



บันทึกข้อความ

คณะมนุษยศาสตร์และสังคมศาสตร์

รับที่..... 1273, 54

วันที่..... ๕ 2 พ.ย. 2554

ส่วนราชการ กองการเจ้าหน้าที่ งานพัฒนาและฝึกอบรม โทร. 40099

ที่ ศธ 0514.1.3.5/ ๑๒๓๓ วันที่..... ๑๓ ๑๑ ๕๔

เรื่อง..... สหคณาจารย์ มหาวิทยาลัยเทคโนโลยีพระจอมเกล้าธนบุรี

เรียน..... คณะบดีและคณบดีมหาวิทยาลัยฯ

กองการเจ้าหน้าที่ได้ส่ง

- หนังสืออนุมัติให้ไปราชการ ณ ต่างประเทศ ลงวันที่.....
- หนังสือที่..... ลงวันที่.....
- สำเนาหนังสือที่..... ลงวันที่.....
- สำเนาคำสั่ง มหาวิทยาลัยขอนแก่นที่..... ลงวันที่.....
- สำเนาใบลา ศึกษา ฝึกอบรม
มาเพื่อโปรด ทราบ แจ้งผู้เกี่ยวข้องทราบ ดำเนินการในส่วนที่เกี่ยวข้อง
- พิจารณาขออนุมัติขยายเวลาศึกษาแล้วแจ้งกองการเจ้าหน้าที่
- แจ้งวันเริ่มหยุดราชการ และที่อยู่ E-mail ที่สามารถติดต่อได้
- ให้ส่งรายงานตัวกลับจากต่างประเทศ จำนวน 3 ชุด ภายในวันที่.....
- ให้ส่งผลการไปปฏิบัติงานเพื่อเพิ่มพูนความรู้ทางวิชาการ
- ให้ส่งรายงาน การไปศึกษา ฝึกอบรม ดูนาน จำนวน.....ชุด
- มอบสัญญาลาศึกษา ฝึกอบรม ให้ผู้เกี่ยวข้อง จำนวน.....ชุด
- มอบหนังสือถึงกระทรวงต่างประเทศ ให้ผู้เกี่ยวข้อง
- กรอกแบบรายงานตัวไปศึกษา ฝึกอบรม และดูงาน ณ ต่างประเทศ ส่งกลับมาพร้อมการแจ้งวันเริ่มหยุดราชการ
(สามารถดาวน์โหลดแบบฟอร์มได้ที่ <http://personweb.kku.ac.th/e-administration/SearchForm.php>
เลือกหมวดลาศึกษาฝึกอบรม ดูนาน)
-

ลงชื่อ..... เจ้าของเรื่อง

(นางสาวพรรณิ สุโพธิ์ไชย)

ลงชื่อ..... รักษาการในตำแหน่งหัวหน้างาน

(นางพจมาน ภาระราช)

ปฏิบัติราชการแทนผู้อำนวยการกองการเจ้าหน้าที่

เป็น กลบ
เพื่อใช้ประกอบการแจ้ง
แจ้งเข้าที่และดูที่โรงเรียน
๕/๑๑๕
11.11.54



อธิการบดี
5944 54
28 ต.ค. 2554
14.26

สำนักงานพัฒนาและฝึกอบรม

บันทึกข้อความ

ส่วนราชการ คณะมนุษยศาสตร์และสังคมศาสตร์ โทร. 12124 ต่อ 3109
ที่ ศธ 0514.8/4621 วันที่ 26 ตุลาคม 2554
เรื่อง ข้าราชการขออนุมัติไปราชการต่างประเทศ

กองการเจ้าหน้าที่
เลขที่..... 8961
วันที่..... 26 ต.ค. 2554
เวลา..... 10.00

เรียน อธิการบดี (ผ่านผู้อำนวยการกองกลาง)

ฝ่ายแผนและพัฒนาบุคลากร
เลขรับ..... 007550
วันที่..... 27 ต.ค. 2554
เวลา..... 16.28

ด้วย รองศาสตราจารย์ดาร์วิน เมตตาริกานนท์ และ นางมณีนัย ทองอยู่ ข้าราชการพลเรือนในสถาบันอุดมศึกษา สังกัดคณะมนุษยศาสตร์และสังคมศาสตร์ ได้รับการตอบรับให้เข้าร่วมนำเสนอผลงานวิชาการเรื่อง State's policy and cross-cultural marriage in Aiamese social history (1605-1932) ในการประชุมทางวิชาการระดับนานาชาติ 2011 International Conference on Humanities, Society and Culture (ICHSC 2011) ณ กรุงกัวลาลัมเปอร์ ประเทศมาเลเซีย ในระหว่างวันที่ 4 - 6 พฤศจิกายน 2554

คณะฯ ได้พิจารณาแล้วเห็นว่า การไปราชการครั้งนี้ จะเป็นประโยชน์ต่อการเผยแพร่ผลงานทางวิชาการเกี่ยวกับอนุภาคลุ่มน้ำโขงในเวทีวิชาการระดับนานาชาติ และเพื่อส่งเสริมการตีพิมพ์ผลงานวิชาการในวารสารนานาชาติ (ที่มีชื่อในฐานข้อมูล ISI) คณะฯ จึงใคร่ขออนุมัติให้ รองศาสตราจารย์ดาร์วิน เมตตาริกานนท์ และ นางมณีนัย ทองอยู่ ไปเข้าร่วมนำเสนอผลงานวิชาการ ณ ประเทศมาเลเซีย มีกำหนด 4 วัน ในระหว่างวันที่ 3 - 6 พฤศจิกายน 2554 โดยเบิกค่าใช้จ่ายจากศูนย์วิจัยพหุลักษณะสังคมลุ่มน้ำโขง คณะมนุษยศาสตร์และสังคมศาสตร์ จำนวน 64,640 บาท (หกหมื่นสี่พันหกร้อยสี่สิบบาทถ้วน) พร้อมนี้ได้แนบสำเนาหนังสือตอบรับและผลงานวิชาการมาเพื่อประกอบการพิจารณา

จึงเรียนมาเพื่อโปรดพิจารณาอนุมัติ

(ผู้ช่วยศาสตราจารย์ ดร.เขาวลักษณ์ อภิชาติวิลลภ)
คณบดีคณะมนุษยศาสตร์และสังคมศาสตร์

อนุมัติ

(รองศาสตราจารย์สมหมาย ปรีเปรม)

รองอธิการบดีฝ่ายการคลังและทรัพย์สิน

รักษาราชการแทนอธิการบดีมหาวิทยาลัยขอนแก่น

28 ต.ค. 2554

เรียน อธิการบดี (ผ่านรองอธิการบดีฝ่ายแผนและพัฒนาบุคลากร)

ตามคำสั่งสกอ.ที่ 425/2552 ลว.28 ต.ค. 2552 เป็นอำนาจของอธิการบดีที่จะพิจารณาอนุมัติจึงเห็นควรพิจารณาอนุมัติตัวบุคคล

(นางพจมาน ภาระราช)

รักษาราชการในตำแหน่งหัวหน้างานพัฒนาและฝึกอบรม
ปฏิบัติราชการแทนผู้อำนวยการกองการเจ้าหน้าที่

28 ต.ค. 54

(รองศาสตราจารย์รังสรรค์ เกือบสนิท)
รองอธิการบดีฝ่ายแผนและ...
27 ต.ค. 2554

Notification of Acceptance of the ICHSC 2011

Kuala Lumpur, Malaysia, November 4-6, 2011

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Paper ID : M00036

Paper Title : *State's policy and cross-cultural marriage in Siamese social history
(1605-1932)*

Dear Dararat Mattariganond and Maniemai Thongyou,

First of all, thank you for your concern. 2011 International Conference on Humanities, Society and Culture (ICHSC 2011) review procedure has been finished. We are delighted to inform you that your manuscript has been accepted for presentation at International Conference on Humanities, Society and Culture (ICHSC 2011) Kuala Lumpur, Malaysia. Your paper was tripling blind-reviewed and based on the evaluations. The reviewers' comments are enclosed.

The conference received papers from about 20 different countries and regions during the submission period. And there are about 100 papers accepted by our reviewers who are the international experts from all over the world. The selected papers could be published in our conference proceeding with high quality. According to the recommendations from reviewers and technical program committees, we are glad to inform you that your paper identified above have been selected for publication and oral presentation. You are invited to present your paper and studies during our ICHSC 2011 conference that would be held during November 4-6, 2011, in Kuala Lumpur, Malaysia.

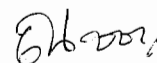
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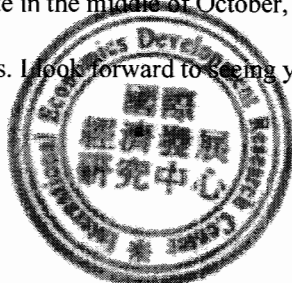
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Again, congratulations. Look forward to seeing you in Kuala Lumpur, Malaysia.

Yours sincerely,



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

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Abstract. This article aims at exploring the origin of the issuance of the laws controlling cross-cultural marriages that had been issued by the Siamese State and the dynamics of the related laws. The study mainly uses the historical research method and analyzes the documents and evidences 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 democratic system (1605-1932). The study finds out that after its first contact with the Western nations in the Ayutthaya period, the state of that period issued a law that controlled individual's sexual relations. Initially, the law that was issued during the Phra Ekathotsarot period (1605-1620) controlled the families of women who were married to Westerners or men of other religions. In case of violation, death is the severest form of penalty. Later on, during the time of Somdet Phra Narai (1656-1688), an announcement was made; it controlled sexual relations of both women and men. In case of violation, death was the severest form of punishment. As well, families who allowed their children to have sexual relations with Westerners or people of other religions were also punished. However, the cross-cultural marriage dynamics among people of lower level were alleviated after the Thai state, at the time of King Rama V, had promulgated the act on marriages for foreigners. As exception, to marry a foreigner, a male royalty and government official needed a state's permission. And, importantly, the royal law that was revised in 1924 added cross-cultural marriage as an additional condition for disallowing for enthronement. Therefore, this shows that, since the time of Ayutthaya, there had been a dynamic consistent change of Siamese State's policy on foreigners, people of other religions, and linkage between sexual relations and state's security.

Keywords: Cross-cultural Marriage, Siamese social history

1. Introduction

This article is about a study on the state's policy on cross-cultural marriages (cases of Siamese who were married to Westerners) that early occurred in the Siamese social history (1605-1932). During the period between Ayutthaya and the administrative change in 1932, when Siam opened itself to and contacted with the Western countries, an issue of cross-cultural marriages arose. As topic of study, this work aims at finding out the kind of policy that the State of Siam had on the issue of cross-cultural marriages that occurred among its citizens? For presentation of this article, the content is divided as follows.

2. State's policy on cross-cultural marriages in the Siamese social history (1605-1932)

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

For Thai society, prior to the loss of Krung Si Ayutthaya in 1767, foreigners of many nations had already entered the Ayutthaya Kingdom for trading. These included not only Chinese and Muslim (Indian, Irani, Arab, Turk) traders, but also Westerners of many nations entered Thailand for trading. Portuguese traders entered Thailand in 1511. Dutch traders contacted with Thailand in 1597. British companies entered and set up their trading stations in Pattani in 1612. French cargo ships arrived at Ayutthaya in 1600 (See Plabplueng Munsin, 1980). These resulted in communities of foreigners in Ayutthaya. Concerning this, traces of ancient communities remain.

High number of foreigners entered the country. A Dutch document was found. It said that there was a native woman and a Dutch trader, such as in the **case of Osut** (Thirawat Na Pomphet, 2004). There was a problem concerning their child – Should the child further live in Thai society or his father be allowed to bring the child out to be raised in a Christian manner?

Concerning the state’s policy and cross-cultural marriage, it is found that the first announcement was made during the reign of Phra Eka Thotsarot. He thought that if, with no limit, citizens are allowed to marry foreigners, the country and Buddhism could be harmed. Concerning this, he announced for the use of the royal penalty regulation law [“Tra Sam Duang” law (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 to a French or British or Dutch or Javanese, or Malay, as wife, shall be regarded as an offender and be punished at 6 levels of which the highest is to have his neck chopped and house confiscated. As reasons behind this policy, it is afraid that such citizen will become an enemy of the country since the child who will be born will hold his father’s nationality, a person who marries a foreigner or person of other religion will be helpful to other nation and has to be converted to other religion, and importantly, will reveal the affairs of the country to other countries.

One can see that, **firstly, the state entered, managed and controlled the bodies and sexual relations of its citizens, both Thai and Mon, who were “female”**. The state established that cross-cultural marriage of Thai and Mon women is **a threat to national and religion’s security**. (As for male, cross-cultural marriage was not forbidden). Therefore, the law of this period regarded a **Thai or Mon man or woman** who gave his or her daughter or niece to cross-cultural marriage is an enemy within the country (a threat to state’s security) and shall receive the heaviest punishment i.e. to have his or her neck chopped and house confiscated. It is observed that **the law punished the parents who granted their daughters and nieces**. As for daughters and nieces or women who marry foreigners, the punishment was not specified. The question is, “What made the state think that way?” As assumption of this author, it may be due to the old idea in the Thai society where man was viewed as above woman. At the same time, the outer society also binds the family institution. In other words, in most cases, when a woman is young, she reports to her father and when she is married, she reports to her husband. Besides, women are pressed down by social processes and law to become inferior to men. This is witnessed by the law that authorized husbands to even sell their children and wives as slaves. Even though, during the initial period of Bangkok, during the time of King Rama IV, the declaration was corrected for permission for a husband to sell his wife on condition of the latter’s agreement, still the power remains with the husband (see declaration meeting, King Rama IV, Book 1, 1985).

Secondly, the above-mentioned law exhibited that the **Siam State had started to classify people into “insider or outsider”**. For this, countries and religions were identified and used as classification lines for people of different races in society into “insider or outsider” and who were to be excluded by this law. These included Westerners and Asians who believed in Christianity and Islam. They were French, British, Dutch, Javanese, and Malay. It is observed that the nations that were not mentioned at all were Japanese and Chinese. This is despite of the fact that, during that period, the number of Japanese and Chinese was so large that they could form communities. Somdet Phrachao Taksin is a clear evidence of a marriage between a Chinese man and a Siamese woman during the time of Ayutthaya. He was born in 1734. His father was Chinese and mother Thai (see G. William Skinner. 1986:18)

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พนักงานธุรการ

Concerning later laws on cross-cultural marriage, it is found out that in 1463 Phra Narai Maharaj issued an old royal act that had been issued at the time of Somdet Phra Eka Thotsarot to close the royal act's loopholes. Through declaration, he forbade **Thais, Mons and Laos** from stealthily have sexual relations with Indians, French, British, Kulas and Malays. Violator shall face a death penalty. Parents and relatives who fail to reiterate and dissuade the violator shall face a penalty in accordance with "distance" ("Tra Sam Duang" Law, Book 5. 1994: 98-99).

One can see that the state **has increased** its control over sexual relations of people in society. Originally, it controlled only women. But, through this announcement, it controlled both **women and men who stealthily had sexual relations with foreigners and persons of other religions**. Violator could face death penalty. Besides, the state did not control **only Thai and Mon but also Lap**.-As for relatives in the family, they would still face the penalty but levels of penalty would follow levels of strictness over the behavior of people in the family. And, concerning the state's policy on cross-cultural marriage, it is found out that at the end of the Ayutthaya period, the laws that had the same contents were still in force. This appears in the old royal act of 1763, Chapter 55 (see Tra Sam Duang law, Book no. 5. 1994: 177-178). It may be said that, during the Ayutthaya period, with the main reason of national and religious security, the Thai State controlled sexual relations of people in society with foreigners and persons of other religions and this policy on sexual control lasted until the initial period of Rattanakosin (Bangkok) period.

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

In the Rattanakosin period, contacts between Thailand and the West has increased. In particular, the Bowring Treaty that Thailand made with England in 1855 provided foreign traders with the right to freely enter and trade at ports in different towns in Thailand. This resulted in more number of foreigners in Siam. Like, in 1909, a census was made. It was found out that there were 532 British, 144 French, 162 Germans, and 150 Portuguese, etc. (Sawitri Thapphasut, 1984: 106). The policy of the state on its own citizen and on relationships with the foreigners particularly the westerners became more considerate. Like, in 1855, an announcement was made whereby **the urban people were permitted to work, without any offense, with the Westerners as employees** (Announcement meeting, King Rama IV, Book 1, 1985: 139-156).

It was found out that the state's policy on cross-cultural marriage had started to become more considerate. In particular, for the common people, the State of Thailand issued **an act on marriage with a foreigner in Siam 1897 AD**. This is regarded as the first act that provides the citizens with freedom to cross-cultural marriage. Originally, the state used to be strict with death penalty for violator. Then, it became more considerate and accepted justice in society. It was found out that this law was promulgated even before the termination of the servant-slave system in Thai society. In term of content, this law has only 4 articles (Sor jor chor. Mor ror 5 to/17, The Act on marriage with foreigner, enacted on 9th January 1897). Having considered the content, it is found out that there is no statement signifying permission for a Siamese to marry a foreigner. The essence of the content 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 custom of Siam is a vow made between husband and wife. As with other types of pact, this is utilizable. The vow is to be made in writing. The words of the vow are to be declared at the presence of at least 4 witnesses. If the marriage is taken place in Bangkok, the words of vow are to be declared at the presence of the Minister of the Local Government. If the marriage is taken place outside Bangkok, the words of the vow are to be declared at the presence of the Governor of the Province. The vow is to be written in Thai and English and signed by the marriage couple and witnesses. Parents of both parties have to sign on all copies. The original copies are to be kept at the Ministry and the Ministry of Foreign Affairs.

One can see that, with this said law, it is the first time that marriage is defined correctly as per law on marriage for foreigners. For a marriage where both parties are Thai, this Act cannot be applied because such will 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). Besides, one may say that this is the first law on marriage in Siam where culture of telling and personal witness is replaced by culture of "**in writing**". As a consequence, culture of "in writing" becomes acceptable to serve as evidence for the marriage of both parties. Like one

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can see that in 1935, the marriage vow note was called with a new name of “marriage registration certificate”. This new name was not used 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 Foreigner in Siam 1907 AD, the first Thai woman who married a “foreigner” came for the service of this act on 15th January 1898. Her name is **Amdaengson** (21 years old, born at Lopburi). She married **Mr. Alfred Henry Victor Teuch, a French** (Advisor and lawyer, age 31) (Sor jor chor. Mor ror. 5 to / 17, page 11/217). After that, other cases followed. A document was found. It revealed that during 1897-1919, 24 cases came for the registration. From this evidence, even though the number of cross-cultural marriages is not large, alleviation of state’s control over its citizens’ sexual relations is shown.

- **State’s policy on royal descendents:** From the above, one can see that the state much decreased its strictness on cross-cultural marriage among citizens. But for Siam’s leading class particularly royal descendents and government officials, a new arrangement and announcement of new rules were made during the time of King Rama VI. This is a consequence of opportunities for Siam’s male leading class to continue their study abroad. In particular, the generally known case is the wedding of Somdet Chaopha Chakraphong Phuwanat with Lady Catherine (Russian) at the end of King Rama V period. King Rama VI had a **nationalistic policy**. **During his period, in 1914, the Thai royal court drafted an official document forbidding royal family descendents residing abroad from marrying a foreigner.** As main content (Sor jor chor. Mor ror. 6 bor/14 or bor 1.6/7), without prior royal permission, royal family descendents at prince level down to royal grandson level are forbidden from marrying a foreigner. Any royal descendant who violates this royal principle will face penalty, with being jailed at the place of confinement in the palace, as a light penalty. Besides, during this reign, the royal law on enthronement 1924 AD was revised. According to this revised royal law, any royal descendant who has foreign wife or any royal son who has a foreign mother has no right to enthronement (Jaem Sunthonvej, 1971: 74-75). In other words, the issuance of this royal law was a baring against the royal son of Krom Luang Phitsanulok Prachanat who was born of Lady Catherine.

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

It could be said that prior to the democratic revolution of 1932, the policies of the Thai State have kept on changing and become continual. It started from the Ayutthaya period when the state had the policy of controlling, obstructing and forbidding where penalty is severe up to death sentence. Then this was adjusted for wider opportunities and permission for cross-cultural marriage particularly among the common people. Those who seemed to have been strictly re-organized were the royalty and government officials. For them, cross-cultural marriage is possible only after royal permission. However, concerning how the policy of the Thai State on sexual control and supervision is easing up and changing, there should be a continuing study. Concerning cross-cultural marriage, it is found out that this phenomenon, at later time, has kept on spreading out from the capital city and major provinces to different towns including those in the Northeastern part particularly during the time of the setting up of American military base in the 60s. On this, further in-depth study should be done. After consideration, one will find that this work of study stresses only on the legal dimension. To complete the knowledge on this same subject, a study should be made on at least two following groups.

1. A study on the social dimension where there are presentations of opposing or agreeing ideas on the policy of the state of that particular period. For such, analysis of citizens’ petitions/complaints could be done. Otherwise, a study through interpretations of occurred literature writings may be made.

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2. A study on the phenomena of cross cultural marriages of different periods: Under what kind of social and political context was it occurring? And, how was it affected by the policy of the state of that particular period?

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