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Pramnōn Kōtmai Roc'ākan T'I Nūng Cūlācākārāt 1166 (CODE OF THE FIRST REIGN [OF SIAM] 1166 [A.D. 1804-05]). Edited by R. Lingat,\* from the Official Manuscripts of the Triple Seal. Bangkok, Vols. I, II, 1939; Vol. III (in press).

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the United States Supreme Court for disputes between States of the American Union, and a possible jurisdiction of an international kind for international controversies.

Concerning the relative importance of some of the selected writers or writings, there will doubtless be divergence of views. With some opinions expressed there may be disagreement, e.g., the statement that Blackstone is "held in even higher esteem today than formerly,"<sup>5</sup> or that the words "general principles of law" as used in Article 38 of the World Court Statute mean essentially natural law.<sup>6</sup> But disagreement of the kind need not detract from the usefulness of the compilation which is provided. There is an occasional reference to American political experience, illustrated in the mention<sup>7</sup> of Lincoln's remarks concerning international law. There is a 37-page index, in addition to a general bibliography and a separate bibliography of source material.

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Siam was the second (following Japan) of the organized independent nations of Asia to undertake to revise its legal system into correspondence with Occidental forms; this undertaking it achieved some forty years ago. In so doing, it demonstrated its progressive prescience in advance of China, Persia, Afghanistan, and Turkey. But it had already made a unique political record (in contrast to an American nation) in peaceably freeing, over the course of a single generation, a body of slaves amounting to one quarter of the entire population. And the political talent of this small but ancient nation, in maintaining its international independence against the encroachments of Occidental powers, has long been known to the world.

In these volumes, edited by a French scholar who is today the greatest (and almost the only) authority on Siamese legal

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5. Vol. I, p. 263.

6. Vol. I, p. 270.

7. Vol. I, p. 362.

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history, there is given to us an authentic text of the only comprehensive relic now extant of a legal system dating back in literary records some seven centuries. The ethnic stratification of the Indo-Chinese Peninsula is interesting and complex. Down from southern China, driven by Mongol invasions, two racial branches arrived about B.C. 800—the Mons and Khmers—the latter tending mostly towards the eastern coast (Cambodia), the former towards the western coast (Burma). Their later superb achievements in architecture are the cynosure of travelers. A millenium later, between A.D. 500 and 1100, came a new tribal wave, the Laos, this time from mid-China. They called themselves Thai, or the Free People. Today the name of Siam, in its own language, is Thai.

Meantime, the Brahman religion from India had been accepted. Later had come the Buddhist missionaries (expelled from India), about A.D. 900. This form of religion overlaid and displaced Brahmanism; though both forms acknowledged the divine authority of the legendary law-giver Manu and his law-books. Consequently the language and the literature of Siam represents a basis of the monosyllabic Chinese type, mixed with the imported Sanskrit (Brahman) and Pali (Buddhist) Indian words—much as English is composed of a basic Germanic language, developed and enriched with Latin and Greek.

Now these talented peoples from the north set up ultimately three separate kingdoms—Burma (west), Cambodia (east), and Siam (center). But their rivalries were intense, and the centuries between A.D. 600 and 1700 were marked by the intermittent domination by force of the one over the other. In the latest of these dynastic wars, the Burmese captured in 1767 the capital of Siam, Ayuthia (located not far north of the present Bangkok) and totally destroyed it.

This prologue has been extended, to explain why (1) the legal systems of Burma and of Siam have a common stock of ideas, (2) the records showing the history of Siamese law prior to the 1800's are so scanty as to be almost negligible, and (3) this history has to be partly re-constructed from the Burmese legal records, which are copious for the last seven centuries.

But in A.D. 1804-05 (1166 by the Siamese Buddhist era, which dates from A.D. 639) an enlightened ruler of Siam caused the then extant records to be compiled in a code, and this is the Code now critically edited from the three official manuscripts by Professor

Lingat. During the 1800's, and until the new occidentalized codes of the early 1900's, this Code of 1805, or parts of it, in many uncritical editions, served to guide the Siamese judiciary.

It will be a notable day when the learned editor will produce for us (as surely he is destined to do) a translation in French. Siam and Burma are the regions where Buddhist influence, in its most nearly original form, can be studied. And space must be taken to point out one important reason. It is this: In a few systems of law, the elaborate books of the cloistered jurists represented mainly their own elaborations of detail as to what the law *ought* to be; but they did not necessarily represent what the law really was in practice. This was the case with the Celtic law-treatises, and with those of the Brahman and the Buddhist juristic writers. A long controversy on this subject arose in India in the late 1800's, between the English jurists who were administering Brahman law in the British courts. Mr. Lingat has pointed out the same feature in the Buddhist books:

"The dharmasastras [books of law] are not ordinary legal treatises expounding the actual law of the country. The science of law was connected with the study of Veda [religious texts]. The latter leads to the study of the rules which necessarily control human societies and are independent of human wills. It reveals to men the principles which should inspire their conduct if they wish to live the meritorious life. They are thus analogous to the European 'natural law.' But while the European theorists of the 'natural law' seldom went beyond the vague region of generalities and the exposition of fundamental principles, the Hindus proceeded to deduce from these principles a mass of detailed and precise rules. Thus the dharmasastras, while theoretically expounding only natural (not positive) law, in fact regulated the entire legal life of man. Hence they were liable to be mistaken for genuine legal treatises."<sup>1</sup>

So in this Code of 1805, it is presumable that we shall find an unusual example of a Buddhist-controlled law-book that represents not merely natural but positive law. It is because this problem of distinguishing the speculative from the actual recurs in other systems that we find the Siamese history most instructive.

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1. Lingat, *L'Influence Indoue dans l'ancien Droit Siamois* (Paris 1937) 18.

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