

State policy and cross-cultural marriage in Siamese social history (1605-1932)

Dararat Mattariganond¹ and Maniemai Thongyou²⁺

^{1,2} Center for Research on Plurality in the Mekong Region, Faculty of Humanities and Social Sciences,
Khon Kaen University

Abstract. This article aims to explore the origin of laws controlling cross-cultural marriage issued by the State of Siam (the early name for Thailand) and the dynamics of these laws. The study uses primarily the historical research method and analyzes the documents and evidence, including old laws, announcements, petitions, lawsuits, reports of ministerial meetings, royal commands, correspondences, notes, etc. that occurred during the period prior to the administrative change to a democratic system (1605-1932). The study finds that the state, after its first contact with Western nations in the Ayutthaya period, issued a law that controlled an individual's sexual relationships. Initially, the law that was issued during the Phra Ekathotsarot period (1605-1620) controlled the families of women who were married to Westerners or to men of religions other than Buddhism. In case of violation, the most severe penalty was death. Later, during the time of Somdet Phra Narai (1656-1688), an announcement was made that controlled sexual relationships of both women and men. In case of violation, again, death was the most severe form of punishment. In addition, families who allowed their children to have sexual relationships with Westerners or people of other religions were also punished. However, the cross-cultural marriage restrictions among people of lower classes were eased during the time of King Rama V, when the Thai state promulgated an act on marriage for foreigners. The exception concerned male royalty and government officials, who needed state permission to marry a foreigner. And, importantly, the royal law that was revised in 1924 added cross-cultural marriage as an additional condition disallowing enthronement. This shows that, since the time of Ayutthaya, there was a consistent change in the Siamese State policy on foreigners and people of other religions, as well as a linkage between sexual relationships and state security.

Keywords: Cross-cultural marriage, Siamese social history

1. Introduction

This article concerns the results of a study on state policy on cross-cultural marriage (cases of Siamese who were married to Westerners) that occurred early in Siamese social history (1605-1932). The issue of cross-cultural marriage arose during the time between the Ayutthaya Period and the administrative change in 1932, when Siam opened itself to and contacted Western countries. This work aims to ascertain Siam's policy on the issue of cross-cultural marriage among its citizens. The content of this article is divided as follows.

2. The state's policy on cross-cultural marriage in Siamese social history (1605-1932)

2.1. First opening up for the visits of Westerners and systematization of the state during the Ayutthaya period

Prior to the loss of the capital to Burma in 1767, foreigners of many nations had already entered the Ayutthaya Kingdom to engage in trade. They included not only Chinese and Muslims (Indian, Irani, Arab,

⁺ Corresponding author. Tel.: + 66-81-5446722; fax: + 66-43-203215
E-mail address: maniemai@gmail.com

Turk) traders, but also Westerners from many nations. Portuguese traders entered Thailand in 1511; the Dutch contacted Thailand in 1597; French cargo ships arrived at Ayutthaya in 1600; and British companies entered and set up their trading stations in Pattani in 1612 (see Plabplueng Munsin, 1980). These trading missions resulted in communities of foreigners in Ayutthaya, where archaeological traces of these ancient settlements still remain.

Some insight into the concerns that arose as large number of foreigners entered the country can be seen from a Dutch document (1640-1658) referring to the case of a native woman and a Dutch trader, the **case of Osut** (Thirawat Na Pomphet, 2547). There was a problem concerning their child – Should the child continue to live in Thai society or should his father be allowed to take the child out to be raised as a Christian?

The first announcement concerning state policy regarding cross-cultural marriage was made during the reign of King Eka Thotsarot (1605-1620), who feared that if there were no limits to the number of Thai citizens who were allowed to marry foreigners, both the nation and Buddhism could be harmed. Consequently, he announced the royal penalty regulation [“Tra Sam Duang” law (the “Three Seals Law: or first Thai enacted law), book 4, 2525: 17-19]. In brief, according to this law, a citizen, **Thai or Mon**, who lives in the kingdom and sees and gives his daughter or niece as wife, to a French, British, Dutch, Javanese, or Malay man, shall be regarded as an offender and be punished at 6 levels of which the highest is to be beheaded and to have his house confiscated. The reason behind this policy was the fear that a child born of this union would become an enemy of the country since he or she would hold the father’s nationality. It was thought that a person who marries a foreigner or a person of another religion would help the nation of the spouse, convert to another religion, and most importantly, reveal the affairs of Siam to other countries.

One can see that, **first, the state entered, managed and controlled the bodies and sexual relationships of its citizens, both Thai and Mon, who were “female”**. The state established the notion that cross-cultural marriage of Thai and Mon women was **a threat to national and religious security**. (As for Thai and Mon males, cross-cultural marriage was not prohibited). Therefore, the law of this period regarded a **Thai or Mon man or woman** who gave his or her daughter or niece to a cross-cultural marriage as an enemy within the country (a threat to state security) who would receive the heaviest punishment, i.e. beheading and confiscation of his house. It should be noticed that **the law punished the parents who gave their daughters and nieces in marriage**. As for daughters and nieces or other women who marry foreigners, the punishment was not specified.

The question is, “What made the state think that way?” This author assumes that the answer may lie in the old idea in Thai society where men were considered superior to women. At the same time, the **society** also controlled family institutions. In other words, in most cases, when a woman was young, she was responsible to her father and when she was married, she was responsible to her husband. Moreover, women were not only socially, but also legally inferior to men, as seen in a law that allowed husbands to sell their children and wives as slaves. Although this law was amended during the early Bangkok period at the time of King Rama IV to require a wife’s agreement for a husband to sell her, power still remained with the husband (see declaration meeting, King Rama IV, Book 1, 1985).

Secondly, the above law demonstrates that the **Siamese State had started to classify people into “insiders and outsiders”**. That is, countries and religions were identified and used as classification lines for people of different races in society into “insiders or outsiders”, the latter of which were to be excluded by this law. **Outsiders** included Western and Asian Christians and Muslims. They were French, British, Dutch, Javanese, and Malay. The nationalities that were not mentioned at all were Japanese and Chinese. This is despite the fact that, during that period, the number of Japanese and Chinese was so large that they could form communities. King Taksin, who was born in 1734, to a Chinese father and a Siamese mother, is clear evidence of the integration of the Chinese during the time of Ayutthaya. (see G. William Skinner. 1986:18).

Concerning later laws on cross-cultural marriage, in 1663 King Narai Maharat re-issued an old royal act that had been issued at the time of King Eka Thotsarot (1605-1620) to close the royal act’s loopholes. He forbade **Thais, Mons and Laos** from having covert sexual relations with Indians, French, British, Kulas and Malays. Violators faced the death penalty. Parents and relatives who failed to dissuade the violator faced a penalty in accordance with how closely they were related (“Tra Sam Duang” Law, Book 5. 1994: 98-99).

One can see that the state **increased** its control over the sexual relationships of people in society. Originally, it controlled only women. But, through this announcement, it controlled both **women and men who had covert sexual relationships with foreigners and persons of other religions**. Violators could face the death penalty. Moreover, the state controlled not **only Thai and Mon people, but also the Lao**. As for relatives of the family, they would still face a penalty but **the levels of severity would follow levels of strictness over the behavior of people in the family**. And, at the end of the Ayutthaya period, **similar laws** were still in force, as can be seen in the old royal act of 1763, Chapter 55 (see Tra Sam Duang law, Book no. 5. 1994: 177-178). Thus, it can be said that during the Ayutthaya period for the main reason of national and religious security, the Thai State controlled sexual relationships of **Thai, Mon, and Lao people** with foreigners and persons of other religions and this policy on sexual control lasted until the beginning of the Rattanakosin (Bangkok) period.

2.2. The State's policy on cross-cultural marriage during the Rattanakosin period, 1782-1932

In the Rattanakosin period, contacts between Thailand and the West increased. In particular, the Bowring Treaty with England in 1855 provided foreign traders with the right to freely enter and trade at ports in different towns in Siam. This resulted in a greater number of foreigners in Siam. According to a census made in 1909, there were 532 British, 144 French, 162 Germans, and 150 Portuguese in Siam (Sawitri Thappasut, 1984: 106). During this time Siamese State policy regarding its own citizens and relationships with foreigners, particularly Westerners, became less stringent. For example in 1855, an announcement was made whereby **urban people were permitted to work as the employees of Westerners** (Announcement meeting, King Rama IV, Book 1, 1985: 139-156).

State policy on cross-cultural marriage started to become more lenient. In particular, for the common people, the State issued **an act on marriage with a foreigner in 1897**. This is regarded as the first act that provides the citizens with freedom to enter into cross-cultural marriages. Although originally, the state law called for a strict death penalty for violators, it eventually became more lenient. This law was promulgated even before the termination of the servant-slave system in Thai society. In terms of content, this law has only 4 articles (Sor jor chor. Mor ror 5 to/17, The Act on marriage with foreigners, enacted on 9th January 1897). An examination of the content indicates that there is no statement signifying permission for a Siamese to marry a foreigner. The essence is on the meaning of marriage that is used for a foreigner who marries in Siam. The essence of this act is as follows. A marriage that is in accordance with the law and customs of Siam is a vow made between husband and wife. The vow was to be made in writing. The words of the vow are to be declared in the presence of at least 4 witnesses. If the marriage takes place in Bangkok, the words of vow are to be declared in the presence of the minister of the local government. If the marriage takes place outside Bangkok, the vow is to be declared in the presence of the governor of the province. The vow is to be written in Thai and English and signed by the couple and witnesses. Parents of both parties have to sign all copies. The original copies are to be kept at the Ministry of Local Government and the Ministry of Foreign Affairs.

One can see that this law is the first time that marriage is defined correctly as a law on marriage for foreigners. For a marriage where both parties are Thai, this Act cannot be applied because it would be "in conflict with the name of the Act" (Sor jor chor. Mor ror. 5 to/17, page 5, document no.165/11194, dated 8th January 1897). In addition, this is the first law on marriage in Siam where the culture of **oral declaration** and personal witness is replaced by the culture of "**writing**". As a consequence, the culture of "writing" becomes acceptable to serve as evidence for the marriage of both parties. For example, in 1935, the marriage vow note was renamed the "marriage registration certificate". This new name was used not only for foreigners but also for Thais. (See the provision of Civil and Commercial Code, chapter 5, Article 1449, which says that a marriage is complete only after it is registered.)

After the announcement of the Act on Marriage with a Foreigner in 1897 AD, the first Siamese woman who married a "foreigner" came to apply this act on January 15, 1898. Her name was **Amdaengson** (21 years old, born in Lopburi). She married **Mr. Alfred Henry Victor Teuch, a Frenchman** (advisor and lawyer, age 31) (Sor jor chor. Mor ror.5 to/17, page 11/217). After that, other cases followed. A document

(Sor jor chor. Ror.6 nor.1 /137) revealed that during the period 1897-1919, 24 cases came for the registration. This evidence shows that even though the number of cross-cultural marriages is not large, a lessening of the state's control over its citizens' sexual relationships can be seen.

State policy on royal descendants: From the above, one can see that the state decreased its strictness regarding cross-cultural marriage among its citizens. But for Siam's upper classes, particularly royal descendants and government officials, new rules were enacted during the time of King Rama VI as a result of opportunities for Siam's male leading class to continue their study abroad. In particular, the generally known case is the wedding of Prince Chakraphong Phuwanat to Lady Catherine (a Russian citizen) at the end of the King Rama V period. King Rama VI's policy, however, was **more nationalistic. During his reign, in 1914, the Thai royal court drafted an official document forbidding royal descendants residing abroad to marry foreigners.** (Sor jor chor. Mor ror. 6 bor/14 or bor 1.6/7), Without prior royal permission, royal family descendants at the level of prince down to royal grandson were forbidden from marrying a foreigner. Any royal descendant who violated this principle would be jailed at a place of confinement in the palace, as a light penalty. Moreover, during this reign in 1924, the royal law on enthronement was revised. According to this revision, any royal descendant who had a foreign wife or any royal son who had a foreign mother had no right to enthronement (Jaem Sunthonvej, 1971:74-75). In other words, the issuance of this law was a barrier to the royal son of Krom Luang Phitsanulok Prachanat who was born to Lady Catherine.

State policy on government officials: During the reign of King Rama VI, besides the issuance of the announcement forbidding royal descendants, a petition form known as **“requesting permission for a foreign wife”** was also designed (Sor jor chor. Ror 6, page 33.1/34: Form on marriage with a foreigner). **However, the case for request for permission for a husband for female government officials was not established.** This does not mean that in society at that time, there was no control of sexual relationships of this group of people. Rather, unlike the case of male government officials and royalty, the case of female government officials and royalty might not have yet become an issue.

It can be seen that prior to the democratic revolution of 1932, the policies of the Thai State kept changing. This change started from the Ayutthaya period when the state had a policy of controlling, obstructing and forbidding marriage through penalties as severe as the death sentence. This policy was adjusted for wider opportunities and permission for cross-cultural marriage, particularly among the common people. Those who seem to have been most acutely affected were royalty and government officials. For them, cross-cultural marriage was possible only after royal permission. However, more research needs to be done concerning how the Thai State's policy on sexual control and supervision gradually lessened. Cross-cultural marriage continued to spread from the capital city and major provinces to various towns including those in the Northeast, particularly during the time when American military bases were built there in the 60s. A further in-depth study should be done on this topic. Moreover, as the present study stresses only the legal dimensions of cross-cultural marriages, further study is recommended on at least the two following areas:

1. The social dimensions where there are presentations of conflicting ideas on the policy of the state of that particular period. This could be done through an analysis of citizens' petitions/complaints or through interpretations of works of literature.

2. The phenomenon of cross-cultural marriage at different periods: In what kind of social and political contexts did they occur? And, how were they affected by the policy of the state of that particular period?

3. Acknowledgements

The writers wish to thank the Center for Research on Plurality in the Mekong Region, Khon Kaen University and the Faculty of Humanities and Social Sciences, Khon Kaen University for financial support for the writing of this article.

4. References

1. Documents that have not yet been published by the National Archives of Thailand:

- [1] Sor jor chor. Mor ror. 5 tor/17 *“Rueang phraratchabanyat taeng-ngan khon tang prathet”* (subject: act on marriage with foreigner) (7th January – 13th March, 1897).

- [2] Sor jor chor. Mor ror. 5 tor/17 “*Rueang mister alfred henry victorteuch chat farangset taeng ngan kab amdaengson ying chau sayam*” (subject: Mr Alfred Henry Victorteuch, a Frenchman, who married Amdaengson, a Siamese woman). Page 11/217.
- [3] Sor jor chor. Mor ror 6 bor 4.5/12 “*Rueang riak tua nai niam nakrian krasuang thahanruea klab phro pai taeng-ngan kab ying angkrit kon dairab anuyat*” (Subject: Call for a return home of Mr. Niam, Ministry of Navy student, because he married a British woman without prior permission). (5th – 16th November 1915).
- [4] Sor jor chor. Mor ror. 6 bor/14 or bor 1.6/7 “*Rueang ham maihai chai phraborom wongsanuwoong sueang sadet yu nai muang tang prathet taeng-ngan kab chao tang prathet*” (subject: Forbidding royalty residing abroad to marry a foreigner). (2nd May – 3rd July 1914).
- [5] Sor jor chor. Ror 6 nor. 1/137 “*Rueang song samnao thabian ying thai thi tham-ngan somrot kab khon tang prathet phor sor 2462*” (subject: delivery of copy of register on working Thai women who marry foreigners, 1919 AD)
- [6] Sor jor chor. Ror 6 nor 33.1/34 “*Baebphim taeng-ngan khon tang prathet*” (Form for marriage with a foreigner).
2. Books and research
- [7] *Kotmai tra sam duang (First Thai enacted Law)*, Book 4. 1962. Bangkok: Kurusapa Printing.
- [8] *Kotmai tra sam duang (First Thai enacted Law)*, Book 5. 1994. Bangkok: Kurusapa Printing.
- [9] Jamuean Amon Darunarak (Jaem Sunthonwet). 1971. “*Phraratchakoraniyakit nai phrabatsomdet phramongkutklauyuhua*” (Royal duties of King Rama VI), Book 9, on royal traditions (Part 1). Bangkok: Kurusapa
- [10] “*Prachum prakat ratchakan thi si*” (Announcement meeting, King Rama IV), Book 1. 1985. Bangkok: Kurusapa
- [11] “*Prachum Phongsawadan*” (Annual meeting), Book 16. 1964. Bangkok: Kurusapa Printing.
- [12] “*Prachum Phongsawadan Phakti 27 rueang farangset kab thai*” (Annual meeting, Section 27, France and Thailand), in annual meeting, Book 15. 1965. Bangkok: Kurusapa Printing
- [13] Skinner, G. William. 2005. 2nd printing. *Chinese Society in Thailand: An Analytical History*. Bangkok: Toyota Foundation and The Foundation for the Promotion of Social Sciences and Humanities Textbooks Project
- [14] Sawitri Thappasut. 1984. “*Khwamsamphan rawang chumchon chaotai chin lae tawantok nai krungthep*” (Relationships between Thai, Chinese and Western communities in Bangkok), 1855-2010. Thesis. Master of Arts Program, Chulalongkorn University
- [15] Sathian Lailak. 1935. “*Prachum kotmai prachamsok*” (Annual legal meeting), Book 16. Bangkok: mor por thor.
- [16] Ajit Chaiyakham (compiler), “*Pramuan kodmai phaeng lae phanit*” (Civil and Commercial Code), sections 1-6 (Bangkok: P. Phitsanakha Printing, 1972), p, 4683. Articles
- [17] Thirawat Na Pomphet. 2004. “*Osut: phab sathon khwam samphan rawang satri nai sangkhom Ayutthaya kab phokha chao dutch*” (Osut: photo reflecting relationships among women in Ayutthaya society with Dutch traders), in document supplementing the academic meeting on front line women in Asian history. Faculty of Arts, Chulalongkorn University.