skills sharp for the next war or invasion. During this period, different styles of Muay Thai developed in the different regions of Siam, and rulers held competitions to showcase the best warriors from each region.[9] These organized competitions

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4 In this way, fighters may strike with eight weapons (right and left fists, feet, elbows, and knees), earning Muay Thai the nickname "the Art of 8 Limbs."

5 Each Muay Thai sanctioning body follows its own set of rules for competition. For example, see MTO's "Single Event Competition Rules & Regulations."

6 The authors do not adopt the academic arguments that the history of Muay Thai is an "invented tradition" or a "myth." Rather, the authors adopt the understanding that martial arts develop over time, and the present-day sport of Muay Thai is a highly refined version of the deadly martial art practiced during wartimes. For arguments to the contrary, see Ivo L. Muller-Junior & Andre M. Capraro, "Muay Thai: The Consolidation of an Invested Tradition as a Martial Art" (2022) 22:3 *Journal of Martial Arts Anthropology* 44 – 50.

7 See Peter Thomas Vail, "Violence and Control: Social and Cultural Dimensions of Boxing in Thailand" (1998) *Doctoral Dissertation: Cornell University* at pp. 55 – 111.

8 Vail suggests that the change in name was part of the modern nationalization process of the early twentieth century. Peter Vail, "Muay Thai: Inventing Tradition for a National Symbol" (2014) 29:3 *Journal of Social Issues in Southeast Asia* 509 – 553 at p. 529.

9 Vail, *ibid* at p. 520 – 522.

did not resemble the controlled competitions of today, and they regularly ended with severe injuries or the death of a fighter.[10] The best Thai boxers were rewarded with positions as palace guards, a position that opened a desirable pathway for poor rural fighters to attain the King's favour, honour, and a source of income.[11]

It was only during the modern Sport Period that Muay Thai was refined into the organized sport that is popular today. Discussed more in Part II below, Muay Thai was refined in the twentieth century to more closely resemble English Queensberry-rules boxing, which included gloves, timed rounds, and a referee to moderate violence and prevent serious injury and death.[12] It was this refined version of Muay Thai as a martial art and combat sport that spread globally in the 1980s and 1990s, and is now celebrated and fully recognized by the International Olympic Committee.[13] Muay Thai gained global recognition during the rise of popularity of Mixed Martial Arts (MMA) competitions in the 1990s and 2000s.[14] In fact, Muay Thai is regarded as one of the core four martial art disciplines integral to any MMA education, along with Brazilian Jiu-Jitsu, English boxing, and wrestling.[15]

MUAY THAI IN ENGLISH-LANGUAGE LITERATURE

In Thailand, Muay Thai is an established academic field of research. Universities in Thailand devote entire programs, including undergraduate and graduate programs, on both the practical aspects of the sport as well as

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10 Charn Panarut, "Sports in Pre-Modern and Early Modern Siam: Aggressive and Civilized Masculinities" (2018) *Doctoral Dissertation: University of Sydney* at p. 158 – 164.

11 *Ibid*; Vail, *supra* note 7, at p. 61 – 64.

12 Vail, *ibid* at p. 531.

13 The International Olympic Committee granted full recognition to Muay Thai and the International Federation of Muaythai Association – Amateur (IFMA) on 20 July 2021: "IFMA Granted Full Recognition at 138th IOC Session in Tokyo" (20 July 2021), *IFMA News*.

14 Vail, *supra* note 8.

15 S. H. Bishop, P. La Bounty, & M. Devlin, "Mixed Martial Arts: A Comprehensive Review" (2013) 1:1 *Journal of Sport and Human Performance* 28 – 42.

the academic discipline.[16] Despite its popularity as a sport, there is little English-language academic research on Muay Thai.[17]

English social science literature on Muay Thai largely offers socio-historical research[18] and several gender studies.[19] Three doctoral dissertations offer prominent socio-historical research into Muay Thai. Vail's 1998 doctoral thesis uses mixed historical and anthropological methods to explore the history and cultural significance of Muay Thai in Thailand.[20] Panarut's 2018 dissertation uses sociolegal methods to research sport in pre-modern and early-modern Thailand, focussing on violence, aggression, and masculinity.[21] Schissel's 2019 dissertation uses ethnographic methods to research the Thai fighter's body as a ritual site of violent sacrifice for social and spiritual upward mobility.[22]

Academic sociolegal research tends to focus on explorations of combat sports and prize fighting more generally. Separately, Anderson[23] and Frisbee[24] explore the sociolegal history of prize fighting in twentieth-century United States. Combat sports are the topic of research for King,[25] and

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16 Vail, *supra* note 8 at p. 535 – 538.

17 *Ibid* at p. 513.

18 Vail, *supra* note 7.

19 See, for example, Pattana's and Panarut's separate research on masculinity and gender, Davies & Deckert's research on femininity, and Rennesson's research on transgender experiences in Muay Thai. Kitiarsa Pattana, "Lives of Hunting Dogs: Muai Thai and the Politics of Thai Masculinities" (2005) 13:1 *South East Asia Research* 57 – 90; Panarut, *supra* note 10. Sharyn Graham Davies & Antje Deckhert, "Muay Thai: Women, Fighting, Femininity" (2020) 55:3 *International Review for the Sociology of Sport* 327 – 343..

20 Vail, *supra* note 7. Vail continued occasionally writing about Muay Thai in his later works, see Vail, *supra* note 8.

21 Panarut, *supra* note 10.

22 Paul William Scissel, "On the Corporeal Exchange: Thai Boxing's Sacrificial Movement" (2019) *Carolina Digital Repository*.

23 Jack Anderson, "A Brief Legal History of Prize Fighting in Nineteenth Century America" (2009) 24:1 Sport in History 32 – 62.

24 Margaret Frisbee, "The Fight of the Century: The Regulation and Reform of Prizefighting in Progressive Era America" (2010) University of New Mexico Digital Repository.

25 Stephen Edward King, "Consensual Violence and the State: A Case Study in Combat Sport" (2011) University of Limerick School of Law (Dissertation).

Walters and Heine[26] focus on MMA specifically. Other research explores Canadian sport law and policy broadly.[27]

In his book, Bruce Kidd acknowledges the lack of scholarly historical research exploring Canada's history with sport and policy.[28] Presently, there are no academic publications addressing Muay Thai in Canada, and no research on Muay Thai and Canadian sport law. This article hopes to be the first of many to highlight Muay Thai as a topic of academic interest in Canada. Specifically, this article will explore the cultural origins of Mauy Thai in Thailand, and the Ajahn (Thai teacher/professor) who brought authentic Muay Thai to Canada.

In reviewing Muay Thai literature for the present article, one glaring oversight is the lack of collaboration between authors of different cultural backgrounds. This article embraces collaboration between two academic researchers educated at Canadian institutions and one Ajahn of Muay Thai educated in Thailand and now residing in Canada. Discussed more immediately below, this article also hopes to serve as an example of cross-cultural collaboration in authorship to interrogate the development of a culturally specific martial art into a regulated combat sport in a foreign nation.

METHODOLOGY & SITUATING THE AUTHORS

This paper takes a sociolegal approach to researching the legal development of one combat sport, Muay Thai, in Canada. This includes a review of both the social context and legal history of criminal prize fighting, the legalization of English-style boxing, and the eventual law reform allowing for governmental regulation of amateur combat sports.

To better understand the sociolegal context of the regulation era from 1990 to present-day, this research utilizes life history methodologies to gain insights from the "Father of Muaythai Canada," founder of Muaythai Ontario, and co-author of this article, Ajahn Suchart Yodkerepauprai.[29] Any

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26 Walters & Heine, supra note 2.

27 See, for example, Bruce Kidd, The Struggle for Canadian Sport (University of Toronto Press, 1996).

28 Ibid at p. 8-10.

29 Muay Thai Dojo, "Ajahn Suchart: The Father of Muay Thai in Canada" (11 October

historical sociolegal review of Muay Thai in Canada and Ontario would not be complete without the perspective and experiences of Ajahn Suchart.

Initially, this project planned to engage with Ajahn Suchart in a series of researcher/participant interviews, feedback, sensemaking, and narrative building. However, as the plan developed, it became clear that Ajahn's contributions to the article would surpass the role of interviewee or participant. In their review of life history methods, Tierney & Lanford describe how a research narrative can be "co-constructed to such an extent that the interviewer and interviewee are joint authors."[30] Because the authors of this article sought to co-construct this history of Muaythai Ontario, having Ajahn as a co-author is an appropriate choice for several reasons.

The foremost reason to include Ajahn as a co-author is to establish a cross-cultural collaboration in academia previously unforeseen in Muay Thai literature. The bulk of scholarly work on Muay Thai is either drafted entirely by Thai authors, or solely by non-Thai authors. Other qualitative research showcases non-Thai authors translating the experiences of Thai practitioners of Muay Thai for English-speaking audiences.[31] This article may be the first of its kind – and certainly is the first of its kind in Canada – to showcase collaboration between an Indigenous Thai author and non-Thai authors writing on the subject of Muay Thai. This article combines the sociolegal history provided by the first author, the life history provided by the second, and harmony in translation provided by the third. The perspectives in this article work together to weave the narrative of how Muay Thai grew from outright criminalization to full legal regulation in Ontario.

For Ajahn's contributions to the article, life history methodologies provide in-depth insights and contextual understanding of Muay Thai development in Ontario. His personal connection with establishing and growing the Muay Thai community in the Greater Toronto Area and

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2023) *Muay Thai Dojo* (blog). Ajahn Suchart lists his achievements and awards as including a 2008 recognition as the Father of Muay Thai in Canada as awarded by his Muay Thai students in Ontario, "Ajahn Suchart Yodkerepauprai."

30 William G. Tierney & Michael Lanford, "Life History Methods" in Paul Atkinson, Sara Delamont, Alexandru Cernat, Joseph W. Sakshaug & Richard A. Williams (eds.), *SAGE Research Methods Foundations* (SAGE Publications Ltd., 2019) at p. 13.

31 See, for example, the excellent ethnographic research conducted by Paul William Scissel for his doctoral dissertation, *supra* note 22.

founding the MTO organization provides a strong, rich, and unique account to the sociolegal analysis. There are weaknesses to life history research, most evidently for the present article is a lack of written and published verifiable and historical information. This issue is exacerbated by Thai culture largely relying on oral histories, a fruitful academic field in Thailand.[32] Indeed, Ajahn Suchart often provides an oral history account of his role in developing the Muay Thai community in his seminars to Kru's (Muay Thai instructors) and Poo Choi Kru's (assistant instructors).

In this article, information from Ajahn's life history is woven into the narrative, reflecting the oral history tradition deeply embedded in Thai culture. As a result, some information presented may not be accompanied by conventional sources and documentation. Thai cultural practices emphasize the transmission of knowledge and history through oral storytelling, and Ajahn's recounting of events, experiences, and insights are presented in this spirit. Where available, supporting documentation has been referenced to corroborate key points and provide additional context. This approach aims to honor and preserve the authenticity of Ajahn's oral contributions while maintaining academic rigor through the inclusion of verifiable sources.

To further situate the authors, all three were well-acquainted prior to commencing the present research. At separate times, Ajahn Suchart taught both Canadian authors in the history, tradition, and practice of Muay Thai. One Canadian author trained and competed in Muay Thai and is still heavily involved in the planning and administration of coaching courses, which are led by the Thai author. The other Canadian author started training Muay Thai the same month they started law school, continues to train and compete as a PhD student, and recently represented Team Canada at the 2024 Senior World Championship hosted by the International Federation of Muay Thai Associations (IFMA).[33] In situating all three authors as heavily involved in the Canadian Muay Thai community, the authors have an interest in the sport's success in Canada.

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[32] See, for example, Rujaya Abkakorn, "The Making of Oral History in Thailand" in Ralph W. Manning & Virginie Kremp, *A Reader in Preservation and Conservation* (*IFLA Publications*, 2000).

[33] As of 2024, the IFMA world championship tournaments are the highest level tournament for amateur athletes. That is, until Muay Thai is included in the Olympic Games, which is anticipated in the coming decades.

At the time of writing this article, one author sits on the Board of Directors of MTO, the PSO which is also the subject of the present research. Despite this apparent conflict of interest, the authors are dedicated to providing an accurate reflection of the development of Muay Thai in Ontario in the hopes that communities in other provinces will seek PSO status, further legitimizing the sport in Canada.

Article Structure

To accurately reflect the history of Muay Thai's development in Ontario, this article proceeds in four parts. Part I reviews the sociolegal context of the criminalization of prize fighting in Canada, which consequently criminalized combat sports and Muay Thai. Prize fighting, particularly bare-knuckle boxing, was criminalized nation-wide with Canada's enactment of the *Criminal Code* in 1892. The prohibition of such violence was integral to both the economic and civilization goals of young Canada. Incremental law reform slowly allowed for some forms of controlled and socially acceptable forms of public violence.

Part II describes how Muay Thai was reformed in Thailand to reflect the global turn toward safe competition in sport. This section further recounts Ajahn Suchart's journey from Thailand to Canada, including his establishment of the first Muay Thai training facility in Toronto in the 1980s and development of the Muay Thai community in Ontario. As Ontario began regulating certain combat sports, two Muay Thai competitive events hosted by gym owners were prosecuted for their alleged illegality, signaling that early efforts to regulate Muay Thai were not entirely successful.

Part III explores the regulation era of combat sports in Ontario, highlighting how Ajahn Suchart pursued the establishment of MTO and sought PSO status and governmental sanctioning authority. Law reform addressed the social demand for amateur and professional combat sports, especially MMA. This created the opportunity for organizations of all combat sports to seek governmental recognition. MTO emerged as the successful Muay Thai organization being recognized by the government and granted PSO status.

Lastly, Part IV focusses on the successes and challenges of MTO in its first seven years as sole sanctioning authority for Muay Thai in Ontario. Despite the challenges of the COVID-19 stop of play for all sports in Ontario, MTO persevered to grow the sport after lockdown restrictions

lifted. With MTO as an example of a successful PSO, leaders of Muaythai Canada, including Ajahn Suchart, may use their experiences to establish a Muay Thai National Sport Organization recognized by Sport Canada, as well as encourage Muay Thai communities in other provinces to seek their equivalent of PSO status, further legitimizing Muay Thai in Canada.

PART I: PRIZE FIGHTING CRIMINALIZED

Prize fighting, a term that encompasses participation in combat sports and by extension Muay Thai, was criminalized in Canada in the nineteenth century.[34] The *Criminal Code* enshrined the prohibition of prize fighting in its first version in 1892.[35] The crime of prize fighting was briefly amended in 1934 to allow for the regulation of English-style boxing and wrestling, but was otherwise unchanged until 2013.[36] This section describes the sociolegal context in which prize fighting was criminalized, the global proliferation of Eastern combat sports, and Canada's slow reaction to the social demand for regulated violence.

In his article, Tony Joyce describes how lawmakers and politicians regulated sport in Toronto between 1845 and 1886.[37] During this precarious time of Canada's infancy as a nation, strict regulation of combat sports was justified by two overarching rationales. The first engages with the capitalistic and economic concerns, and the second engages with moral concerns surrounding ideals of civility.

Regarding the first rationale, politicians and upper-class Canadians sought to regulate any behaviours of working-class men that detracted from their labour and productivity. In 1845, the *Lord's Day Act* prohibited many popular recreational activities from being enjoyed on the labouring man's only day off from work – Sunday. By prohibiting recreational activities, and therefore lessening the heavy alcohol consumption that accompanied them, the state sought to ensure that labourers were ready to gainfully return to work Monday morning without the hindrance of inebriation, sleepiness, or

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34 Tony Joyce, "Canadian Sport and State Control: Toronto 1845-86" *The International Journal of the History of Sport* 22 – 37.

35 *Ibid.*

36 *An Act to Amend the Criminal Code*, S.C. 1934, c. 47; Edited Hansard No 184 of 23 November 2012, 41st Parl 1st Sess.

37 Joyce, *supra* note 34.

injuries caused by fighting. The state criminalization and regulation of sport, gambling, and recreation served to further the economic and capitalistic pursuits of politicians and upper-class men.[38]

Beyond those interests, prize fighting and blood sports conflicted with the civilizing goals of the settler-colonial project in Canada. Indeed, the European turn toward morality in the nineteenth century influenced British North America's colonial project, where settlers sought to civilize the new nation of Canada by criminalizing certain immoral acts.[39] This "moral crusade," driven by socio-racial stigmatization and societal demands for a common moral monstrosity, included criminalizing the violent and bloody sport of prize fighting.[40]

Thus, these two rationales justified early legislation between 1881 and 1886 that specifically banned prize fighting and blood sports in Toronto.[41] Penalties for prize fighting included imprisonment up to three months and fines up to one hundred dollars. These penalties applied to any fighter, trainer, second cornerman, doctor, referee, assistant, or reporter who participated in any aspect of a prize fight.[42]

By Canada's enactment of the *Criminal Code* in 1892, prize fighting was formally criminalized across the entire country, with no exceptions.[43] Doctrinally speaking, the prohibition of prize fighting appeared under Title II "Offences Against Public Order, Internal and External" and Part V "Unlawful Assemblies, Riots, Breaches of the Peace." Section 92 of the *Criminal Code* briefly defined prize fighting as "an encounter or fight with fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them."

The specific offences were elaborated in ss. 93-96. Section 93 prohibited challenging, accepting, training for, acting as a trainer or second, or intending to engage in a prize fight, as well as promoting a planned fight. Section 94 prohibited participating as a fighter in a prize fight. Section 95

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38 *Ibid* at p. 34.

39 Matthieu Quidu, "'Moral Crusades' Against Combat Sports" (2018) 2:2 *The Philosophical Journal of Conflict and Violence* 173 – 214.

40 *Ibid* at p. 179.

41 Joyce, *supra* note 34 at p. 22.

42 *Ibid* at p. 29.

43 *Criminal Code 1892*, R. S.C., c. 153 at ss. 92 – 97.

prohibited attending a prize fight as a second, surgeon, umpire, assistant, reporter, or promoter. Section 96 prohibited leaving Canada to participate in a prize fight. Section 97 offers one defence for the charge of prize fighting, being that the fight was a consequence of a "quarrel or dispute" between the two parties.

Sentencing options for prize fighting varied between the specific charges. For promoting, challenging, accepting, and training to fight, the penalty was a minimum fine of one hundred dollars and a maximum fine of one thousand dollars, and a possible carceral sentence up to six months. For those that participated in prize fights as a fighter, the penalty was a minimum three-month and maximum twelve-month carceral sentence. Those who assisted or attended the fights in a prohibited role were subject to a minimum fifty dollar fine and a maximum five hundred dollar fine, and a possible carceral sentence up to twelve months. For those who travelled outside Canada to fight, the penalty was a minimum fine of fifty dollars and a maximum fine of four hundred dollars, and a possible carceral sentence up to six months.

While all forms of prize fighting were criminalized in Canada, boxing made a popular revival in England under the guise of "sparring" under the new Queensberry Rules for boxing.[44] Established in London under the Marquis of Queensberry in 1867, Queensberry Rules attempted to civilize the sport of boxing, which had previously been highly unregulated.[45] Twelve new rules mandated that boxing matched be held in a ring, with timed rounds, a referee to moderate violence, gloves to prevent injuries, and prohibited the striking of a downed athlete, among other rules. The new civilized version of boxing became popular in London and quickly spread throughout Europe and the colonies, including Canada.[46]

The import of gloved sparring boxing exhibitions proved more morally palatable than the violence of bare-knuckle prize fighting. In Toronto, police were less inclined to enforce the prize fighting prohibition for exhibitions of English gentile boxing.[47] However, when the cool emotions of sparring

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44 *Ibid* at p. 30; Vail, *supra* note 8 at p. 531.

45 Deborah Jump, *The Criminology of Boxing, Violence, and Desistance* (Bristol University Press, 2020) at p. 18 – 19.

46 Thai boxing adapted Queensberry Rules to Muay Thai in 1930. Vail, *supra* note 8.

47 Joyce, *supra* note 34 at p. 30.

heated into bloodlust of fighting, police would step in to stop fights.[48] In this way, the state sought to control and regulate combat sports, preventing combat sports from offending the moral standards of Canada's emerging politic. While sparring and wrestling exhibitions were generally acceptable, enforcement prevented any combat that drew emotional bloodlust, either in the fighters themselves or in the spectators. By the turn of the twentieth century, boxing was entrenched as Canada's combat sport of choice.

Criminal Code reform in 1934 created a formal exception to the prize fighting prohibition allowing for the regulation of boxing and wrestling.[49] Now under new Section 81(1), everyone who "(a) engages as a principle in a prize fight, (b) advises, encourages or promotes a prize fight, or (c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter is guilty of an offence punishable on summary conviction."[50] Section 81(2) provided two exceptions that facilitated boxing competitions. A fight was deemed not to be a prize fight if either the fight was between amateur sportsmen wearing boxing gloves, or the boxing contest was held with the permission of a local athletic board granted authority under provincial legislation.[51] In other words, boxing contests were decriminalized, so long as the events were either amateur in nature and posed little physical risk to the athletes, or professional events that were strictly regulated by provincial authorities.[52] During the 1985 revision of the *Criminal Code*, this section was moved to s. 83(1), where it appears today.

The 1934 prize fighting reform reflected society's acceptance of English-style boxing. While bare-knuckle boxing was stigmatized as violent and uncivilized in the late nineteenth century, widespread adoption of Queensberry-rules boxing proved safer for athletes and a more socially acceptable sport of violence in the early twentieth century. Understandably, Western sporting practices largely halted during both World War I (1914-1918) and World War II (1939-1945) and were slow to rebuild as Canada

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48 *Ibid* at p. 30.

49 *Supra* note 36.

50 *Criminal Code*, S.C. 1953-1954 at s. 81(1).

51 *Ibid* at s. 81(2).

52 Layth H. Gafoor, Paul Waldron and Hashim Ghazi, "The Legality of Mixed Martial Arts in Canada: Fighting for Certainty" (2013) *Ontario Bar Association: Entertainment, Media, and Communications Section*.

recovered in the following years.[53] Athletic men of British descent were among the first to enlist, bolstered by both the function of sport to keep warring skills sharp and heroic appeal.[54]

As Canadian sport grew in the post-war era, sports of Western origin developed and flourished. Boxing and wrestling were regulated and protected by provincial and national organizations. By 1950, Ontario's *Athletics Control Act* specifically legislated for the regulation of professional boxing and wrestling, among other non-combat sports including hockey, baseball, tennis, and more.[55] However, as the next section will describe, Eastern martial arts and combat sport competitions were still criminalized as prize fighting. Especially as Muay Thai became popular in Ontario, the legal precarity hindered the sport's development.

PART II: FROM THAILAND TO TORONTO

This section reorients the article's focus back to Muay Thai, beginning with a brief description of how rulers of Thailand adapted English-style boxing rules to Muay Thai. Then, the section will highlight how the moral panic surrounding Western combat sports shifted to Eastern martial arts in the 1980s and 1990s. It was during this time that Ajahn Suchart moved to Toronto, bringing authentic Muay Thai with him. While he was building Toronto's Muay Thai community, the government slowly introduced legislation and reform that would allow for the regulation of non-boxing combat sports. The central focus of this section is the exploration of the legal tensions between Muay Thai and law between 1980 and 2013.

The nation of Siam, later renamed Thailand in 1939,[56] occupied a precarious position during the European colonial era. As Britain's empire grew east, colonizing West and South Asian nations including India, Burma (now Myanmar), and Malaya and British North Borneo (together now Malaysia), Siam resisted European colonization through strategic adaptation and implementation of European customs.[57] As described by Vail, this

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53 Bruce Kidd, *supra* note 27 at p.38, 45.

54 *Ibid* at p. 38.

55 *Athletics Control Act*, 1960 R.S.O. c. 26.

56 Vail, 2014, *supra* note 8

57 *Ibid* at p. 517 – 519.

included adapting Queensberry-rules boxing to their traditional martial art: referred to as Siamese boxing in English.[58] The name "Muay Thai" (Thai boxing) was coined in 1913 to distinguish the sport from English boxing and Chinese boxing in Thai universities.[59] As combat sports developed in Siam, fighters found their skills transferrable to English boxing, and athletes entered competitions in neighbouring Malaya.[60]

By the 1920s, Muay Thai began incorporating Queensberry-rules, and by the 1930s, rule sets for Muay Thai mandated gloved hands and timed rounds, among other rules.[61] In this way, Thailand adapted their national sport to reflect the civilizing mission of Europe. Muay Thai thus grew into an organized combat sport, which spread across the world in the 1980s and 1990s.

In his article, Mattieu Quidu explores how the moral panic surrounding combat sports shifted from European-style blood sports to Eastern martial arts in the 1980s and 1990s.[62] Notably, he argues that as European distaste for blood sports was quelled by reform and regulation, the moral panic refocussed to target Eastern martial arts for their perceived uncivilized violence.[63] Despite Muay Thai adopting the rules of English boxing, public outrage erupted over the use of feet and kicks in Muay Thai.[64] He concludes that three sports – English boxing in the late 1800s, Muay Thai in the 1980s-1990s, and later MMA in the 2010s – each faced a moral panic condemning their perceived incivility and immorality before governmental regulation provided structure and sporting spirit to each in turn.[65]

It was during this time, the 1980s and 1990s, that Ajahn Suchart undertook his role in the global spread of Muay Thai. He was born in the hill villages of Mae Tho in Northern Thailand, began training Muay Thai at age five, and began competing at age eight. Valuing education, his family sent him the Chiang Mai Physical Education College. He graduated in 1982

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58 *Ibid* at p. 528.

59 *Ibid* at p. 528.

60 *Ibid* at p. 526.

61 *Ibid* at p. 525.

62 Quidu, *supra* note 39 at p. 200 – 201, 206 – 207.

63 *Ibid.*

64 *Ibid.*

65 *Ibid* at p. 200 – 201, 206 – 207.

and in the same year won a Northern Thailand Championship in Muay Thai. At the age of twenty-eight, Ajahn moved to Canada with the goal of growing a Muay Thai community. In 1988, he established Toronto's first Muay Thai gym, "Siam No 1 House of Muay Thai," and began building a small but dedicated community. With his formal education, he developed a curriculum in accordance with the Sport Authority of Thailand and the World Muay Thai Nai Khanom Tom Association.

By the 1990s, Ajahn had produced athletes he was confident were ready to begin competing. While boxing was a thoroughly established sport in Canada, there was no governmental regulation of other combat sports, and certainly no sanctioning organization for the sport of Muay Thai. At the time, to hold a Muay Thai competition in Canada would be to risk criminal prosecution under s. 83(1)'s prize fighting prohibition. Instead, Ajahn Suchart's students travelled to countries where Muay Thai competitions were regulated and legal.[66] During the period where Muay Thai competitions were illegal in Canada, three of Ajahn's students reached the level of world champion: Clifton Brown, Simon Marcus, and Matt Embree.[67]

With the growing popularity of martial arts, and an emerging community of martial arts training facilities in Ontario, organizations sought to formalize their respective sports in preparation for regulated competition in the province. In 1982, the *Ministry of Tourism and Recreation Act* allowed the Ministry to promote and regulate, among other things, amateur sport organizations.[68] By 1990, under the Ministry, the *Athletics Control Act* empowered the Ontario Athletics Commissioner to govern amateur combative sports by issuing licences and generally regulating combative sports.[69]

Through this structure, the Ministry of Tourism and Recreation (now Ministry of Tourism, Culture and Sport), would grant Provincial Sport Organization (PSO) status to individual sport organizations. To be granted PSO status was to be granted the sole regulating and sanctioning authority

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66 Recall that the 1934 reform of the prize fighting prohibition decriminalized leaving Canada to participate in a prize fight.

67 See Laura Dal Farra, "On Traditional Muay Thai – The Teachings of Ajahn Suchart" (23 July 2013) *Milk Blitz Streett Bomb Blog*.

68 *Ministry of Tourism and Recreation Act*, R.S.O. 1982, c. M. 35 at s. 4(e).

69 *Athletics Control Act*, R.S.O. 1990, c. A. 34.

of a particular sport in Ontario, a desirable position for any sport organization. Unfortunately, combat sports faced difficulties in seeking PSO status, as they still carried the stigma of criminalized prize fighting. By the late 1990s, no Muay Thai organization emerged as a recognized PSO.

Also by the late 1990s, several of Ajahn Suchart's senior students established their own Muay Thai gyms in Southwestern Ontario and began instructing students of their own. Suddenly, there were several unaffiliated Muay Thai gyms in close geographic proximity, and inter-gym competitions became possible without travelling outside of the province. In the history of Muay Thai in Ontario, two competitive amateur events resulted in prosecution for the organizers. Both of the events were hosted by former students of Ajahn.

The first event that was prosecuted was "Fall Brawl" hosted September 1998 by Martial Arts Fighting Academy (MAFA) in Mississauga, Ontario.[70] After the event, which was held in the training facility and had approximately 200 people in attendance, prosecution was brought against the MAFA corporation, as well as both individual owners. The three parties were charged under s. 83(1)(b) of the *Criminal Code* for promoting a prize fight. In her judgment, Justice Nancy Kastner notes that this was the first consideration of the *Criminal Code*'s s. 83(1) prize fighting prohibition since 1916, meaning the section had not produced a prosecution in eighty-four years.[71]

The trial decision of the Ontario Court of Justice features the testimony of sportswriter Mr. Buffery, who testified to witnessing several bouts between fighters that included strikes with gloved fists, feet, knees, and elbows.[72] The Athletics Commissioner, Mr. Hayashi, testified that MAFA had no provincial licence to host the event, and ought to have sought sanctioning from the relevant PSO, which according to Mr. Hayashi was Boxing Ontario at the time.[73] At trial, MAFA admitted that the event was

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70 *R v MAFA Inc*, 2000 CanLII 50762; [2000] O.J. No 899, 31 CR (5th) 384; case also briefly discussed in Bob Tarantino, *Unter Arrest: Canadian Laws You Won't Believe* (Dundurn Press, 2007) at p. 49 – 50.

71 R v MAFA, ibid at para 23.

72 *Ibid* at paras 7-8.

73 *Ibid* at paras 11 – 14.

not sanctioned by any PSO.[74] The competitive Muay Thai event was found to be a prize fight and was not exempted by the sanctioning exception.

All three parties were found guilty of promoting, encouraging, and permitting the prize fight on their premises.[75] Regarding sentencing, the corporation was fined $1,200, and each owner was ordered to donate $100 to a charitable organization, and given conditional discharges with probation periods of six months.[76] This is the only case in Ontario where a Muay Thai competitive event was prosecuted under the ancient prize fighting law.

After *R v MAFA* was released in March 2000, members of the Muay Thai community in Ontario began organizing in the hopes of pursuing PSO status and provincial sanctioning authority. Indeed, Muaythai Ontario was not the first organization to achieve PSO status for amateur Muay Thai in Ontario. A newspaper article from 27 January 2003 gives that honour to the Canadian Amateur Muay Thai Association – Ontario (CAMTAO) organization.[77] In the article, Minister of Tourism and Recreation, Frank Klees, announced that CAMTAO demonstrated its capacity to supervise Muay Thai sporting events in adherences with mandatory safety standards, becoming the ninth combative sport to achieve PSO status.[78] At the time, CAMTAO reported having twelve member clubs throughout Ontario.[79]

The success of CAMTAO in performing their regulatory function to sanction amateur Muay Thai events is not well documented. At the time of researching for this article, there is no website or archive that preserves information related to CAMTAO.[80] Seemingly, CAMTAO operated in some capacity to sanction Muay Thai events in Ontario for the five years

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74 *Ibid* at para 24.

75 *Ibid* at paras 45 – 48.

76 R v MAFA Inc, [2000] O.J. No 1773; 2000 CarswellOnt 1854; Jack Boland, "Thai Boxing Banned" (9 March 2000) Toronto Sun.

77 Canada NewsWire, "Eves Government Grants Provincial Sport Status to Muaythai Association of Ontario" (27 January 2003).

78 *Ibid.* Other combative sports including judo, wrestling, and karate.

79 *Ibid.*

80 What is known is that CAMTAO was led by Ajarn Khan Phady, who served as president between 2003 and 2008. Ajarn Khan Phady is another prominent trailblazer for Muay Thai's development in Canada and Ontario. While his contributions are certainly worth further research, they are beyond the scope of this current article.

between 2003 and 2008. It appears as though CAMTAO ceased operating as a PSO shortly after the second trial concerning an allegedly illegal Muay Thai competition in Ontario.

The second Muay Thai event that drew prosecution was hosted by TKO Fighting Arts in October 2006 in Kitchener, Ontario.[81] Rather than being charged under the *Criminal Code* prohibition on prize fighting, TKO Fighting Arts and its sole owner were charged with holding a professional contest or exhibition of boxing without authority, permit, or licence issued by the Commissioner in contravention of the provincial *Athletics Control Act*.[82]

In this case, Justice of the Peace Zeljana Radulovic found that the *Athletics Control Act* pertains to professional contests only, and that there was insufficient evidence to prove beyond a reasonable doubt that the TKO event in question was "professional" in nature. Therefore, the event did not fall within the scope of the *Act*. While the prosecutor in the case did reference prize fights and s. 83(1) of the *Criminal Code*, the present charges did not involve any criminal charges, and therefore the judgment did not include any discussion of prize fighting. The case was dismissed.

During the trial in *R v TKO*, Justice Radulovic heard testimony from Ajarn Khan Phady as the president of CAMTAO, the only governing body of amateur Muay Thai in Ontario.[83] During the trial, Ajarn Khan provided testimony that the TKO event was not sanctioned by CAMTAO. There is no record of CAMTAO sanctioning Muay Thai events since the *R v TKO* trial.

A blog post by Mike LNg in July 2010 highlights "Authentic Amateur Muay Thai Returns to Ontario" after a one-and-a-half year hiatus.[84] This suggests that CAMTAO ceased operating as recently as the end of 2008, perhaps shortly after the *R v TKO* trial in October 2008. In drawing attention to the return of amateur Muay Thai to Ontario in July 2010, the promotional poster does not list CAMTAO as the sanctioning body, but

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81 *R v TKO Fighting Arts*, 2009 ONCJ 705.

82 *Athletics Control Act*, RSO 1980, c. A. 34.

83 *R v TKO Fighting Arts*, *supra* note 81; Ajarn and Ajahn are both accepted phonetic spellings of the same title "teacher/professor" in the Thai language.

84 Mike LNg, "This Weekend History is Made in Ontario" (16 July 2010) *The Science of 8 Limbs* (blog).

instead lists a new organization, the World Amateur Muay Thai Association of Canada (WAMTAC), also led by Ajarn Khan Phady as President.[85] WAMTAC was the second organization in Ontario to formally sanction amateur Muay Thai events. Following the return of amateur Muay Thai to Ontario in July 2010, WAMTAC was confronted with legal issues, and was only able to sanction four events between July 2010 and March 2011.[86] Nevertheless, WAMTAC continued sanctioning and administrating Muay Thai events with some regularity between 2013 and 2016.[87]

Like CAMTAO, records of WAMTAC's activity in Ontario are not well documented. Unlike CAMTAO, WAMTAC successfully incorporated and registered as a not-for-profit organization in Ontario.[88] However, also unlike CAMTAO, it seems WAMTAC was never officially recognized as a PSO by the Ministry.[89] By 2011, without an officially recognized PSO, Muay Thai was in a thoroughly complicated legal position in Ontario.

From 2011 to 2016, several Muay Thai clubs in Ontario sought event sanctioning from the kickboxing PSO, the Council of Amateur Sport Kickboxing (CASK) as a branch of the World Association of Kickboxing Organization (WAKO).[90] However, as much as Muay Thai and kickboxing share similarities, the two are distinct sports. A PSO needed to be developed to facilitate and preserve all elements of Muay Thai including cultural, technical and competitive elements. The goal was and remains to preserve and grow authentic Muay Thai in Ontario.

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85 *Ibid.*

86 Mike LNg, "WAMTAC Holds First Sanctioned Event" (7 February 2011) *The Science of 8 Limbs* (blog); Mike LNg, "WAMTAC Night of the Warrior Amateur Card Updated" (7 February 2011) *The Science of 8 Limbs* (blog).

87 WAMTAC set up their Facebook page in October 2013, and in the same month sanctioned an amateur competition. The Facebook page was updated with Muay Thai sanctioned event posts until February 2016. See https://www.facebook.com/wamtac/.

88 See Ontario's Business Registry, "World Amateur Muay Thai Association of Canada Inc. (1814877)" incorporated 14 January 2010, inactive date 27 May 2019.

89 Mike LNg suggests WAMTAC's sanctioning authority came directly from the Province of Ontario, bypassing the PSO system (PSO as a branch of the National Sport Organization, NSO as a branch of an International Federation). Mike LNg, "Ontario's Ongoing Fight to Legalize MMA and Muay Thai" (3 November 2010) *The Science of 8 Limbs* (blog).

90 The website for the Council of Amateur Sport Kickboxing lists Muay Thai club members in its 2015 and 2016 member club lists.

To address the gap in sanctioning, and in pursuit of legitimizing Mauy Thai, Ajahn Suchart established the Muaythai Ontario organization, and began advocating for legal recognition, PSO status, and sanctioning authority.

PART III: BUILDING A PROVINCIAL SPORT ORGANIZATION

Muaythai Ontario's development coincided with the rise of professional MMA in Ontario and the accompanying societal demands to legalize both professional and amateur combat sport competitive opportunities for athletes. This section highlights how the social demands resulted in criminal law reform, governmental regulation, and sustainable Muay Thai sanctioning.

By 2010, the government of Ontario, especially the Ministry of Tourism, Culture, and Sport (the Ministry), recognised the economic opportunities that accompany hosting professional MMA events, such as an Ultimate Fighting Championship (UFC) event. However, law reform was necessary before Ontario could host such an event. Ontario announced its intention to regulate professional MMA on 14 August 2010, with the rules and regulations coming into effect soon after on 1 January 2011.[91] Just months later, on 30 April 2011, Toronto hosted UFC 129.[92] The event was predicted to generate significant economic activity up to $6 million, but the event far exceeded expectations when it generated approximately $30 million.[93] This success of professional MMA prompted the Ministry to legally address amateur combative sports.

During the UFC craze in 2011, Ajahn Suchart took the necessary beginning steps to create a new sanctioning body for Muay Thai in Ontario. In March 2011, Ajahn, along with two of his students, Kru Darwin Miranda and Alan Preyra, successfully incorporated "Muaythai Ontario" and

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91 Consumer Services, "Regulating Professional Mixed Martial Arts" (6 December 2010) Ontario Newsroom Backgrounder.

92 Ahmad Khan, "What the Future of MMA in Ontario Could Look Like" (28 January 2024) *The Varsity*.

93 Jared Walters & Michael Heine, "Between 'Battlecade' and 'UFC Redemption': The Growth of Mixed Martial Arts in Canada 1996–2013"(2021) 38:5 *The International Journal of the History of Sport* 527 – 544. Gafoor, Waldron, & Ghazi, *supra* note 52.

registered the new corporation as a not-for-profit organization.[94] As all PSOs are incorporated not-for-profit organizations, Muaythai Ontario set the groundwork toward PSO status. At the time, Ajahn Suchart was closely paying attention to changes in law and Ministry actions.

To address amateur combat sports, the Government of Canada amended the Criminal Code's prohibition of prize fighting through Bill S-209. The Act to Amend the Criminal Code (prize fights) was first introduced in the Senate on 15 March 2012, and received Royal Assent on 5 June 2013.[95] The brief Act achieved three goals. First, the Act expanded the definition of prize fighting from "fights with fists or hands" to additionally include "feet," to include combat sports that include kicking, such as Muay Thai and kickboxing. Second, the Act clearly articulated that amateur fighting events must be regulated and approved by provincial authorities. Third, the Act legalized professional boxing and MMA in Ontario for events sanctioned by provincial authority. In essence, Bill S-209 solidified combat sports' shift from criminalized to regulated.

This change in law importantly allowed for some combat sports to be included in the 2015 Pan-American Games hosted in Toronto. Namely, boxing, judo, karate, taekwondo, and wrestling were among the list of fifty-two sports included in the Games. Having completed the successful administration of the summer Games in Ontario, the Ministry renewed their focus to reform and regulate sport in Ontario, including combat sports.[96]

In November 2015, the Ministry published a plan titled "Game ON: The Ontario Government's Sport Plan" which detailed policy requirements for any not-for-profit organization seeking either new PSO status or seeking to continue their PSO status.[97] The deadline for application was set for 31 October 2016, allowing almost a full year for organizations to review their

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94 See Ontario's Business Registry, "Muaythai Ontario (1845825)" incorporated 29 March 2011, status currently active.

95 *Bill S-209: An Act to Amend the Criminal Code (prize fights)*, 41st Parl, 1st Sess, Royal Assent 5 June 2013.

96 Steve Indig & Kevin Lawrie, "Game ON: What Proposed Updates to Ontario's Sport Recognition Policy Could Mean for Your Organization" (9 May 2016) *Sport Law: Blog*; Ministry of Heritage, Sport, Tourism and Culture Industries, "Ontario Launches Sport Plan to Help Athletes Excel" (24 November 2015).

97 Steve Indig, Kevin Lawrie, & LeeAnn Cupidio, "Game ON: Ontario's New Sport Recognition Policy - 25-Point Checklist for PSOs" (20 September 2016) *Sport Law Blog*.

existing policies, update those policies as needed to comply with the new Sport Recognition Policy, and apply to the Ministry for PSO status and funding.[98]

Ajahn Suchart set his sights on establishing Muaythai Ontario as the Ministry's officially recognized PSO for the sport of Muay Thai. At the time, a not-for-profit organization needed a minimum of two Board of Director members to function – a president and a secretary. Ajahn Suchart called upon his former student Kru Jenypher Lanthier and her student Poo Choi Kru Michael Reid to perform those Board roles, respectively. Working together, the Board of Muaythai Ontario sanctioned Muay Thai competitive events in Ontario while they built their application to the Ministry.

Muaythai Ontario hosted its first seminar for Officials, including referees and judges, on 25 February 2015.[99] From then, Muaythai Ontario sanctioned three single-night competitive events during the year and one provincial tournament in November 2015.[100] By the end of the PSO application deadline in October 2016, MTO had sanctioned an additional four single-night events and secured hosting rights to the 2016 Muaythai Canada national championship tournament in November 2016.[101] Additionally, MTO was successful in nominating and securing positions on Team Canada for Ontario member club athletes in 2015 for international competition.[102] In doing so, Muaythai Ontario established itself as an organization with the ability to sanction Muay Thai events, ensure athlete safety, and contribute to amateur athlete development at the provincial, national, and global scale – all appealing traits considered by the Ministry.

MTO was not the only organization sanctioning Muay Thai competitions in Ontario. As described above, CAMTAO sanctioned events between 2003 and 2008, and WAMTAC sanctioned events between 2010 and 2016. Other organizations that sanctioned Muay Thai events in

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98 *Ibid.*

99 Muaythai Ontario, "Referee and Judge Seminar – January 25th" (12 January 2015) *Muaythai Ontario Blog.*

100 These are the earliest entries for Muay Thai events on MTO's website; Muaythai Ontario, "Events."

101 Muaythai Ontario, "Registration Opens for the 2016 National Championships" (28 August 2016) *Muaythai Ontario Blog.*

102 Muaythai Ontario, "Team Canada Athletes Announced" (19 June 2015) *Muaythai Ontario Blog.*

Ontario included the World Kickboxing Federation, Canadian Combat Alliance, Ontario Grappling Association, Council for Amateur Sport Kickboxing (CASK-Ontario), and Amateur Mixed Martial Arts Ontario.[103] There is no publicly available information as to whether any other organizations applied for PSO status for Muay Thai in October 2016.

What is known is that MTO announced the success of its application on 3 January 2017.[104] The announcement was bolstered by Ontario Order in Council 1087/2017 five months later, designating eleven combat sports as exempted from the Criminal Code's prize fighting prohibition, so long as the sports are regulated by a PSO recognized by the Ministry.[105] By this Order in Council, and MTO's official recognition as a PSO, MTO became the sole authority able to sanction legal Muay Thai competitive events in Ontario. MTO shared this honour with ten other combat sports, boxing, grappling, jiu-jitsu, judo, karate, kickboxing, pankration, taekwondo, wrestling, and wushu, and their respective PSOs.[106]

Through the UFC craze of 2011, Ajahn Suchart recognized the opportunity to establish MTO and pursue PSO status through official channels. After the reform of the prize fighting prohibition toward regulation in 2013, and the Ministry's 2015 Game ON plan, MTO was prepared with a strong application for PSO status in 2016. As of writing this article, MTO has maintained consistent PSO status with the Ministry since 2017, sanctioning competitive events for member clubs and athletes, and providing development opportunities for coaches and officials.

PART IV: MUAYTHAI ONTARIO AS THE MODEL

After 2017, MTO enjoyed PSO status and continued to facilitate the growth of the Muay Thai community in Ontario. This last section describes the disruption that MTO experienced during the COVID-19 stoppage of sport, how the organization rebounded after lockdown restrictions lifted,

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103 This list is non-exhaustive, and there may be other sanctioning bodies not listed here.

104 Muaythai Ontario, "Muaythai Ontario Receives Full Recognition from the Ontario Government" (28 August 2016) *Muaythai Ontario Blog*.

105 Ministry of Tourism, Culture, and Sport, Order in Council 1087/2017, published 14 June 2017.

106 *Ibid*.

and looks toward the future of amateur Muay Thai in both Ontario and Canada.

Like other PSOs, MTO experienced a significant setback during the necessary stop of play caused by the COVID-19 global pandemic.[107] The setbacks to the sport were exacerbated in the summer of 2020, when the entire MTO Board of Directors absconded from their positions in the organization without notice to the membership or Ontario Muay Thai community.[108] This left the organization and community without leadership during one of the toughest periods for the community.[109]

Determined to keep the Muay Thai community in Ontario strong, Ajahn Suchart – for the second time – formed a Board of Directors for MTO. As pandemic restrictions began lifting in the fall of 2021, MTO quickly hosted two seminars, one to certify new officials and one to certify new coaches. The first post-pandemic sanctioned amateur Muay Thai event was held on 13 November 2021. By all appearances, MTO was able to restart the sport as soon as the shutdown restrictions lifted enough to allow event sanctioning.

Under the leadership of new MTO President Kru Alin Halmagean, MTO's Strategic Plan for 2021-2022 largely focussed on restructuring and rebuilding the MTO organization. While doing so, in 2022, MTO sanctioned twenty-two combative events providing opportunities for eighty-one member clubs, 513 athletes, 257 coaches, and thirty officials[110]. Further, MTO hosted a provincial championship tournament, coaches and officials courses, and celebrated Muay Thai culture and sport with a year-end banquet.[111] In 2023, MTO reported servicing ninety-seven member clubs, 788 athletes, 309 coaches, and forty-two officials province-wide. Over the year, MTO sanctioned thirty-seven single night competitive events and one

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107 Linda Melnick suggests further research on the impact of COVID-19 on organizational professionalization, "The Role of Accountability in the Professionalization of Canadian Amateur Sport Organizations at Multi-Levels of the Amateur Sport System: Implications for Sport Management" (2023) *University of Guelph Dissertation* at p. 114.

108 Muaythai Ontario, "Strategic Plan 2023-2025" Revised January 2024.

109 The last social media post from Muaythai Ontario during the early pandemic was posted on 26 August 2020, and the next and first social media post from the new Board was posted on 12 March 2021.

110 Muaythai Ontario, "Strategic Plan 2023-2025"

111 *Ibid.*

provincial championship tournament, totalling 600 fight bouts for the year.[112]

For three years, Ajahn Suchart's trust in Halmagean proved warranted, as MTO restarted and rebuilt the organization, growing in number of member clubs, coaches, officials, and athletes all three years. In the spring of 2023, Halmagean stepped away as President, and was replaced by appointee Kru Dylan Benitez.[113] After his time at MTO, Halmagean was appointed as President of Muaythai Canada, and as of writing this article, he has been working to grow Muaythai Canada.[114] This includes his encouragement of developing organizations in other provinces, and seeking governmental regulation from the appropriate authority in each province akin to PSO status in Ontario.

While MTO continues to comfortably sanction Muay Thai events, the Ministry also continues to develop legislation for the advancement of amateur and professional combat sports in Ontario. Recall that in 2017, the Ministry's Order in Council listed eleven combat sports eligible for sanctioning. Notably, MMA was not on that list.

In 2019, Ontario passed the Combative Sports Act.[115] The Act is in the consolidation period as of 1 January 2025, and as of writing this article, is not yet fully in force and effect.[116] The Act looks to reform the regulation of both professional and amateur combative sports in Ontario.[117] For five years, there was little movement with the Act. However, on 15 January 2024, the Ministry established the Minister's Combative Sport Advisory Council in furtherance of the Act's goals.[118] The backgrounder states that the advisory council will "establish a new and modern framework for

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112 Muaythai Ontario, "Minutes from AGM January 2024."

113 *Ibid.*

114 The contributions of Kru Alin Halmagean to the development of the sports of Muay Thai and MMA in Ontario and Canada is another excellent avenue of potential future research.

115 *Combative Sports Act*, 2019, S.O. 2019, c. 7, Sched. 9.

116 *Ibid.*

117 *Ibid.*

118 Ministry of Tourism, Culture, and Sport, "Minister's Combative Sport Advisory Council" (15 January 2024) Ontario Newsroom Backgrounder.

professional and amateur combative sports in Ontario once it is proclaimed in its entirety."[119]

Fulfilling s. 3 of the Combative Sport Act, the Advisory Council consist of seven members with voting rights. As of 13 October 2023, Alin Halmagean was appointed to the Council for his extensive history with both professional and amateur combative sport in Ontario. The appointment was announced in January 2024.[120] Council Chair, Ned Kuruc, stated that one of the current priorities of the Council is to develop amateur and professional MMA in Ontario.[121] Until the Act and associated regulations come into full effect, the current PSO-based framework remains authoritative in combative sport sanctioning.[122]

The Advisory Council's goal is to develop MMA; however, they are unclear in what this will mean for individual combat sports. MMA, by its nature, is a sport that celebrates athletes who train in several combat sport disciplines, such as Muay Thai, Brazilian Jiu-Jitsu, English boxing, and wrestling. Athletes who train in MMA often adopt a "jack of all trades" approach to combat sports. Unfortunately, that also often engenders the next line of the idiom, "jack of all trades…master of none." Indeed, an athlete who trains in, for example, the four combat sports above is unlikely to achieve the same level of proficiency in Muay Thai as the athlete who only trains Muay Thai.

In this way, while MMA features elements of several combat sports, it is an independent sport itself. As Ontario seeks to regulate amateur and professional MMA, the Ministry also ensures that the other combat sports are still able to independently develop and thrive. This is especially true for combat sports that are deeply tied to a cultural or national identity, such as Muay Thai,[123] Brazilian Jiu-Jitsu, or Japanese Judo. As Ajahn Suchart so often reminds the Muaythai Ontario community, one cannot separate the physical sport of Muay Thai from the culture of Muay Thai.

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119 *Ibid.*

120 *Ibid.*

121 Ahmad Khan, *ibid.*

122 Vail, *supra* note 8.

123 Panarut, *supra* note 10.

PRESERVING THE CULTURE OF MUAY THAI

When Ajahn Suchart brought Muay Thai to Canada, he set his goals on developing the sport while maintaining authentic Muay Thai culture. Beyond practicing the physical sport, authentic Muay Thai denotes a cultural lifestyle. Ajahn Suchart's teachings of Muay Thai are encapsulated by his credo to success "Love, Respect, Believe." In his teachings, both teachers and students must love Muay Thai and its teachings with passion. Respect is also essential, and includes respect between teacher and student, as well respect for the discipline, consistency, improvement, tradition, and culture. With the foundations of love and respect, teachers can facilitate belief and students can believe in their achievements and success.

Ajahn Suchart also preserves Thai culture by including Thai language in all his Muay Thai teachings. To advance from beginner to intermediate-level student, Ajahn Suchart hosts a test where students must demonstrate both their physical skills in Muay Thai as well as their cultural knowledge. Students must be able to say simple words in Thai, such as "hello/goodbye," "thank you," "good luck," count from one to ten, and identify each strike (punch, kick, elbow, knee), etc. Students may also be asked to recite the history of Muay Thai (War Period, Game Period, and Sport Period described in the introduction), and identify significant days of celebration (6 February is referred to as "National Muay Thai Day" and 17 March is referred to as "Muay Thai Day" or "Nai Khanom Tom Day" or "Kru Day" in Thailand).[124]

Additionally, as students graduate into teachers – Kru's (instructors) and Poo Choi Kru's (assistant instructors) – Ajahn Suchart imparts additional physical and cultural knowledge. Culturally speaking, this includes a respect for the student's lineage of teaching. As Thai culture is largely oral in history, and styles of Muay Thai were developed in different regions of Siam, a student and athlete shows respect to their teachers by understanding their lineage. For example, a student of Ajahn Suchart's will also respect his teacher, Kru Yodtong Senanan (formerly Siriwalak), and his teachers, Kru Sithidet Samanchan and Kru Suwan Senanan.[125] In this way,

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[124] Tim Wheaton, "What is Muay Thai Day?" (15 September 2023) *Muay Thai 101 Blog*.

[125] Muaythai Ontario, "Importance of Kru Yodtong Senanan." In a showing of respect for one's Muay Thai teachers, fighters may even adopt the last names of their teachers as

the new instructor joins the lineage of teaching. Many Muay Thai training facilities will honour Thai culture with statues of Buddha, food offerings placed around the statue, and a family-tree-style photo depiction of the gym's teaching lineage.

In MTO, the competition rules and regulations mandate aspects of the sport that preserve Thai culture. These cultural rules are not included in MMA or other combat sport events. Take, for example, MTO's Rule 10:

> 10.1 WAI KRU- REQUIREMENT: Before the first round, every Athlete must seal the ring and may opt to perform the traditional Muay Thai ritual of homage "Wai Kru" according to the customs of Muaythai.
> 10.1.1 FUNDAMENTAL ELEMENTS: The Athlete must, at a minimum, bow to the canvas three (3) times while wearing a sacred Mongkon. Athletes are encouraged to perform a proper Wai Kru consisting of Starting Postures, Sitting Postures and Standing Postures. It is not permitted to perform any other form of martial art ritual that is not a conventional part of the art of Muay Thai.
> ...
> 10.1.3 MUSIC: The traditional Muay Thai musical instruments (java pipe, small cymbals and two drums) will accompany the ritual. If a live band is not available, it is permissible to use Muay Thai music played from a recording.[126]

While some MMA athletes with Muay Thai backgrounds can be seen bowing before entering the field of play, the incorporation of so many combat sports into MMA does not allow for proper homage to be given to any individual cultural sport traditions.

For these reasons, MTO, as led by Ajahn Suchart and his legacy, safeguards the traditional cultural heritage of Muay Thai. As of writing this article, Ajahn Suchart holds a position on the MTO Board of Directors as "Director of Sport and Heritage" and all his coaching and athlete courses

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their ring names as a show of respect, as is shown by Kru Yodtong adopting the last name of his teacher Kru Suwan Senanan.

126 Muaythai Ontario, "Single Event Competition Rules & Regulations" Revised 16 April 2024.

and seminars emphasise preserving Muay Thai culture.[127] To take away the cultural aspects of Muay Thai is to no longer practice Muay Thai.

As a result, MTO continues to develop the sport of Muay Thai in Ontario. As of writing this article, Ajahn Suchart and Kru Alin Halmagean, along with Canada's top Official Kru Laura Vuculescu, are also focussing on developing Muaythai Canada (MTC) in the hopes to both (1) grow the sport of Muay Thai nation-wide, and (2) establish MTC as a National Sport Organization (NSO) recognized by Sport Canada.

Drawing from the experiences of leading MTO as a PSO, Ajahn Suchart and Kru Halmagean are well-suited to develop MTC into a successful NSO. Their position is bolstered by their recognition by IFMA, the international federation responsible for Muay Thai as recognized by the International Olympic Committee. In fact, as leaders of MTO and MTC, Ajahn Suchart, Kru Alin Halmagean, Kru Laura Vuculescu, and Kru Dylan (current President of MTO), successfully hosted an IFMA Pan American Championship tournament in Ottawa in September 2024.[128]

The efforts to legitimize Muay Thai in Canada are undermined by individuals who continue to host Muay Thai and MMA events that are not sanctioned by a PSO, NSO, or provincial government. Take, as a tragic example, an MMA event held on 23 November 2024 near Edmonton, Alberta, that resulted in the death of a first-time competitor.[129] Reporting on the event, Craig Ellingson, spoke with Alberta's Minister of Sport and Tourism Joseph Schow, who advised that the province of Alberta had no jurisdiction over the event because it was held on a First Nation.[130] On the same night, the same promotor for the Alberta event was in Ontario promoting and hosting an unsanctioned Muay Thai event again on a First Nation outside Ontario's jurisdiction. Thankfully, no deaths resulted from that event, although one athlete went to a hospital after the match. These incidences of combat sport events taking place on First Nations to avoid government sanctioning and enforcement is a growing concern.[131]

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127 Muaythai Ontario, "Strategic Plan 2023-2025," *supra* note 108.

128 Muaythai Ontario, "2024 Pan Am Championships" *Muaythai Ontario Events*.

129 Craig Ellingson, "RCMP Investigate Death of MMA Fighter in Bout on Alberta First Nation" (26 November 2024) *CTV News*.

130 *Ibid*.

131 On 27 November 2024, MTO send a memorandum to the RCMP officer investigating

CONCLUSION

This article has followed the remarkable evolution of Muay Thai in Ontario, from its early days of criminalization as prize fights to its present status as a regulated and celebrated sport under the leadership of Muaythai Ontario (MTO). By examining the legal and regulatory milestones that facilitated this transformation, this article provides a comprehensive understanding of the intersection between sport, law, and cultural heritage.

The journey from the criminalization of Muay Thai to the establishment of MTO as the province's official Provincial Sport Organization (PSO) illustrates the dynamic interplay between legal reform, governmental regulation, and community advocacy. Key legislative changes, such as the amendment of the *Criminal Code* with *Bill S-209*, laid the groundwork for a more inclusive and regulated sporting environment. MTO's strategic actions, guided by dedicated leaders, have ensured that Muay Thai not only complies with legal standards but also thrives as a culturally rich and competitive sport.

The narrative of Muay Thai's rise in Ontario highlights the crucial role of sport law in shaping the governance and development of combative sports. This article contributes to the academic field by providing a case study of how legal frameworks can adapt to accommodate and nurture diverse athletic disciplines, emphasizing the importance of cultural preservation within sport regulation.

Ajahn Suchart's legacy lives on in the thousands of students he's taught, as well as his founding of Muaythai Ontario and Muaythai Canada. His careful traversing of the legal landscape in Ontario as well as his enduring preservation of Muay Thai sport and culture demonstrates his expertise, commitment, and adaptability in growing Muay Thai in Canada.

Looking forward, the future of Muay Thai in Ontario and Canada appears bright. MTO's resilience after the COVID-19 pandemic and its subsequent growth demonstrate the strength and dedication of the Muay Thai community. The ongoing efforts to establish Muaythai Canada as a National Sport Organization (NSO) signify a promising expansion on a national scale, bolstered by international recognition from IFMA and successful events like the Pan American Championship in Ottawa. Leading

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the Alberta incident, "MTO Official Comment RE: Unsanctioned Fighting in Alberta & Ontario" (unpublished).

Muay Thai organizations in other provinces, such as Muaythai BC, Muaythai Quebec (Federation de Boxe Thailandaise Amateur du Quebec), and Muaythai Manitoba are well on their way to formalizing legal Muay Thai sanctioning.

With the present article's historical account of Muay Thai in Canada, future research may examine present and future accounts of the legalization processes for Muay Thai. Such research may examine the proliferation of other provincially-recognized organizations, compare regulatory frameworks for Muay Thai in each province to provide insights into best practices, and further engage cross-cultural collaboration in the development and study of Muay Thai in Canada.

In conclusion, the story of Muay Thai is one of resilience, adaptation, and cultural pride. It serves as a testament to the power of community and the potential for legal reform to support and enhance the development of sport. As MTO and MTC continue to advance along with Canadian sport law, they pave the way for future generations to embrace the rich traditions and competitive spirit of Muay Thai, ensuring its legacy for years to come.