

because they contribute to the flow of funds to Bangkok.

In short this is a very good read, and while one must be thankful that his expedition bore no fruit, one must also be grateful for his having left so fascinating a record of it.

Michael Smithies

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Tamara Loos, *Subject Siam: Family, Law, and Colonial Modernity in Thailand*. Chiang Mai, Silkworm Books, 2006, 234 pp., Bt 625.

In *Subject Siam*, Dr Tamara Loos examines changes in family law in Thailand, formerly Siam, beginning in 1855, when Rama IV signed the first of several unequal treaties with foreign powers, and ending in 1935 when the government finally promulgated the family law code. In this period, at the behest of the crown, Siamese jurists who had studied abroad and various foreign legal experts rewrote Siamese family law. In the newly incorporated Muslim south, the country's rulers created separate 'native' courts for the application of Islamic family law, modelled after colonial forms of jurisprudence in neighbouring British Malaya. In the rest of the kingdom, after much debate, Siamese legal reformers eventually abolished polygyny and established monogamous marriage as the legal norm, following the conventions established by Siam's neighbouring imperial powers. The debate over polygyny had important implications for the legal definition of a legitimate wife and the inheritance of wealth and status. After legal reforms in the reign of Rama VI, ideal male citizens were those who had stable marriages with "honorable" women, not with harlots, prostitutes, or mistresses. According to Dr Loos, family law was "the pivotal arena in which the leaders of Siam negotiated modernity, proved its

‘civilized’ status to foreign powers, and legislated the meanings of modernity to its subjects” (p. 3).

Dr Loos supports her arguments with court cases drawn from the records of the Dika Court, the court of final appeal. This is because “all case records from courts of the first instance, including those decided in the Islamic courts, are burned after ten years unless they have been appealed to higher-level courts” (p. 25). Dr Loos acknowledges that these cases are in some sense unique and that it is “doubly difficult to argue that conclusions drawn from them apply broadly to Siamese society.” She contends, however, that these records give “access to the lives, loves, and concerns of those – criminals, the lower classes, women, and others – who have not otherwise merited attention in Siam’s histories.” (p. 26) These people still receive disappointingly little attention in this book, however. *Subject Siam* is “not a study of legal subjectivity ... of how litigants understood laws and engaged the legal system” (p. 25). It presents very little, therefore, from the points of view of those ordinary Siamese whose most intimate affairs – whose marriages, divorces, inheritances, romantic and sexual lives – were profoundly shaped by the kingdom’s changing legal environment.

This is perhaps because so much space in *Subject Siam* is devoted instead to mechanical genuflections and ostentatious gropings at the rosary beads of “postcolonial” theory: gender, law, heterosexuality, transnationalism,

cosmopolitanism, globalization, and modernity. Almost every fashionable topic gets a nod. Of all of these, however, Dr Loos seems most obsessed with the concept of modernity. Indeed, she is practically feverish with it. She uses the word seven times on p. 3, at least 76 times by the end of the introduction. She makes the concept do an enormous amount of work – sometimes it is the object of explanation, sometimes it is that which is supposed to explain, very often it is simply “negotiated,” whatever that means. The concept is so important to her discussion that it is worth paying it closer attention here.

Dr Loos admits that modernity is “notoriously difficult to define” (p. 19), but proceeds to do so anyway. She immediately gets into a muddle. First she tells us that “Allusions to European modernity ... refer to an archetype of modernity – one that never existed, even in Europe, except as an ideal” and that “this paradigm of modernity was transported throughout the world by colonialism as a conceptual model.” However, in the next paragraph she tells us that “modernity refers to inseparable political, economic, social, and cultural processes – all of which evolved in relation to colonial conquest – that developed in eighteenth-century Western Europe.” Modernity slips from referring to an “archetype,” a “paradigm,” and a “conceptual model,” none of which are the same thing, to referring to a series of “inseparable ... processes” (p. 19).

Dr Loos develops a definition of modernity from a mish-mash of writings

by other scholars, most notably Dipesh Chakrabarty. The philosophical rationale of modernity, she writes, “included the doctrine of progress, rationality, secularity, individualistic understandings of the self, mastery over the forces of nature by human knowledge, and the abolition of ‘superstition.’” Economically, she contends, “modernity refers to the global expansion of trade, capitalist development, and the institutionalization of market-driven economies, products, material wealth, and consumption.” Politically, “modernity’s transformations include the shifts from absolutism, religious rule, and feudalism, to secularity, bureaucratically administered states, popular forms of government, rule of law, and territorial sovereignty that are characteristic of the nation-state” (p.19). From this definition of modernity, Dr Loos develops the concepts of “alternative modernity” and “colonial modernity.” “Alternative modernity” refers to an “historically contingent and contextually specific formulation of modernity,” modelled after, yet formulated against, European “modernity,” while “colonial modernity” emphasizes “the fact that most countries around the globe experienced modernity under the radically asymmetrical global conditions of imperialism” (pp. 20–21).

All this raises several problems. For a book concerned with “modernity” in Thailand, and one allegedly “attuned to the specificities of cultural practices” in that country (p. 19), it is astonishing that *Subject Siam* contains no discussion of the Thai concepts of “modernity”

(*kwampensamaimai*, *kwamtansamai*), or their cognates, “modern” (*samaimai*, *tansamai*), or “to modernize” (*tamhaitansamai*, *tamhaipensamaimai*). These words do not appear in the glossary or the index. In fact, Dr Loos gives no account of what Siamese rulers, jurists, intellectuals, or anyone else for that matter meant when they used the word “modernity”, or how they related it to issues of the family and legal reform. In fact, it is not clear from her discussion that anyone in Thailand ever believed in an idea of modernity remotely like the one she has assembled, let alone an “alternative modernity.” This would not be important if Dr Loos intended “modernity” only as an analytical category, though even then it has grave shortcomings. The definition she cobbles together is easily open to dispute as including too much or too little, as being too vague, too Eurocentric, or as not describing a condition that ever obtained in Europe, let alone elsewhere. Dr Loos’s concept of colonial modernity is also of very dubious value since there is nothing inherently colonial about modernity nor modern about colonialism. Indeed, many colonial situations were profoundly non-modern, even by her own criteria. The notion of alternative modernity is equally problematic. On one hand, it is not clear why an alternative modernity should be called a modernity at all. If any form of innovation produces a modernity, then the term can be of little analytical value. On the other hand, if alternative modernities are formulated against a European moder-

nity, it is not clear where the boundary lies between their being non-modern and alternatively modern. What Dr Loos really needs is not alternative modernities but alternatives to modernity as an analytical concept. Indeed, it is of such little value and it is so poorly discussed that the book would be improved if the entire section on “Alternative Modernities” (pp. 18–24) were removed.

If *Subject Siam* is conceptually weak, the empirical support for many of its claims is correspondingly feeble. This is particularly evident in the third chapter, “Colonial Law and Buddhist Modernity in the Malay Muslim South” (pp. 72–99), in which Dr Loos argues that Siam “both suffered under a plural legal system imposed by imperial powers and simultaneously forced a plural legal system on the Muslim population in the South” (p. 74). By “the South,” Dr Loos means Patani, “the historical areas encompassed by the present day provinces of Pattani, Yala, and Narathiwat” (p. 74). In her discussion of Islamic family courts there in the early twentieth century, she is undeterred by the facts that “the main documents extant ... are ephemeral Thai language reports written by ... officials who came predisposed to interpret the methods of local administration as barbaric,” (p. 89) and that “no Siamese documents on the Muslim practice of polygyny exist from this period” (p. 89). Dr Loos offers her own innovative but methodologically questionable solution, writing that “because of a lack of sources about turn-of-the-century Patani, sources on

Kelantan are used to speculate about social and religious life in Patani” (p. 89). If this were not enough to cast doubt on the claims she makes, Dr Loos then fails to cite any primary sources on Kelantan in the Arkib Negara Malaysia, Kuala Lumpur, or the Public Records Office, Kew Gardens, and instead cites decades-old secondary sources by William Roff (1974) and W.A. Graham (1908). Furthermore, because she was denied access to documents relating to Patani in the National Archives in Bangkok, Dr Loos instead relies heavily on a Thai master’s thesis from Sri Nakharinwirot University by Somchot Ongsakun, *Kan-patirup kanpok-khrong monthon pattani (p.s. 2449–2474)* (The Administrative Reform of Monthon Pattani [1906–1931]) (1978), “which utilizes sources from this archive” (p. 74, fn. 7), though obviously in an abridged and highly selective fashion. While problems with the use of sources in this chapter are particularly acute, they are symptomatic of others found throughout the book.

The writing in *Subject Siam* is less than limpid. It is filled with awkward, lumbering, crook-backed sentences. Dr Loos writes, for example, that “While the notion of alternative modernity acknowledges the indispensability of European political thought to representations of non-European political modernity, it refutes the value-ridden historicism embedded in defining people, practices, and concepts as non- or premodern that serve to delimit the term *modernity*” (p. 20, emphasis in original).

Even short sentences are often hopelessly vague, such as “The incongruities and global migrations of colonial translations and knowledge production abound” (p. 30). Sentences are often crammed with obscure and annoying jargon, such as “instantiations of modernity” (p. 19), “acts of transgressing social status” (p. 37), “Euro-American imperial discourses” (p. 119), and “polygyny’s multivocality” (p. 182). Many of the images Dr Loos conjures are confused and imprecise. In one early paragraph, for example, she writes that “law was the pivotal arena in which the leaders of Siam negotiated modernity...” (p. 3), and later in the same paragraph that “law, more than any other domain, provided the overarching penumbra under which other negotiations ... about the meanings of modernity took place” (p. 3). It is difficult to imagine, however, what could possibly pivot, or turn, upon an arena or how the law provided an encompassing “partially shaded area” in which modernity was negotiated. What it seems Dr Loos wants to say is that legal reform was “crucial” or “important” to Siamese attempts to become “modern,” however they conceived that term. Dr Loos seems to have given little thought to her choice of words. When she writes that “Polygyny existed as Siam’s source of distinction in the eyes of imperial power and as a crucible through which the country would prove, through the abolition of polygyny and the adoption of monogamy, its transition to modernity” (p. 110), by “crucible” she apparently

means something like “instrument” or “method.”

Dr Loos claims that *Subject Siam* is “the first book-length study that integrates court cases, as well as legal codes, into Siam’s history, and among the first to analyze gender and families as categories with a history” (p. 25). It is a pity, therefore, that it is so conceptually flawed, empirically weak, and poorly written. Scholars of social and legal history need to subject Siam to much more careful study.

Haydon Cherry

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