

Book Reviews

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The Palace Law of Ayutthaya and the Thammasat: Law and Kingship in Siam. Translated and edited by Chris Baker and Pasuk Phongpaichit. Ithaca: Cornell Southeast Asia Program Publications, 2016. xii+154 pp.

For over two decades Chris Baker and Pasuk Phongpaichit have been the dominant figures in English-language scholarship on Thai history. Their work has ranged from charting Thailand's economic boom and bust, to accounting for the rise of Thaksin Shinawatra, to explaining the political and economic history of modern Thailand. In recent years, however, their attention has shifted to earlier historical periods, with a succession of publications including their monumental translation of the literary classic *Khun Chang Khun Phaen* (2010) and the recently published *A History of Ayutthaya: Siam in the Early Modern World* (2017). *The Palace Law of Ayutthaya and the Thammasat: Law and Kingship in Siam* is another work in their exploration of the history of the pre-modern Thai world.

As Baker and Pasuk point out, for a long time the historical study of Thailand's legal tradition has languished (p. xi). This book makes available for the first time in English translation two of the most important but linguistically difficult texts from pre-modern Thai law, the *Thammasat* and the *Palace Law of Ayutthaya* (*Kot monthianban* in Thai). Both legal texts are part of the famous *Three Seals Code* compiled by King Rama I in 1805, though their origins date to much earlier. Baker and Pasuk provide explanatory introductions to each of these texts, in which they discuss their estimated date of composition, give a summary of their contents, explain how they were used, and outline the historical context in which the laws were originally enacted.

The *Thammasat* “stands at the head of the *Three Seals Code*” (p. 13), conferring on its laws the aura of timeless religious authority. Ostensibly, it derives from the ancient Indic genre of texts on law and ethics known as *dharmaśāstra*, which influenced the legal traditions of Siam and other “Indianized” states of mainland Southeast Asia. The earliest tradition of compiling *dhammasattha* (the Pali term) texts appears to have been in the Mon and Burman territories, dating back perhaps to the mid-thirteenth century (p. 16). Previous scholars have claimed that Thailand’s *Thammasat* tradition derived from this tradition.

Baker and Pasuk argue, however, that the place of the *Thammasat* in Thailand’s legal history has been misunderstood, because of the tendency to assimilate Siam with the Indic tradition of the *dharmaśāstra* (p. x). The Thai *Thammasat* in fact differs markedly from both the Indic *dharmaśāstra* and that of the Mon. Whereas the latter is characterized by the importance given to customary law, by contrast the Thai *Thammasat* gives greatest emphasis to royal lawmaking; the role of customary law is “weak” (p. 28). The reference in the text’s name to the *dhammasattha* tradition is not, therefore, because its laws derive from or are in conformity with this ancient Indic legal tradition but because that reference legitimizes a tradition of lawmaking by Thai kings. As the authors point out, “royal-made law was a distinctive feature of the Ayutthaya state” (p. ix). Here Baker and Pasuk challenge the influential interpretations of the French scholar Robert Lingat and of Prince Dhani Nivat — the latter a key figure in the reconstitution of royal authority in Thailand after the Second World War — who have long dominated the field of Thai legal history.

In recent years frequent reference has been made to the *Palace Law of Ayutthaya* in relation to the rules of royal succession. In fact, these rules are a recent (1924) addition to the *Palace Law*. The original text is much older, probably dating from the fifteenth century (p. ix), and was much broader in scope. The *Palace Law of Ayutthaya* set out the rules for managing the royal palace, and the government of Siam more generally. Baker and Pasuk call it

“a constitution of royal absolutism” (p. x). It covers such topics as the kingdom’s dependencies, regalia and insignia, protocol at royal audiences, the management of guard zones, royal travel, the use of horses and elephants, the conduct of warfare, discipline at royal audiences, punishments for theft and misdemeanours, dress, the oath of allegiance and the conduct of officials, managing the royal women of the inner palace, the court Brahmins, the royal ceremonies, punishments for royal family and palace staff, and forms of address.

The major theme of the *Palace Law of Ayutthaya* according to Baker and Pasuk is “hierarchy and precedence”. This is visible both in the number of clauses devoted to this theme and in the harsh punishments prescribed for violation of the regulations. For example, “any persons who talk or whisper together when attending [the king] are condemned to death” (p. 95), or “anyone who is a lover with a court lady or consort is executed to die over three days” (p. 105). Such punishments also had an ideological purpose: to emphasize the distance between the king and royalty and the commoner (p. 61).

Together these two legal texts help explain why among Europeans at the time it was said of Ayutthaya that, “In the Indies, there is no state that is more monarchical than Siam” (p. ix).

Despite the fact that its subject matter is two arcane texts handed down from the Ayutthaya period, *The Palace Law of Ayutthaya and the Thammasat* is in fact highly topical. It deals with the relationship between Thai law and the monarchy, two institutions at the centre of the political crisis in Thailand over the last twelve years. Scholars of Thai law, politics and history have much to gain by delving into this fascinating volume, which may help them throw new light on the current crisis.

As with all their works, Baker and Pasuk’s *The Palace Law of Ayutthaya and the Thammasat* is a model of erudition and clarity of expression. It is a pleasure to read.

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