

# Self-Enslavement as Resistance to the State?

## Siamese Early Modern Laws on Slavery

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**I**N HIS INTRODUCTION to one of the most thorough analyses to date of Siamese slavery laws, legal historian Robert Lingat remarks:

It seems that in Siam, slavery always had a different nature from the institution bearing the same name in the classical antiquity as well as in the colonies of the European nations and the American slave states. One understands that it did not trigger the reprobation of European observers any more in the nineteenth [century] than in the seventeenth [century].<sup>1</sup>

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**ABSTRACT:** I examine slavery laws, as reproduced in the 1805 Three Seals Code, as well as accounts of Europeans, to compare the legal conditions of enslaved people and serfs in early modern Siam. I argue that the Siamese kingdom of Ayutthaya (1350–1767) was a slave society where contractual self-enslavement was a widespread means for serfs to escape required corvée and military service to the state. I also suggest that differentiating indigenous contractual slaves (temporary, collateral, and permanent), who were protected to various degrees by the law, from enslaved foreign war captives, who were potentially outside of any legal framework, invites us to rethink freedom and slavery as a continuum rather than a dichotomy.

**บทตัดย่อ:** จากการตัวจสอบ “พระรัชทօนการทาษ” ซึ่งที่พิมพ์ใหม่ในกฎหมายตราสามดวง (1805) และบันทึกของคณชัยวิสชันนารีจากยุโรปที่เดินทางมาอุปถัมภ์ ผู้เขียนนำเสนอนหลักเกณฑ์ที่เจื่อนไปทางกฎหมายของทาลส์ในอาณาจักรเบร์ลินเทียบกับหลักเกณฑ์ที่เจื่อนไปของเพร์ประเทกท์ต่างๆ โดยผู้เขียนได้ชี้ให้เห็นว่าในสังคมทาลสของอยธยานั้น การขายตัวและเป็นทาสก็เป็นการดลงทำสัญญา หรือ “ทาลสินเก็ต” คือ วิธีการที่นำไปของทาลสในการต่อต้านรัฐเพื่อใช้หักหนี้จากการเกณฑ์แรงงานหรือการเกณฑ์ทัพทหาร ผู้เขียนเสนอว่าจำเป็นต้องศึกษาวิจัยเพิ่มเติมต่อไปในประเด็นความแตกต่างระหว่างทาลสินเก็ตที่ได้รับความคุ้มครองตามกฎหมาย กับเชลยสังคramaซึ่งน่าจะอยู่นอกกรอบกฎหมาย

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<sup>1</sup> Robert Lingat, *L'esclavage privé dans le vieux droit siamois* (Paris: Domat-Montchrestien, 1931), pp. 1–2.

Table 1: Primary<sup>a</sup> Tai<sup>b</sup> Kingdoms

KINGDOM	DATES
Sukhothai <sup>c</sup> สุโขทัย	ca. 1238–ca. 1448
Lanna ล้านนา	ca. 1262–1775
Ayutthaya อุทัย	1350–1767
Thonburi ธนบุรี	1767–1782
Bangkok กรุงเทพฯ (or Rattanakosin รัตนโกสินทร์)	1782–present

<sup>a</sup> Thai historiography identifies these Tai kingdoms as the main contributors to present-day Thailand; see, for example, Chris Baker and Pasuk Phongpaichit, *A History of Thailand* (Cambridge: Cambridge University Press, 2005).

<sup>b</sup> Tai refers to speakers or descendants of speakers of the Tai branch of the Kra–Dai language family, including peoples in present-day Thailand, Laos, Myanmar, and China.

<sup>c</sup> Siamese people founded Sukhothai after winning their independence from the Khmer empire, which continued (centered in present-day Cambodia) until 1431.

Specifically, what foreign observers found remarkable about slavery in Siam (renamed Thailand in 1939)—both in the seventeenth century (during the Ayutthaya kingdom; see table 1 for dates) and in the nineteenth century (during the Bangkok kingdom)—was its perceived mildness and pervasiveness.

Europeans who visited late seventeenth-century Ayutthaya were particularly puzzled by the seemingly widespread practice of selling oneself into slavery to escape state obligations such as corvée labor and conscription. In his 1688 treatise on Siam, French missionary Nicolas Gervaise explains, “As corvée labour sometimes becomes unbearable to these poor people, some of them would rather become slaves than continue thus all their lives.”<sup>2</sup> In his 1690 book, the special envoy of French king Louis XIV (r. 1643–1715) to Siam, Simon de La Loubère, adds, “The slavery there is so gentle, or, if you will, the liberty is so abject, that it has become a proverb, that the Siamese sell it [their liberty] to eat a durian.”<sup>3</sup>

Observers of the early Bangkok kingdom expressed their fascination with the same phenomenon. Bishop Jean-Baptiste Pallegoix, a mid-nineteenth-century missionary to Siam who spent twenty-five years traveling throughout the kingdom, noted that freed slaves often sold themselves back into slavery. He explained this confounding practice by pointing out that slaves were “well treated in Siam—as well as

<sup>2</sup> Nicolas Gervaise, *Histoire naturelle et politique du royaume de Siam, divisée en quatre parties* [...] (Paris: Chez Claude Barbin, 1688), p. 148, available online at [https://books.google.com/books?id=\\_gRTAAAAcAAJ&pg=PA148#](https://books.google.com/books?id=_gRTAAAAcAAJ&pg=PA148#).

<sup>3</sup> Simon de La Loubère, “Des diverses conditions chez les Siamois,” in vol. 1 of *Description du royaume de Siam* (1690; rpt., Amsterdam: Chez Henry et la veuve de Théodore Boom, 1700), p. 234, available at <https://books.google.com/books?id=PNUMAAAAYAAJ&pg=PA234>.

servants are in France.”<sup>4</sup> Later, Sir John Bowring, Queen Victoria’s (r. 1837–1901) envoy to Siam, who negotiated the Bowring Treaty removing restrictions on foreign trade, went further. He quotes an unnamed “gentleman resident” of Bangkok who said that in Siam, slaves were treated “better than servants are treated in England,” as “proved by the fact that whenever they are emancipated, they always sell themselves again.”<sup>5</sup> In the same passage, Bowring’s source is adamant that slaves could buy their own freedom in Siam: “Masters cannot ill-treat their slaves, for they have always the remedy of paying the money they represent; and he must be a very worthless character who cannot get somebody to advance the sum.” However, he recognizes that slaves were sometimes “put ‘into chains’” as punishment and often lacked food. Displaying their shared biases, Bowring quotes his source as saying, “The principal hardship that slaves suffer is an insufficiency of food; and as their food is so simple, they require plenty of it—and they certainly do consume an enormous quantity.”<sup>6</sup> Evidence, discussed at length below, from the many legal regulations about selling oneself into slavery substantiates these claims that such self-sale was probably a common practice. Further evidence of the supposed humanity of slave conditions in Siam can be seen in the fact that a portion of the kingdom’s slaves opposed Bangkok King Chulalongkorn’s (r. 1868–1910) plan to abolish slavery, citing the risk of falling into poverty and losing other benefits associated with their status.<sup>7</sup>

Indeed, in the Ayutthaya and early Bangkok kingdoms, selling oneself into slavery was a means to be freer—to be relieved of corvée and conscription obligations while also escaping poverty. Thai historian Thanet Aphornsuvan explains this paradox: for commoners, “freedom could well be expressed in their resistance to the state’s duties and obligations.”<sup>8</sup>

<sup>4</sup> J. B. [Jean-Baptiste] Pallegoix, *Description du royaume Thai ou Siam, comprenant la topographie, histoire naturelle, moeurs et coutumes, législation, commerce, industrie, langue, littérature, religion, annales des Thai et précis historique de la mission* (Paris: Au profit de la mission de Siam, 1854), p. 299, available online at [https://www.google.com/books/edition/Description\\_du\\_Royaume\\_Thai\\_ou\\_Siam/HJ4oAAAAYAAJ?hl=en&gbpv=1&pg=PA299](https://www.google.com/books/edition/Description_du_Royaume_Thai_ou_Siam/HJ4oAAAAYAAJ?hl=en&gbpv=1&pg=PA299).

<sup>5</sup> John Bowring, *The Kingdom and People of Siam: With a Narrative of the Mission to That Country in 1855*, 2 vols. (London: John W. Parker and Son, 1857), v. 1, pp. 189, 193, available online at [https://www.google.com/books/edition/The\\_Kingdom\\_and\\_People\\_of\\_Siam/NskoAAAAYAAJ?hl=en&gbpv=1&pg=PA189](https://www.google.com/books/edition/The_Kingdom_and_People_of_Siam/NskoAAAAYAAJ?hl=en&gbpv=1&pg=PA189).

<sup>6</sup> Bowring, *Kingdom and People of Siam*, v. 1, p. 194.

<sup>7</sup> Chatchai Panananon, “Siamese ‘Slavery’: The Institution and Its Abolition,” (PhD diss., University of Michigan, 1982), pp. 132, 199–200.

<sup>8</sup> Thanet Aphornsuvan, “Slavery and Modernity: Freedom in the Making of Modern Siam,” in *Asian Freedoms: The Idea of Freedom in Southeast Asia*, ed. Anthony Reid and

In this article, I endorse and expand Thanet's argument by examining early modern Siamese laws on slavery as well as European observers' accounts of the Ayutthaya and early Bangkok kingdoms, complemented by Thai and non-Thai secondary literature.

Both types of primary sources have problems of accuracy—Siamese laws due to unrecorded alterations over time and European accounts due to cultural bias and prejudice. As a result, the secondary literature also has its limitations, often including nationalistic biases as a reaction to missionary literature. The scarcity of reliable sources explains why Siamese slavery has been notoriously understudied and why the discussion is still lacking in many ways.

It is a long-standing claim of Thai scholarship that early modern Siamese forms of slavery do not deserve the label “slavery” because slaves appear to have been in a patron-client relationship with their owners.<sup>9</sup> This paradigm echoes European observers' opinions about the Ayutthaya and Bangkok kingdoms. For instance, according to Bowring's source, slavery could not “be considered as slavery in the European sense of the word.”<sup>10</sup> Moreover, he asserted, the Siamese word *that* ท่า should not be translated using the English word “slave”: “I have used them [the terms ‘slave’ and ‘slavery’] in deference to the opinions of preceding writers, but I consider that some other words would much better express their meaning.”<sup>11</sup> In 1902, J. G. D. Campbell, the British educational advisor to Chulalongkorn's government, states:

Slavery in Siam would never appear to have been of a very harsh character, and bears no resemblance to the plantation system of America. The slave, except in few cases, seems to have been well treated, and could generally buy his freedom, and it has been remarked that “bondsman” would be much a more suitable name for him.<sup>12</sup>

David Kelly (Cambridge: Cambridge University Press, 1998), p. 171. Thanet is the given name. Following Thai convention, after first mention of their full names, I refer to Thai authors in the main text using their given name.

<sup>9</sup> For example, Akin Rabibhadana, *The Organization of Thai Society in the Early Bangkok Period, 1782–1873* (Ithaca, NY: Southeast Asia Program, Cornell University, 1969), <https://hdl.handle.net/1813/57543>; Chatchai Panananon, “Siamese ‘Slavery.’”

<sup>10</sup> Bowring, *Kingdom and People of Siam*, v. 1, p. 193.

<sup>11</sup> Bowring, *Kingdom and People of Siam*, v. 1, p. 189. *That*, currently spelled ท่า, was spelled ท่า in the nineteenth century.

<sup>12</sup> J. G. D. Campbell, *Siam in the Twentieth Century, Being the Experiences and Impressions of a British Official* (London: Edward Arnold, 1902), quoted in Chatchai Panananon, “Siamese ‘Slavery.’” p. 85.

Historians have not found any records of slave markets nor evidence of any slave rebellion during the Ayutthaya or Bangkok periods. Whether or not the Siamese institution of *that* as practiced during those periods is adequately translated as “slavery” is still unresolved today. I suggest that the confusion is sustained because in Thai, the same generic word commonly translated as “slave,” *that*, is used to refer to both war captives and debt-bonded laborers even though—as I show in this article—their respective status and conditions varied greatly, especially during the Ayutthaya period. The confusion is further reinforced by the fact that the Thai word for commoner, *phrai* พระ, is usually translated as “free person,” even though the juridical status most closely corresponds to a state of serfdom. Commoners were obligated to provide labor service—not just in agriculture, but across a wide range of occupations. Thus, I view *phrai* as serfs.

I reframe the scholarly debate on Siamese slavery using the following questions. First, how was slavery integrated into Ayutthaya’s larger feudal relations? In particular, how did *that* status compare to *phrai* status and how might their differences explain the practice of serfs selling themselves into slavery? Second, can Siamese slavery be called a system of slavery, in particular against the background of its supposed mildness? To provide a few tentative answers to these questions, I first discuss the relationship between *that* and *phrai* within the larger Ayutthayan system of hierarchical social relations known as *sakdina* ศักดินา (lit. power over rice fields). Then, I examine the content of Ayutthayan laws on slaves. Finally, I discuss how, throughout the twentieth century, nationalistic Thai historians exploited the recorded practice of selling oneself into slavery to deny the reality of slavery in Siamese society and subsequently to define Thai identity, or Thainess, as a culturally unique rejection of the unfree institution of slavery (and colonialism).

## Ayutthaya, a Slave Society

I document Ayutthayan slavery practices through the kingdom’s laws, compiled by order of Bangkok kingdom founder Rama I (r. 1782–1809) in 1805 in what is known colloquially as the Three Seals Code (*Kotmai tra sam duang* กฎหมายตราสามดวง).<sup>13</sup> These laws may have been

<sup>13</sup> I refer to this standard version: *Pramuan kotmai ratchakan thi 1 chunlasakkarat 1166 phim tam chabap luang tra sam duang* ประมวลกฎหมายรัชกาลที่ 1 จ.ศ. 1166 พิมพ์ตามฉบับหลวง

modified by the officers in charge of compiling them.<sup>14</sup> But because the original Ayutthayan manuscripts of the laws were destroyed, it is impossible to check the accuracy of the “restored” Bangkok version. Based on Ayutthayan legislation as well as seventeenth-century treatises about Ayutthaya written by foreign missionaries to Siam, there is no doubt as to the kingdom’s extensive reliance on slavery. This evidence counters James Palais’s claim that, except for South Korea, “no other country in East Asia had a slave society worthy of the name.”<sup>15</sup>

To give a clearer picture of Ayutthaya’s dependence on slavery, I offer some preliminary contextualization. Before the nineteenth century, various Tai kingdoms (table 1) coexisted, some subject to the Burmese or Khmer empires, on the territory of present-day Thailand. Like other states in precolonial Southeast Asia, polities were organized around shifting capital cities; land was abundant, but human resources were scarce, and urban authorities had little control over the forested uplands on their peripheries. Polities competed for laborers, waging wars to gain the highest number of war captives and bring them back as slaves. As James Scott argues, the main preoccupation of many early modern Tai kings was to have access to, retain, and control people.<sup>16</sup> As a consequence of such wars, kingdoms were extremely vulnerable to massive forced movements of population.

Nevertheless, some kingdoms—such as Sukhothai (in present-day central Thailand) and Lanna (northern Thailand and Laos)—managed to last for centuries. After its founding in the mid-fourteenth century, Ayutthaya became one of the most stable, flourishing, and durable Tai kingdoms. It lasted four centuries, until 1767, when a Burmese invasion destroyed the capital and ended the kingdom: the city was burned down, and part of the population was abducted as slaves.<sup>17</sup> Although it

စုရာ ၃ တော်, ed. Robert Lingat, 3 vols. (Bangkok: Thammasat University, 1938–1939) [hereafter *Kotmai tra sam duang*]. Note that ၁၁၆၆ in the *chunlasakkarat* ခုလုဏ်ကာရာ lunisolar calendar is 1805 CE.

<sup>14</sup> Robert Lingat, “Note sur la révision des lois siamoises en 1805,” *Journal of the Siam Society* 23.1 (1929–1930): 19–27.

<sup>15</sup> James B. Palais, “A Search for Korean Uniqueness,” *HJAS* 55.2 (1995): 414, <https://doi.org/10.2307/2719348>. See also Sun Joo Kim, “Resilience of Korean Slavery: Tyrannical Owners, Resourceful Slaves, and the Equivocal State,” in “Slavery in Early Modern East, Inner, and Southeast Asia,” this special issue, *HJAS* 81.1–2 (2021).

<sup>16</sup> James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven, CT: Yale University Press, 2009).

<sup>17</sup> On war-abducted slaves from Korea, see Nam-lin Hur, “Japan’s Invasion of Chosön Korea and Abduction of Koreans,” in this *HJAS* special issue.

is difficult to estimate the number of slaves in Ayutthaya—and its fluctuation over the centuries<sup>18</sup>—the kingdom undeniably relied extensively on slavery and consequently can be described as a slave society. Slavery was essentially of two forms, foreign war captives and indigenous debt-bonded slaves. These two statuses differed greatly. The former could not redeem themselves. The latter could do so in principle by paying a sum of money, but redemption was not always within their means if they had been bought at a very high price.<sup>19</sup>

Ayutthayan slavery cannot be rightly apprehended without understanding the institution of *sakdina* in which it was embedded. *Sakdina* was a numerical ranking system that allocated a number to each person based on social status, as determined both by birth and title. Although originally expressed in *rai* ไร, or units of rice fields, this number progressively lost its correspondence with land and eventually came to merely indicate status. The law organizing the *sakdina* system, the 1455 Civil List, or Law of Sakdina (Phra ayakan tammeng na phonlaruan พระอัยการตำแหน่งนา phonlaruen), was promulgated under King Trailok (r. 1448–1488).

In its Three Seals Code version, the *sakdina* system ranked the population into four classes and defined the *sakdina* attribution of individuals who were royals (*chao* เจ้า), aristocrats (*khunnang* ขุนนาง), commoners (*phrai*), and slaves (*that*).<sup>20</sup> The king had “infinite” *sakdina*, but a prince could claim no more than 100,000. An aristocrat had a *sakdina* between 400 and 30,000. People below 400 were commoners or slaves. Most *phrai* had a *sakdina* between 5 and 25, whereas most slaves, like beggars, had a fixed *sakdina* of just five (table 2). There was no ethnic differentiation between commoners and indigenous contractual slaves. Slaves who were war captives—and as foreigners ethnically distinguishable—had no *sakdina* at all.<sup>21</sup> They were completely excluded from the social system, subject to a kind of “social death.”<sup>22</sup>

<sup>18</sup> For the Bangkok kingdom, accounts range from 30 to 90 percent of the total population, depending on whether foreigners are included in the count; Katherine Bowie, “Slavery in Nineteenth-Century Northern Thailand: Archival Anecdotes and Village Voices,” in *State Power and Culture in Thailand*, ed. E. Paul Durenberger (New Haven, CT: Yale University Press, 1996), pp. 100–138.

<sup>19</sup> Lingat, *L'esclavage privé*, pp. 45–48.

<sup>20</sup> Phra ayakan tammeng na phonlaruan [hereafter Civil List], in *Kotmai tra sam duang*, v. 1, pp. 178–228.

<sup>21</sup> On distinguishability, see Scott, *Art of Not Being Governed*, p. 87.

<sup>22</sup> Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1985). These captured slaves formed an “extralegal” category; Lingat, *L'esclavage privé*, p. 45.

Table 2: *Sakdina* of Serfs and Slaves, 1455

NAME	SAKDINA <sup>a</sup>
<i>Phrai</i> พระ (commoners)	
chief commoner	25
<i>phrai hua ngan</i> พระหัวงาน	
commoner with a family	20
<i>phrai mi krua</i> พระมีครัว	
regular commoner	15
<i>phrai rap</i> พระราษฎร์	
domestic-servant commoner	10
<i>phrai lew</i> พระเลว	
beggars	5
<i>wanipok</i> วรรณพอก	
<i>That</i> ทาช (slaves)	
temporary slave	5
<i>that thai mai dai khat kha</i> ทาชไม่ได้ขาดช้า	
collateral slave	5
<i>that thai mai dai chai</i> ทาชไม่ได้ใช้	
permanent slave <sup>c</sup>	5
<i>that thai khat kha</i> ทาชขาดช้า	

<sup>a</sup> Women, children, and enslaved war captives are not mentioned in the Civil List as forming a distinctive category with specific *sakdina*.

<sup>b</sup> All three types of *that* were debt-bonded slaves. Only war captives were not contractual slaves.

<sup>c</sup> All contractual slaves could buy their freedom in principle, but this legal category shows that those with high redemption prices were permanent slaves in practice.

Source: Civil List and “Phra ayakan laksana that” [hereafter Laws on Slavery], in *Kotmai tra sam duang*, v. 1, p. 228, and v. 2, pp. 96–97.

*Phrai* owed corvée labor and wartime military services to the state. The person responsible for delivering *phrai* to the king for both forms of service was their *nai* นาย (master), a member of the noble class.<sup>23</sup> If *phrai* had to appear before a court of law, their *nai* was responsible for their appearance. *Phrai* could not work without their *nai*'s consent nor freely move from place to place. *Phrai* also had a duty to provide service for their *nai*.<sup>24</sup> A *nai* could punish any *phrai* who failed to provide corvée, became intoxicated with opium, or broke the law. *Phrai* who felt oppressed by their *nai* ran away into one of the many forests surrounding urbanized centers, entered the monkhood, or sold themselves as a slave. Runways were apparently very common—and a major concern

<sup>23</sup> Phra ayakan aya luang พระโัยการอาญาหลวง [hereafter Laws on Crimes against the State], in *Kotmai tra sam duang*, v. 2, Article 4, p. 373, and Article 31, p. 392.

<sup>24</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 81.

for rulers—given the numerous decrees regulating the liability of *nai* if *phrai* under their control escaped.<sup>25</sup>

In early Ayutthaya, *phrai* owed six months of corvée to the state. Slaves, on the other hand, worked only for their owner (also called *nai*) and owed little or no corvée, which could be dispensed by a payment of their owner. In terms of workload, then, slave status was more appealing than *phrai* status—notwithstanding better working conditions for *phrai*. Indeed, in practice, people in these two categories probably experienced very little difference in treatment, as testified by a 1647 royal decree prohibiting *nai* from treating their *phrai* as slaves.<sup>26</sup>

*Phrai* attempted year-round to escape corvée, which was due in alternate months, and their efforts were so likely in times of military conscription that mobilizations often failed.<sup>27</sup> Self-enslavement was a great loss for kings, who needed *phrai* to provide corvée and military service more than they needed slaves, who were exempt from such duties. As Thanet puts it, “Slavery was less desirable to the state than *phrai*. At times slavery put pressure on, and even disrupted, the *phrai* system which was the backbone of the kingdom’s military strength and order and the basis of taxation.”<sup>28</sup> The state’s constant preoccupation with increasing the number of *phrai* is reflected in royal legislation.

## Bangkok Laws

Premodern Siamese legislation originated as a king’s rulings on individual cases—royal decrees (referred to collectively as the *Rajasat* ราช ศสตํ) that were themselves rooted in principles derived from Hindu law.<sup>29</sup> The 1805 Three Seals Code reproduces Ayutthayan regulations about slavery, probably with some modifications, and compiles them in the section Laws on Slavery (Phra ayakan laksana that พระอัยการ

<sup>25</sup> Laws on Crimes against the State, in *Kotmai tra sam duang*, v. 2, Article 25, pp. 388–89; Article 31, p. 392; Article 54, p. 404; Article 103, p. 426; and Article 135, p. 441.

<sup>26</sup> Suthavadee Nunbhakdi, “Étude sur le système de sakdina en Thaïlande,” in *Formes extrêmes de dépendance: Contributions à l’étude de l’esclavage en Asie du Sud-Est*, ed. Georges Condominas (Paris: École des Hautes Études en Sciences Sociales, 1998), p. 464.

<sup>27</sup> Chris Baker and Pasuk Phongpaichit, *A History of Ayutthaya: Siam in the Early Modern World* (Cambridge: Cambridge University Press, 2017), p. 104.

<sup>28</sup> Thanet Aphornsuvan, “Slavery and Modernity,” p. 170.

<sup>29</sup> Chris Baker and Pasuk Phongpaichit, *The Palace Law of Ayutthaya and the Thammasat: Law and Kingship in Siam* (Ithaca, NY: Southeast Asia Program, Cornell University, 2016).

តំកម្មនេះ។<sup>30</sup> However, the Three Seals Code reproduces only the laws on “bought slaves” (who were usually debt-bonded), which was the only legal category of slavery that still existed when this code was compiled. The laws on other slave categories have been lost.

Although scholars dispute the dating of the Laws on Slavery, this section of the code seems to have preceded Ayutthaya’s founding by a few years. As with all laws from the Sukhothai–Ayutthaya period, this section opens with a reference to the *Thammasat* ចរមត្ត, the Hindu sacred Laws of Manu, which classified slaves into seven categories.<sup>31</sup> The section’s preamble then describes the king’s proclamation that slaves should be classified as follows:

- bought slaves (*that sin thai* តាមតិនិត្រ);
- slaves born to a slave mother in the owner’s house (*that nai ruan bia* តាមតិនិនេះឱ្យឃើញ);
- inherited slaves (*that thi dai rap ma duey moradok* តាមពីតែទីនិងមានតំរូវមានតំរូវ);
- slaves given by a third person (*that than hai* តាមពានិនិង);
- slaves saved from punishment (*that thi chuey wai chak thanthot* តាមពីចុះឱ្យរៀបចំពាក្យពីពុំឈុំ);
- slaves saved from hardship (*that thi chuey wai haiphon chak khwam hot yak* តាមពីចុះឱ្យរៀបចំពាក្យពីពុំឈុំ);
- and war prisoners (*that chaloey* តាមមេលី).<sup>32</sup>

The preamble also mentions several paths to manumission—emancipation, ordination, working for a Brahmin, being granted asylum, and (for women) marriage to her owner.

The preamble is followed by four laws of unequal length, each one starting with the name of its author and the date of its promulgation.

<sup>30</sup> Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 71–123. These Ayutthayan laws have been translated into English and French: *Siamese Domestic Institutions: Old and New Laws on Slavery*, trans. S. J. [Samuel John] Smith, (Bangkok: Printed at S. J. Smith’s Office, 1880); Lingat, *L'esclavage privé*, pp. 293–358.

<sup>31</sup> See Robert Lingat, “The Buddhist Manu or the Propagation of Hindu Law in Hinayanist Indochina,” *Annals of the Bhandarkar Oriental Research Institute* 30.3–4 (1949): 284–97; Eugénie Mérieau, “Buddhist Constitutionalism in Thailand: When Rājadhammā Supersedes the Constitution,” *Asian Journal of Comparative Law* 13.2 (2018): 283–305.

<sup>32</sup> Preamble to Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 71–74.

These laws are striking because they are *contract laws* dealing—within the category of bought slaves—with three types of debt slaves. The first law devotes thirty-three articles to the category of temporary slaves (*that thai mai dai khat kha* ทาชีไม่ได้ขาย, lit. not definitively sold slaves), who are redeemable. The articles cover a wide range of matters, including the relationship between the seller and the buyer, the seller's responsibility if the slave runs away, the continued validity or dissolution of marriage in slave relationships, and the death of slaves. Also covered are slave prices and the interest paid on them, conditions determining a valid sale, and conditions determining the valid execution of a slavery contract. The law then devotes another six articles to collateral slaves (*that thai mai dai chai* ทาชีไม่ได้ใช้, lit. slaves who are not physically employed by the owner), who act as collateral to a debt. Finally, the last five articles deal with permanent slaves (*that thai khat kha* ทาชีได้ขาย, lit. definitely sold slaves), who are not redeemable. A few additional articles address miscellaneous provisions.<sup>33</sup>

The second law has twenty-six articles on procedures concerning the arrest and return of runaway slaves and compensation for related loss.<sup>34</sup> The third law has ten rather eclectic articles offering some protection to slaves against their owners in various situations, such as the slave's right to bring lawsuits against an abusive owner or to pass on possessions to children.<sup>35</sup> The fourth law deals in its fourteen articles with the status of slave marriage and the children of slaves.<sup>36</sup> The issue of slavery also appears elsewhere in the code, such as the thirty-five-article section on abduction: the abduction of slaves—especially slave children by their own parents—was a highly regulated matter. Other relevant sections include the Laws on Crimes Against the State,<sup>37</sup> the Law on Debts (slaves were used as loan collateral),<sup>38</sup> and the Law on Husband and Wife (containing specific rules applying to slaves).<sup>39</sup> Slavery also appears in the code's preamble (*phrathammasat* พระธรรมศาสตร์), which also serves as its index.<sup>40</sup>

<sup>33</sup> Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 74–100.

<sup>34</sup> Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 100–113.

<sup>35</sup> Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 113–17.

<sup>36</sup> Laws on Slavery, in *Kotmai tra sam duang*, v. 2, pp. 117–23.

<sup>37</sup> Laws on Crimes against the State, in *Kotmai tra sam duang*, v. 2, pp. 367–454.

<sup>38</sup> Phra ayakan laksana ku ni พระไอยการลักษณะทุกหนึ่ง in *Kotmai tra sam duang*, v.2, pp. 172–99.

<sup>39</sup> For example, Phra ayakan laksana phua mia พระไอยการลักษณะผ้าเมี่ย [hereafter Law on Husband and Wife], in *Kotmai tra sam duang*, v. 2, Article 42, p. 19.

<sup>40</sup> Preamble to *Kotmai tra sam duang*, v. 1, Article 9, p. 28.

Thus, although the Laws on Slavery section mentions seven categories of slaves, the effective provisions deal only with people enslaved due to a sale contract: temporary, collateral, and permanent slaves. Most were those who had sold themselves into slavery or had been sold by a male relative. The legal order is premised on the principle that a man owns himself and his wives and children (*phrai* usually had only one wife). Whereas wives could not sell their husband or their children and children had no right to sell their parents,<sup>41</sup> a husband could sell them as well as himself. The same man could thus be both a legal subject and property.

Let us now examine the legal prescriptions of the Laws on Slavery. The applicable set of rules focus on whether a slave is categorized as redeemable or nonredeemable, based on their price. Redeemable slaves, considered a temporary type of property (or collateral), were acquired at a price much lower than nonredeemable slaves, who were considered a permanent type of property. Permanent slaves had less legal protection than temporary ones. As Barend J. Terwiel puts it, “In general the larger the sum [paid,] the fewer rights an individual retained.”<sup>42</sup> For instance, Article 7 specifies protections given to redeemable slaves: if they misbehaved, they were to be punished “reasonably”; they could not be put in chains, jailed, or beaten. If the punishment of a redeemable slave resulted in mutilation or injury, such as the loss of an eye, the owner was subject to a fine.<sup>43</sup> By comparison, permanent slaves, acquired at a high price, were the absolute property of their owner, who had the right to inflict potentially injurious punishments—but not to kill. Article 8 prohibits inflicting death upon a definitively sold slave and provides for heavy sanctions for the owner.<sup>44</sup>

Regardless of their status as temporary or permanent, some common legal protections applied. For instance, owners had a duty to feed their slaves during famine.<sup>45</sup> Owners who had sexual relations with a

<sup>41</sup> A woman or a child could not sell her husband or parent, because “a wife or child has no authority over her husband or parent”; Laws on Slavery, in *Kotmai tra sam duang v. 2*, Article 4, p. 74.

<sup>42</sup> Barend J. Terwiel, “Formal Structure and Informal Rules: An Historical Perspective on Hierarchy, Bondage and the Patron-Client Relationship,” in *Strategies and Structures in Thai Society*, ed. Han ten Brummelhuis and Jeremy H. Kemp (Amsterdam: Antropologisch-Sociologisch Centrum, Universiteit van Amsterdam, 1984), p. 29.

<sup>43</sup> Laws on Slavery, v. 2, Article 7, p. 76.

<sup>44</sup> Laws on Slavery, v. 2, Article 8, p. 76.

<sup>45</sup> Laws on Slavery, v. 2, Article 69, p. 108.

married female slave were liable to be punished for adultery.<sup>46</sup> And if a female slave had a child by her owner, she would be freed immediately.<sup>47</sup> There were also laws that allowed the possibility of asylum: if a slave who had served an owner for a long time ran away and found shelter in someone else's house, the former owner could not reclaim the slave if the new owner refused to return the slave.<sup>48</sup>

Although offering some protection to slaves, the Laws on Slavery focused mostly on protecting buyers. These laws offered more protection to buyers of redeemable slaves, however, than to buyers of nonredeemable slaves. All slavery contracts were based on a written document specifying the names of buyer, seller, and slave as well as the price paid and the sale date.<sup>49</sup> A redeemable slave's sale contract also bore a guarantor's name. If the slave ran away, the buyer was entitled to compensation from the guarantor.<sup>50</sup> By contrast, a nonredeemable slave had no guarantor. If a permanent slave ran away, the buyer was not entitled to any compensation.<sup>51</sup> The only exception granting a buyer compensation occurred if the permanent slave escaped during the first month following the sale.<sup>52</sup>

We can see from these clauses that a permanent slavery contract was less appealing than a temporary slavery contract to both the slave and the buyer. Therefore, the category of permanent slavery may not have been used very much in practice. This hypothesis is confirmed by the more numerous dispositions on temporary than permanent contracts, as well as by Nicolas Gervaise's seventeenth-century observation that the Siamese never sold themselves into permanent slavery.<sup>53</sup> One group, however, that appears to have taken part in the practice is parents who sold their children as permanent slaves to obtain a very high price. Many of these parents apparently then tried to steal their children back or to convince them to run away and return home. Because permanent slavery sale contracts did not include any compensation for runaway slaves, these parents would not have forfeited

<sup>46</sup> Law on Husband and Wife, v. 2, Article 42, p. 19.

<sup>47</sup> Laws on Slavery, v. 2, Article 96, p. 120.

<sup>48</sup> Laws on Slavery, v. 2, Article 55, p. 102.

<sup>49</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 105.

<sup>50</sup> Laws on Slavery, v. 2, Article 2, pp. 73–74.

<sup>51</sup> Laws on Slavery, v. 2, Article 2, v. 2, pp. 73–74.

<sup>52</sup> Laws on Slavery, v. 2, Article 44, v. 2, p. 96.

<sup>53</sup> Gervaise, *Histoire naturelle*, pp. 148–49.

any money. This practice seems to have been widespread, as the case was regulated by law: a parent who sold a child into permanent slavery then kidnapped the child back would be fined as a thief.<sup>54</sup>

In any case, this law-based reconstruction of slavery contracts as practiced in Siam shatters established dichotomies of categorizing people into either property or subjects. Siamese men were both, with the legal capability to sell themselves as well as their wives and children. Temporary slaves retained rights to inherit property, enter into contracts, and go to court—although they could not be heard as witnesses. The law also protected their right to be freed upon repayment of the price paid by the buyer. An owner refusing to grant freedom despite repayment was to be fined and the slave automatically emancipated. Slaves could even sue their owners if the crime was extremely serious.<sup>55</sup> It seems that slaves' readiness to run away into the forest (and to find shelter in a new home) created constraints on owners to treat their slaves decently.

From the mid-eighteenth century, to prevent *phrai* from escaping corvée and conscription, all men with *sakdina* below four hundred were required to have wrist tattoos with their name, their *nai*'s name, and the name of the town where they lived.<sup>56</sup> *Phrai* still attempted to evade the scheme by selling themselves into slavery—and this route of escape remained a major concern for the kingdom through the late eighteenth century. A modern state required a stable and large taxation base as well as a military and civilian bureaucracy. In 1801, King Rama I issued a law regulating the price of permanent slaves—those who were slaves by birth, those who were sold at a high price, and war captives. The decree indicated the price of freedom for each category of permanent slave, based on age and gender, thus paving the way for the abolition of nonredeemable slaves. Once all slaves, including war captives, could buy their freedom, then war captives became integrated into society, and the category of permanent slave was de facto abolished.<sup>57</sup> Therefore, by the time such Europeans as Pallegoix and Bowring came to the kingdom in the mid-nineteenth century, nonredeemable slavery had already been commuted to redeemable slavery for half a century.

<sup>54</sup> Laws on Slavery, v. 2, Article 45, p. 96.

<sup>55</sup> Chatchai Panananon, "Siamese 'Slavery,'" p. 63.

<sup>56</sup> Chatchai Panananon, "Phrai, Neither Free nor Bonded," *Asian Review* 2 (1988): 13.

<sup>57</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 106.

Under King Mongkut (r. 1851–1868) and King Chulalongkorn, Siam faced the threat of colonial powers—Britain to the west in what is today Myanmar, and France to the east in Vietnam, Cambodia, and Laos. Mongkut signed the Bowring Treaty in 1854 and engaged in a wide-scale process of reform. The legal corpus of rules pertaining to slaves was further expanded during his reign, especially with regard to the already well-developed category of runaway slaves. For instance, Mongkut proclaimed in 1860 that slave owners could pursue their runaway slaves into the house of another owner without being liable for trespassing except if the house belonged to a noble or prince.<sup>58</sup> Mongkut issued more than four hundred royal edicts on modernization, many directed at the wider aim of appearing “civilized” in the eyes of Westerners. Although abolishing slavery was not his agenda, he did issue an edict prohibiting the beating of slaves *in front of foreigners*.<sup>59</sup> Most importantly, he issued a decree that people could not be sold into slavery without their written consent.<sup>60</sup> This change was a first step toward the abolition of all forms of slavery, which was finally instituted by his successor.

Chulalongkorn ascended the throne in 1868. In 1874, he launched a gradual process whereby slave children decreased in price with age until their mandatory emancipation at age twenty-one. Owners thus lost money the longer they kept their child slaves.<sup>61</sup> In 1901, he instructed his royal officers to better monitor the validity of slave contracts and invalidate illegal contracts, such as the sale of princes into slavery.<sup>62</sup> In 1905, he issued a decree terminating slave status in the kingdom. In it, Chulalongkorn states, “The slaves in the kingdom of Siam are not really oppressed because most are debt-bonded and voluntary rather than war captives.”<sup>63</sup> Indeed, by the nineteenth century,

<sup>58</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 104.

<sup>59</sup> Aphornsuvan Thanet, “Slavery and Modernity,” p. 172.

<sup>60</sup> Prakat phrachabanyat ruang phua khai mia bida mada khai butr cho so 1229 [1867] พระภักดิ์พระราชนักุณฑ์ตีเรื่องผู้ชายเมืองบิดามารดาขายบุตร จ.ศ 1229, in *Prachum Prakat rachakan thi 4 phak 7 ประชุมพระภักดิ์ราชกานต์ 4 ภาค 7* (Bangkok: Bamrungnukhunkit, 1923) pp. 131–35, [http://eresource.car.chula.ac.th/chula-ebooks/redirect.php?name=clr55\\_0282](http://eresource.car.chula.ac.th/chula-ebooks/redirect.php?name=clr55_0282).

<sup>61</sup> Phrachabanyat pitak krasien luk that luk thai cho so 1236 [1874] พระราชนักุณฑ์ตีพิกัดอาชญากรรมไทย จ.ศ. 1236, [1874], in vol. 1 of *Rachakitchanubeksa* ราชกิจจานุเบกษา [hereafter Royal Thai Government Gazette], p. 215, [https://th.wikisource.org/wiki/กฎหมายลักษณะทาง\\_พระราชนักุณฑ์ตีพิกัดอาชญากรรมไทย](https://th.wikisource.org/wiki/กฎหมายลักษณะทาง_พระราชนักุณฑ์ตีพิกัดอาชญากรรมไทย).

<sup>62</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 101.

<sup>63</sup> Phrachabanyat leuk that ro so 124 [1905] พระราชนักุณฑ์ตีเลิกท่าส ร.ศ. 124, in vol. 22

the number of enslaved war captives had declined, and most slaves were “voluntary”—debt slaves who had sold themselves into slavery on a temporary basis.<sup>64</sup>

Abolition was reportedly opposed by both slaves and owners: by owners because they were deprived of a fundamental labor resource and by slaves because they were no longer able to use their labor as collateral and thus lost access to the capital that might get them out of poverty. Chulalongkorn’s progressive abolition of slavery was accompanied by his progressive abolition of the *sakdina* and corvée systems, creation of a professional army, and institution of wages for officials working in the state administration. In 1908, Chulalongkorn issued a new decree making the sale of slaves a criminal offense—and this crime was codified in the new penal code, adopted the same year.<sup>65</sup> Thirty years after his launch of the massive emancipation process, slavery was finally fully abolished in the kingdom.

## Nationalist Discourses

The early twentieth century saw the rise of Siamese nationalism, especially during the 1930s. Influential intellectuals rewrote history to demonstrate the superiority of Siamese civilization to the West. Among the national “glories” used for such purposes is, first and foremost, the fact that—despite having had to cede protectorate territories to France and Britain—Siam itself was never colonized. In the 1930s, nationalist historian Prince Damrong, “the Father of Thai History” and a half brother of Chulalongkorn, also identified slavery—or, rather, the lack thereof—in Siamese history as proof of Siamese superiority.

To him, Ayutthaya’s slave society was un-Thai, a foreign transplant from the Khmer empire (802–1431) introduced to Ayutthaya—which Prince Damrong considered a Hindu-Khmer kingdom, not Siamese—as part of a wider system of Hindu-influenced hierarchic social relations

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of the Royal Thai Government Gazette, pp. 9–10, <http://www.ratchakitcha.soc.go.th/DATA/PDF/2448/001/9.PDF>.

<sup>64</sup> This claim is contested for northern Thailand; Bowie, “Slavery in Nineteenth-Century Northern Thailand,” p. 105.

<sup>65</sup> Kotmai laksana aya ro so 127 [1908] กฤษฎาภิสัคชณ์และอาญา ร.ศ.127, in vol. 25 of the Royal Thai Government Gazette, pp. 206–87, <http://www.ratchakitcha.soc.go.th/DATA/PDF/2451/009/206.PDF>.

that were later indigenized and renamed *sakdina* in Thai.<sup>66</sup> According to this view, earlier indigenous Siamese kingdoms, notably the Sukhothai kingdom, purportedly did not know about the institution of slavery.<sup>67</sup> Prince Damrong based his argument on the Ramkamhaeng รามคำแหง stone inscription from the late thirteenth century (during the Sukhothai era):

The population are not in servitude. All are free. The whole city is happy. That is why it is called the city of Sukhothai meaning the Tai are happy.<sup>68</sup>

Following Prince Damrong, the rejection of slavery as foreign became a pillar of national identity. Not only had Siam remained free from colonial domination as its neighbors fell to the British and French but Thailand's "pure" ancestor, the "patriarch" kingdom of Sukhothai, was said to have never practiced slavery. Luang Wichit Wathakan หลวง วิจิตรวาทการ, the major ideologue of Thainess, wrote in the 1930s:

One of our old national customs, which we should be proud of, is that in the old days we had no slaves. In the Sukhothai period, we had no slaves.<sup>69</sup>

This understanding has long been discarded as misleading.<sup>70</sup> Slavery, especially the enslavement of war captives, existed during the Sukhothai kingdom, thus predating the Ayutthaya kingdom. Stone inscriptions from the beginning of the Ayutthaya period indicate that detailed Sukhothai rules on slavery existed. In particular, an epigraph on a fourteenth-century stele discovered in 1930 in Sukhothai Province contains legislative provisions on slavery:

If, in this realm, a slave has run away to someone's house, and the householder withholds the slave for a period exceeding two days—in other words, if a person learns about the arrival of such a slave on one day and, it being too late to send him back on the same day, he does not send him back early the next morning to the Office of Slave Affairs—then this Officer and

<sup>66</sup> See Aphornsvan Thanet, "Slavery and Modernity," pp. 177–78.

<sup>67</sup> Lingat, *L'esclavage privé*, p. 3.

<sup>68</sup> Prince Damrong Rajanubhab สมเต็จพระเจ้าบรมวงศ์เธอ กรมพระยาดำรงราชานุภาพ, *Laksana kan pokkrong ban prathet sayam tae boran* ลักษณะการปกครองประเทศไทยในอดีต (Bangkok: Sophonphiphatthanakan, 1933), p. 19. See also Lingat, *L'esclavage privé*, pp. 4–5.

<sup>69</sup> Luang Wichit Wathakan, *Wichit anuson* วิจิตรอนุสรณ์ (Bangkok: Samnak nayok rattamontri., 1962), p. 28; cf. Chatchai Panananon, "Siamese 'Slavery,'" p. 27.

<sup>70</sup> Lingat, *L'esclavage privé*, p. 7.

the Chief Magistrate, hearing of his failure to return the slave or runaway wife, shall judge the offender, regardless of rank, according to the Rajasat and Thammasat. He shall be fined as if he were a thief. This rule is valid for the whole realm, including those living in villages and in remote and isolated spots.<sup>71</sup>

The stone inscription's exact date and authorship are disputed.<sup>72</sup> But by the fourteenth century, there was a somewhat institutionalized system of slavery in Sukhothai, with an Office of Slave Affairs implementing a codified set of laws on slavery. Another piece of evidence of Sukhothai-period slavery is found in the Ramkamhaeng stone inscription. It mentions *kha* ข้า, a type of person categorized as property that could be inherited.<sup>73</sup> Prince Damrong vehemently rejected this term as evidence of slavery, arguing that the word *kha* meant “subject” or “servant” (not “slave”) and citing the use of this word as evidence of the paternal nature of the relationship between *kha* and their patron.<sup>74</sup>

The most probable hypothesis is that Sukhothai relied on war slavery. Therefore, the introduction of the *sakdina* system during the Ayutthaya kingdom likely codified already established forms of slavery rather than introducing a new practice from the Khmer empire. Notably, the nature of Sukhothai slavery differed from Ayutthayan slavery in being neither voluntary nor contractual. It derived mostly from wars fought precisely for the capture of slaves—the innumerable “slaving

<sup>71</sup> Stele 38, *Silachareuk kotmai laksana chon* ศิลาจารึกกฎหมายลักษณะจาร. This stele is discussed and translated in Barend J. Terwiel, *The Ram Khamhaeng Inscription: The Fake That Did Not Come True* (Gossenberg, Styria, Aut.: Ostasien Verlag, 2010), pp. 59–102; and A. B. [Alexander Brown] Griswold and Prasert na Nagara, “A Law Promulgated by the King of Ayudhyā in 1397 A.D.: Epigraphic and Historical Studies, No. 4,” *Journal of the Siam Society* 57.1 (1969): 133.

<sup>72</sup> One account says the end of the fourteenth century and the king of Ayutthaya (A. B. Griswold and Prasert na Nagara, “A Law Promulgated,” p. 109); another, the early fourteenth century and the king of Sukhothai (Terwiel, *Ram Khamhaeng Inscription*, p. 57).

<sup>73</sup> Chit Phumisak [Somsamai Srisudravarna, pseud.], “The Real Face of Thai Saktina Today,” translated as chap. 2 of Craig J. Reynolds, *Thai Radical Discourse: The Real Face of Thai Feudalism Today* (Ithaca, NY: Southeast Asia Program, Cornell University, 1987), p. 72. See also Lingat, *L'esclavage privé*, p. 5.

<sup>74</sup> Prince Damrong Rajanubhab, “Laksana kan pokkrong prathet sayam tae boran” ลักษณะการปกครองประเทศไทยสมัยแต่โบราณ, *Prawattisat lae kanmuang nangsu anprakop wichaphunthan arayathamthai* ประวัติศาสตร์และภารเมือง หนังสืออ่านประกอบวิชาพืชสวนอาชีวกรรมไทย, ed. Kukrit Pramod คุกฤทธิ์ปราโมช et al. (Bangkok: Thammasat University Press, 1975), p. 11, <https://koha.library.tu.ac.th/cgi-bin/koha/opac-detail.pl?biblionumber=196048>.

raids”<sup>75</sup> that were the “occupation of the dry season.”<sup>76</sup> The claim that early slaves were foreigners taken in war finds further support in the Sukhothai origin of the very word used today for the Thai people: *thai* means “free” and was used in opposition to slaves, then called *kha*. The status of enslaved versus free thus mapped onto that of indigenous versus foreign.<sup>77</sup> Later, the Pali word *dasai* (slave) gave rise to the Siamese word *that*, which coexisted with *kha* and then supplanted it.<sup>78</sup> Siam became *Thailand*, the land of the free, in 1939, as Thai nationalism was emulating Italian fascist nationalism in its glorification of traditional family values and its desire to restore and expand its territory.

Writing against Prince Damrong and Luang Wichit Wathakan in the 1950s when he was a young historian, Chit Phumisak จิต ภูมิศักดิ์ published an influential piece about *sakdina*.<sup>79</sup> He equated Ayutthayan *sakdina* with feudalism and insisted on the terrible fate of both *phrai* and *that* within that system of exploitation benefiting the *nai* class. Influenced by Marxism, he saw feudalism as historical progress from slave society and argued that Thai history conformed to this model.

This counternationalist rereading of Thai history was followed by a backlash. Thai historians of the 1970s and 1980s dismissed Chit’s historiography as Eurocentric and ignorant of the specificities of Siamese history. Instead, they insisted that the Thai system of slavery was mild and did not compare to Western systems of slavery, reaffirming Prince Damrong’s thesis. For instance, Akin Rabibhadana’s 1969 authoritative study of administration in the kingdom of Ayutthaya embedded slavery within a wider traditional structure of patron-client relationships. According to Akin, *that* were not slaves but rather belonged to the category of domestic worker: “The necessity to use the word slave for *that* is very unfortunate.”<sup>80</sup> To him, the relationship between *nai*

<sup>75</sup> Craig J. Reynolds, “Thai Institutions of Slavery: Their Economic and Cultural Setting,” in *Tracks and Traces: Thailand and the World of Andrew Turton*, ed. Philip Hirsch and Nicholas Tapp (Amsterdam: Amsterdam University Press, 2010), p. 104.

<sup>76</sup> Andrew Turton, “Thai Institutions of Slavery,” in *Asian and African Systems of Slavery*, ed. James L. Watson (Oxford: Basil Blackwell, 1980), p. 255; see also pp. 251–52.

<sup>77</sup> Lingat, *L'esclavage privé*, p. 7.

<sup>78</sup> Pali is a classical Indian language used in the sacred texts of Theravada Buddhism, the form of Buddhism practiced in Thailand.

<sup>79</sup> Chit Phumisak [Čhit Phūmisak], *Chom na sakdina Thai* ໂຄມໜ້າສັດນາໄທ (Bangkok: Charoenwit, 1975); translated as Jit Poumisak, “The Real Face of Thai Saktina Today,” chap. 2 of Craig J. Reynolds, *Thai Radical Discourse*, pp. 43–148.

<sup>80</sup> Akin Rabibhadana, *Organization of Thai Society*, p. 109.

and *that* was a harmonious patron-client relationship, whereby both were interdependent and agreed to mutual assistance. In his analysis, acquiring a slave was motivated by compassion rather than greed. The terms used in the Laws on Slavery to refer to slave acquisition were not those of sale (*seu* សេវា) but of assistance (*chuey* ចេវ). Akin hypothesizes as follows:

In general the relationship between the patron and his client was interdependent. Further, it was the role of the patron to protect and help his client. When the client became destitute, the patron had to help him, and that was by lending him money. In such a society when there was no organized police force, and it was easy for a debtor to abscond, the rate of interest had to be extremely high. The best security for a loan to a man was to have the debtor or his child or his wife living and serving in the creditor's household. Their services could be taken for the interest. Such an agreement would please both parties. Thus a debtor or his wife or child would then become a *that*.<sup>81</sup>

Other historians, from Chatchai Panananon to Thanet Aphornsuvan, concur with this reading of Thai slavery as mild and not incompatible with a Siamese definition of freedom.<sup>82</sup> In any case, whether authors considered slavery to be oppressive (Chit Phumisak), mild (Prince Damrong), or harmonious (Akin Rabibhadana), they all agreed that the status of slaves was not worse and sometimes even better than the status of *phrai*. When slavery is gentle and liberty abject, traditional oppositions between liberty and slavery crumble. However, it is important to draw a distinction between voluntary, redeemable debt slaves, whose contractual status offered a way out of poverty and out of *phrai* servitude to the state, on the one hand, and kidnapped, nonredeemable war captives, on the other, whose extralegal status outside of the *sakdina* system made their living conditions probably worse than that of *phrai*. Putting both war captives and debt-bonded slaves in a single overarching category of slave, as the literature has done so far, has tended to obscure rather than to illuminate scholarly discussions on Thai forms of slavery. This distinction is, I hope, an area for future research.

<sup>81</sup> Akin Rabibhadana, *Organization of Thai Society*, pp. 110–11.

<sup>82</sup> On the twentieth-century construction of the opposition between freedom and unfreedom, see Thanet Aphornsuvan, "Slavery and Modernity," p. 161; Chatchai Panananon, "Siamese 'Slavery.'

## Conclusion

In Siam, a continuum existed between slavery and serfdom. Moreover, sharp status differences existed within the category of slavery—for example, between war-captive slaves and debt-bonded slaves. Sukhothai-era foreign-war-captive slaves shared more of the characteristics we associate with slavery than did Ayutthaya-period indigenous slaves, who lived under conditions closer to serfdom. And Bangkok-era debt slaves were closer to overexploited wage workers. In any case, contrary to traditional accounts of Siamese exceptionalism, the practice of slavery was not at all un-Thai: the kingdom of Ayutthaya was a slave society deserving of the label. If *phrai* were willing to sell themselves into slavery, their actions were a testimonial to the harshness of serf status as much as, if not more than, a testimonial to the mildness of slave status.

Let us conclude by returning to the question raised in this article's title. Was self-enslavement a form of resistance to the state? At first glance, the answer certainly seems to be yes, at least during the Ayutthaya period, when many *phrai* chose to sell themselves into slavery rather than perform corvée. It should be said, however, that such decisions were acts of resistance available only to a subset of relatively well-off *phrai*, for those who chose self-enslavement did so with the expectation that they would be able to redeem themselves in due course. They shifted back and forth along the continuum between serfdom and slavery as a demonstration of their own agency, thus giving meaning to their acts of resistance. Self-enslavement was a form of resistance, then, but it was a weapon of the weak, an irritant rather than an existential threat to the Ayutthaya state.