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[**Editors’ Note:** Shortly after this article was originally published, the author requested that some changes be made and further citations added. These were incorporated immediately into the text below, which was uploaded the following day.]

# Almost Happiness, But Not Quite: Reluctant Rule by Law and Thai Legal History in Seni Pramoj’s Legal Autobiography

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## Abstract

*This article engages with Thongchai Winichakul’s intellectual history of “Rule by Law” by using Greta Olson’s law and affect approach as a departure from the traditional field of law and literature, which focuses solely on discursive practices. It foregrounds the non-cathartic affect of reluctance, a less canonized emotion in Seni Pramoj’s autobiography as a meta-feeling that underpins all emotions such as pride, happiness, and shame in the meta-narrative of conservative Thai legal history. Introducing the concept of “Reluctant Rule by Law” and applying Sianne Ngai’s concept of ugly feelings, Lorianne York’s notion of reluctant celebrity, and postcolonial studies as a main framework, this article argues that Seni’s Janus-faced characteristic, navigating between Western legal modernity and Thai tradition, infused a reluctant tone into his historical works. This autobiographical reluctance*

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*reveals how the conservative Thai jurist upheld royalist nationalism while addressing semi-colonial ambiguities, perpetuating a semi-colonial reluctance that shapes the meta-narrative of conservative Thai legal history and constitutionalism based on royalist nationalism.*

Keywords: Law and literature – Law and affect, Legal autobiography – Rule of law, Thai legal history – Reluctance – Ugly feelings – Semi-colonialism

“Fear and pity may be aroused by spectacular means; but they may also result from the inner structure of the piece, which is the better way, and indicates a superior poet. For the plot ought to be so constructed that, even without the aid of the eye, he who hears the tale told will thrill with horror and melt to pity at what takes place. This is the impression we should receive from hearing the story of the Oedipus.”<sup>1</sup> — Aristotle

“If *Ugly Feelings* is a bestiary of affects, in other words, it is one filled with rats and possums rather than lions, its categories of feeling generally being, well, weaker and nastier.”<sup>2</sup> — Sianne Ngai

“Thomas Jefferson, for instance, recalled in his *Autobiography* (1821), that when he received an offer from President George Washington to serve as Secretary of State in 1789, he was unwilling to accept, for he preferred to return to Paris, to witness the end of the French Revolution. A second, importuning letter from the President, however, “silenced my reluctance and I accepted the new appointment” (99). From there, of course, Jefferson became Vice-President and then President—an instance of reluctance powerfully overcome, and a pattern that would shape many a narrative of humble ascent to public life.”<sup>3</sup> — Lorraine York

## I. INTRODUCTION

Between 2019 and 2021, Thailand witnessed emotional pro-democracy youth-led protests amid emotional landscapes ranging from anger, hope, to despair. Many protestors used social media, popular culture, and flash mob strategies to mobilize the movements. Prajak Kongkirati describes the youth movement in 2020 as “a horizontal, pluralistic, and loosely organized structure.”<sup>4</sup> This demonstrates very well how diverse range of feelings in this period. During this critical period of contemporary Thai political history, Thongchai Winichakul delivered a compelling speech in March 2020 on the Thai conception of the rule of law and its historical foundations, arguing that the official Thai legal history based on royalist nationalism

<sup>1</sup> Aristotle, *Poetics* (Project Gutenberg 2008).

<sup>2</sup> Sianne Ngai, *Ugly Feelings* (Harvard University Press 2007) 7.

<sup>3</sup> Lorraine York, *Reluctant Celebrity: Affect and Privilege in Contemporary Stardom* (Springer International Publishing 2018) 8 <[https://doi.org/10.1007/978-3-319-71174-4\\_1](https://doi.org/10.1007/978-3-319-71174-4_1)>.

<sup>4</sup> Prajak Kongkirati, *Thailand: Contestation, Polarization, and Democratic Regression* (Cambridge University Press 2024) 57.

and semi-colonialism shapes the popular understanding of Thai legal history, which contributes the state of exception in the Thai rule of law where the justice system is used to maintain the status quo.<sup>5</sup> Thongchai introduces the term “Rule by Law” to suggest that Thailand’s elite have established a “state of exception,” allowing them to exercise unchecked authority as the current legal framework is inadequate for administering genuine justice. He links this state of exception to the confluence of royal nationalism and semi-colonialism, extending his analysis to the pedagogical narratives that shape Thai legal history. These narratives uphold the meta-narrative that glorifies the monarchy as the nation’s guardian. Thongchai’s discourse ignites new academic debates on the nuanced intricacies of the Rule of Law, mainstream legal historiography, and the legal pedagogy obstructing Thailand’s democratic progress. He also emphasizes the semi-colonial context of Thailand. The country imported legal technology from the Western world. Royal nationalist history was invented to support the Thai rule of law. Therefore, the rule of law in Thailand is not the rule of law and legal state in the Western world. Law in Thailand is, therefore, a tool to maintain the status quo, not for the protection of the people’s fundamental rights. This use of modern law is incidentally compatible with Thai legal traditions. However, Thongchai’s analysis based on intellectual history does not explicitly address the emotional and psychological impact on Thai legal professionals and academics.

Meanwhile, many studies during this period show how intense emotions like anger have been from the progressive democratic fronts to disrupt the status quo. For example, Attachak Sattayanurak building on Raymond Williams’ “structures of feeling,” examines the evolving structure of feeling in Thailand through the thought and emotion of integrity. Attachak contends that the Thai elite wield the emotion of integrity to uphold a regime of honor, thereby preserving the status quo. Conversely, since the 1932 revolution that transitioned the regime to democracy, a new form of emotion of integrity, grounded in the virtues of equality, has become increasingly evident. Lastly, Attachak suggests that this politics of feeling has become especially apparent in recent years, where youth-led protests have highlighted how these new emotions have taken precedence. Expanding on Thongchai’s notion of “Rule by Law,” Kitpatchara Somanawat integrates the psychoanalytic theory illuminated by Slavoj Žižek to analyze how Thai lawyers operate within this authoritarian construct. Kitpatchara discovers that, although Thai lawyers cognitively recognize the inherent shortcomings of this so-called rule of law, they nonetheless experience a form of enjoyment derived from the fantasy surrounding it. This intriguing psychological dynamic, he contends, can be traced back to the concept of “jouissance”—an obsessive engagement with the illusion of the rule of law. Chutima Pragatwutisarn explores the affective landscape in junta songs and royalist fairs during the junta government formed after the coup d’état in 2014, with Prayut Chan-o-cha as the prime minister.

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<sup>5</sup> ธงชัย วินิจจะกุล, “นิติรัฐอภิสิทธิ์และราชานิธิธรรม: ประวัติศาสตร์ภูมิปัญญาของ Rule by law แบบไทย” นิตยสาร WAY (2563) [Thongchai Winichakul, “Legal Privileged State and Royalist Rule of Law: Intellectual History of Thai-Style Rule by Law” WAY Magazine (2020)] (Thai).

Using Sara Ahmed's concept of the "promise of happiness" (which I will touch on later), she argues that the Thai elite manipulates the emotion of happiness associated with images of a bygone past to create false hope under oppression.<sup>6</sup> In terms of negative feelings, Paweenwat Thongprasop and Papawin Pechnil reads the constitutional ruling on same-sex marriage arguing how the court perpetuates the promise of happiness based on royalist nationalism and juxtapose it with popular cultural texts that use dystopian aesthetics filled with negative emotions like anger to disrupt the constitutional promise.<sup>7</sup> Nevertheless, their queer legal and literary analysis falls short in contextualizing these rulings within the broader landscape of Thai legal historiography and its intricate interplay with semi-colonial identities.

Although these works take significant departure from merely discursive analysis of sociopolitical phenomena and values and pay attention to affects, emotions, and feelings, these works focus on obvious classical emotions, either positive, like good virtues, or negative, like fear and anger; in this article, I will rather focus on the more subtle affects of reluctance. Here, I ask some critical questions: How do the emotional aspects intertwine with Thai constitutionalism, especially in a semi-colonial society dealing with the complex layers of colonial modernity and deep-seated social stratification? How are emotions circulating in Thai legal history? Furthermore, how does this "circulating" contribute to the meta-narrative of Thai legal history that perpetuates the state of exception in the Thai rule of law? And most importantly, how do less canonized emotions, compared to Aristotle's pity and fear, correlate with the semi-colonial psyche of the Thai elite who shape Thai legal history?

In Seni Pramroj's autobiography, *ชีวลีชีวิต* (*Chiwalikhit*, meaning Life's Destiny), I frequently come across the Thai idiom "แกว่งเท้าหาเสี้ยน" (*kwaeng thao ha sian*), which literally means "swaying one's foot to a splinter," idiomatically meaning "to ask for some trouble."<sup>8</sup> This recurring metaphor makes me ponder why Seni uses it as a "motif" to reinforce the thematic undercurrents of reluctant emotions in his autobiography. In this article, I use the term "motif" from literary studies, which means a recurring element that shapes certain themes of literary texts, to explain this literary device that Seni Pramroj uses throughout his autobiography.<sup>9</sup> Frequently, this motif is associated with times when Seni feels like he does not want to take on roles with great responsibilities, implying how he represented the country as if certain supernatural forces are putting him in these situations, such as sitting for the bar exam in the United Kingdom, where he ended up scoring the highest; as an ambassador, leading the Free Thai Movement in the United States, which saved Thailand from

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<sup>6</sup> Chutima Pragatwutisarn, "The Promise of Happiness: Political Imagination in Contemporary Thai Society" (2021) 16 *Philosophia OSAKA* 1–19 <[doi.org/10.18910/78340](https://doi.org/10.18910/78340)>.

<sup>7</sup> Paweenwat Thongprasop and Papawin Pechnil, 'When Queer Emotions Meet the Constitutional Promise: Dystopian Constitutionalism in Thai Popular Culture' (2022) 2(2) *Thai Legal Studies* 251 <<https://doi.org/10.54157/tls.261281>>.

<sup>8</sup> ม.ร.ว. เสณีย์ ปราโมช, *ชีวลีชีวิต* (วิญญูชน 2561) [MR Seni Pramroj, *Life's Destiny* (Winyuchon 2018)] (Thai).

<sup>9</sup> See Chris Baldick, *The Oxford Dictionary of Literary Terms* (3rd edn, Oxford University Press 2008) 215–16.

being labeled a defeated party of WWII by claiming that Thailand was subject to Japanese aggression; and being considered for the role of prime minister three times. This reluctance motif reinforces the theme of the title, *Life's Destiny*, as in Thai culture with Buddhist beliefs, karmic forces determine us beyond free will. Seni's autobiographical reluctance has emerged since I read the text for the first time in early 2023 while developing an initial version of this article for the 3rd Asian Legal History Conference. However, with the rush of presenting the article in June of that year, I left this riddle unanswered. I focused rather on the discursive practices within it, particularly the historical plots that emphasize the role of the Thai elite as the savior of the nation in parallel contemporary democratic and anti-colonial struggles.

I observe that Thai rule of law has Janus-faced characteristics, much like many Thai jurists, including Seni Pramoj. Western legal concepts have been imported but often clash with traditional legal principles. Sometimes they are incompatible, and at times they align. This selective legal compatibility, where conservative Thai jurists attempt to show that traditional legal principles align with universal standards, is notable and highlights the emotion of reluctance in Thai legal history. In *Life's Destiny*, Seni's technocratic legalism is omnipresent. Seni emphasizes this technocratic legalism by juxtaposing it with his apparent unwillingness to enter Thai politics. In Chapter Four, he describes his academic life as a private law professor at Thammasat University, detailing many technical principles in the law of negotiable instruments and even pointing out some special problems in the subject. This willingness to engage with the technical aspects of private law—which is generally perceived as law that deals less with politics, unlike its counterpart of public law such as constitutional law—is notable. This autobiographical emphasis on the private legal technicality demonstrates the post-colonial condition of Thai rule of law, where the Thai state and its organs such the Thai elite imported legal techniques from the Western world, as Thongchai has often suggested over recent years.

Exploring the existing literature on Thai constitutionalism also provides valuable insights into the Thai rule of law. Building on the momentum generated by Thongchai's speech on Thai rule of law, it becomes pertinent to examine the existing literature in the field of Thai constitutionalism. Although scholars in the field of constitutional law have delved into the sociocultural dimensions of Thai constitutionalism—such as Khemthong Tonsakulrungruang's research on Buddhist influences<sup>10</sup> and Eugénie Mérieau's work on the same matter,<sup>11</sup> Henning Glaser's analysis of the ideological transformation of Western democratic concepts in Thailand,<sup>12</sup> Pandit Chanrochanakit's examination of the Constitutional Court's

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<sup>10</sup> Khemthong Tonsakulrungruang, "Toward a New Buddhist Constitutionalism: Law and Religion in the Kingdom of Thailand" (University of Bristol 2020).

<sup>11</sup> Eugénie Mérieau, "Buddhist Constitutionalism in Thailand: When Rājadharmā Supersedes the Constitution" (2018) 13 *Asian Journal of Comparative Law* 283 <<https://doi.org/10.1017/asjcl.2018.16>>.

<sup>12</sup> Henning Glaser, "Permutations of the Basic Structure: Thai Constitutionalism and the Democratic Regime with the King as Head" in Andrew Harding and Munin Pongsapan (eds), *Thai Legal History:*

judicialization of politics through its rulings from 2006 to 2021,<sup>13</sup> and Siravich Teevakul's analysis of "Thai-style militant democracy" as evidenced by the Constitutional Court's 2021 ruling that curtailed fundamental rights<sup>14</sup>—there remains a conspicuous gap in the literature concerning the emotional dimensions of Thai constitutionalism.

I want to unpack emotional aspects in Thai legal history and the rule of law by exploring how Seni Pramroj constructs certain patterns in Thai legal history that shape the rule of law today in *Life's Destiny*. By using affect theories rather than deconstructive and ideology analysis, I attempt to expose these rigid structures as hollow and filled with ambiguous feelings, which reveal their hollowness and contradictions in semi-colonial conditions to blur the binary oppositions between the public and the private, the reason and the emotion as well as the legality and the fictionality in which the latter seem less valid than the former.

When thinking about this autobiographical reluctance, I feel that the emotional aspects of this life writing deserve more careful consideration. Reluctance is an ambiguous yet powerful emotion. It lies between a negative emotion and a positive emotion, providing various possible forces. Celebrity scholar Lorraine York suggests in her study of celebrity reluctance that reluctance is not reclusiveness, as the latter means refusal to be in the public eye, while the former is something in between. As York points out: "But reluctance marks an ambivalence rather than a rejection: a condition of sustaining simultaneously positive and negative reactions while acting in a way that suggests apparent compliance."<sup>15</sup> This emotion of reluctance is ambiguous, and the status of Thai legal history is even more pronounced in Seni's autobiography

Reluctance in *Life's Destiny* raises many questions in relation to Thai legal history and the Thai rule of law. How do these ambivalent emotions evoke certain responses from the audience, including those with legal backgrounds like me, as they are immersed in Seni's autobiographical testimony during major historical moments in contemporary Thai political and legal history, ranging from the late WWII to numerous coups and instances of state violence during the Cold War? Ultimately, what are the possible implications of these autobiographical emotions in shaping the ways the audience engages with the text itself and other historical texts by Seni referenced in the autobiography? How does this pattern of reluctant emotions reflect or echo the semi-colonial conditions of Thai legal history and the rule of law at large?

To further enrich this analysis and explore what I have termed "Reluctant Rule by Law," I will employ affect studies to examine the emotional dimensions intricately intertwined within Seni's autobiography. While affect theories may have differing

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*From Traditional to Modern Law* (Cambridge University Press 2021) <<https://doi.org/10.1017/9781108914369>>.

<sup>13</sup> Pandit Chanrochanakit, "Deformed Constitutionalism: Thai-Style Judicialization and the Problem of Parliamentary Supremacy" (2021) 12 *Political Science and Public Administration Journal* 1.

<sup>14</sup> Siravich Teevakul, "Constitutional Court Decision No. 19/2564: A Threat to Democracy? Forfeiture of Fundamental Rights and the Judicialization of Politics by the Thai Constitutional Court in 2021" (2022) 2(2) *Thai Legal Studies* 178 <<https://doi.org/10.54157/tls.261266>>.

<sup>15</sup> York, *Reluctant Celebrity* (n 3).

viewpoints, they all espouse the principle that emotions are not solely individual experiences. However, they are also shaped by social constructs and the interplay between individuals and their surroundings. As emotions pass through bodies and their environment, they absorb the societal norms, values, and ideologies that they encounter. An affective framework provides a more thorough understanding of Reluctant Rule by Law, a dimension that a mere focus on “autobiographical acts” based on linguistic practices may not fully encompass. This introduction lays the groundwork for a nuanced exploration of affect theories, focusing on bodies, emotions, intensities, and non-linguistic forces. The primary emphasis is on Sara Ahmed, a distinguished cultural studies scholar known for investigating the cultural politics of emotions, engaging with themes such as class, race, and gender. I will integrate insights from critical legal studies that cross the intersections of the law and affect and the law and literature. Scholars in the field of critical legal studies also emphasize the importance of affective turn. For example, Greta Olson proposes the notion of “law and affect” in place of “law and literature,” arguing that in critical theory, such as queer theory and posthuman theory, affect theory has been utilized to replace discursive analysis that traditionally revolved around the field of law and literature, with a focus on textualism. Olson proposes that an affective reading of law and literature exposes the inherent emotions in law, challenging the perception that law is purely objective and rational. Olson highlights how the law also influences how people feel, emphasizing the importance of experiencing and feeling the law instead of merely intellectualizing it and analyzing its cause and effect.<sup>16</sup>

As a pivotal figure in Thai legal and political history during World War II and the Cold War era, Seni’s contributions provide a rich and intricate lens through which to examine the intersection of law and history within the context of Cold War Thailand. His autobiography, a personal literary endeavor, offers an intimate perspective on the life and experiences of this influential legal personality. Somchai Preechasilapakul reads Seni’s legal historiography through his historical works, including his autobiography, arguing that Seni constructed the meta-narrative of Thai royal legal history that has shaped the way official Thai legal history looks today.<sup>17</sup> While Somchai’s analysis has notably delved into Seni’s writings, the emphasis centers on the historical dimensions of his works. This focus, however, tends to overlook the subtleties of Seni’s personal life and the emotional layers that permeate his autobiography. These aspects significantly shape his contributions and the affective impact of his works within Thai legal academia. This omission underscores a notable methodological gap and emphasizes the necessity for a more comprehensive examination of influential figures in Thai legal history, particularly those who have contributed to the conservative discourse on the rule of law. Furthermore, this

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<sup>16</sup> Greta Olson, “The Turn to Passion: Has Law and Literature Become Law and Affect?” (2016) 28(3) *Law & Literature* 335–353, 350 <<https://doi.org/10.1080/1535685X.2016.1232925>>.

<sup>17</sup> สมชาย ปรีชาศิลปกุล, “รัฐธรรมนูญคณะราษฎรในประวัติศาสตร์ (กฎหมาย) กษัตริย์นิยม” *The 101 World* (24 มิถุนายน 2563) [Somchai Preechasilpakul, “Khana Ratsadon: Constitutions in the History of Royalist Law” *The 101 World* (24 June 2020)] (Thai).

scholarship primarily focuses on the content of laws and the historical contexts in Seni's works but neglects to explore his identity as a semi-colonial legal subject. This identity is characterized not only by his determination but also by a complex range of emotions related to his sociopolitical status as a Thai royal Western-educated elite. In other words, it falls short in considering the sociopolitical conditions that have shaped his legal historiography. This oversight becomes even more significant when contextualizing Seni's life within the broader framework of semi-colonialism.

As a result, examining the personal and professional experiences of influential legal figures like Seni Pramroj through the lens of affect theories and the framework of semi-colonialism presents a new and nuanced perspective on how legal affect flows between individuals and the public sphere within the context of Thailand's semi-colonialism, shaping discourse on the rule of law and Thai legal history. This analysis promises to provide essential insights into the discursive and emotional aspects that have influenced the rule of law in Thailand.

This article aims to fill gaps in existing scholarship on Thai constitutionalism and, particularly, the legal historiography of Seni Pramroj by contextualizing Seni's autobiography within the under-explored areas of semi-colonialism and the emotional dimensions of the law. I intend to place Seni's life narrative within Cold War-era Thailand, a period significantly shaped by American imperialism, the rise of communism, and neo-royal nationalism. These dynamics have profoundly impacted mainstream Thai legal historiography and the nation's rule of law. In addition to perpetuating the meta-narrative of official legal history, Seni Pramroj's autobiography exemplifies how this meta-narrative shapes an emotional script for legal historians who write and perpetuate this historical narrative.

This article explores Seni Pramroj's autobiography using affect theories to understand how his life writing influences the emotions shaping conservative Thai legal history. Instead of focusing on positive feelings, I examine minor negative emotions such as his reluctance toward political conflicts, his anxiety about communism, and his nostalgia for Thai Buddhist nationalism. These reluctance-based emotions reveal his semi-colonial conditions and privileges as part of the Thai royalist elite. The meta-emotion in this legal autobiography is reluctance, reflecting the semi-colonial ambiguities in Thai legal history.

This article covers five sections. While Section I has provided the significance of reluctance in *Life's Destiny* and introduced law and affect, Section II defines the term "Reluctant Rule by Law," drawing from autobiography studies, affect studies, and postcolonial studies. Section III explores themes of reluctance-based emotions in Seni's autobiography. In contrast, Section IV examines the afterlives of *Life's Destiny* in broader contemporary Thai contexts, demonstrating how this legal autobiography has been used in many ways, thus its significance in shaping the meta-narrative of conservative Thai legal history. Lastly, Section V concludes the themes of reluctance in *Life's Destiny* and provides implications for using law and affect as well as autobiography to understand the affective legal history of emotions in the milieu of semi-colonial Thailand.



## II. DEFINING “RELUCTANT RULE BY LAW”

In this analysis of Seni’s life writing, I define “Reluctant Rule by Law” and utilize the frameworks of autobiography criticism, affect theories, and postcolonial studies to achieve a nuanced understanding of Seni’s influence on Thai legal history and the concept of Rule by Law. Additionally, I will explore the emotional and postcolonial dimensions inherent in his narrative.

In spite of what its words suggest, autobiography is made out of a collaborative effort in many ways. In Chapter One of *Life’s Destiny*, Seni Pramroj tells the audience that his granddaughter, Tipayawadee Pramroj Na Ayudhya, has urged him to write this autobiography after he had given an interview with Western biographer David Van Praagh. When it comes to the writing method, Seni tells the audience that he has articulated his thoughts and had his granddaughter transcribe them. *Life’s Destiny* is, therefore, made to complete what has not been mentioned in that biography. Here, reluctance to tell his intimate public story is presented early to establish the tone of the autobiography. This political initiative is better emphasized in the foreword of this edition, where his granddaughter talks about the implications of the autobiography as Thailand faces a state of colonization in contemporary times.<sup>18</sup>

The early chapters narrate his life chronologically, from his royal family and education at Trent Boarding School in England to his success in the English bar exam. This introduction to his life is notable as it shows how the Thai elite with Western education navigate and construct themselves in semi-colonial terms. As Arthit Jiamrattanyoo points out, foreign educated students presented a new social status emerging out of the absolute monarchy and semi-colonialism and were viewed as a threat to the status quo, including Philippine educated students who were deemed inferior to Western educated students.<sup>19</sup> This ambiguous status of the foreign educated students is even more complicated in the case of Seni Pramroj, who was part of the royal family and adopted Western education and deemed as a threat, which will be more pronounced when we read Seni’s autobiographical reluctance to navigate Western legal principles as he had studied and the Thai legal traditions of which he was representative.

In recounting his career path, Seni Pramroj organizes his narrative spatially rather than chronologically, separating his experiences as a judge and law lecturer from his roles as a diplomat and politician. This blend of spatial storytelling underscores the multifaceted and diverse identities he embodies. While Seni Pramroj often professes a lack of interest in politics, his life events have ironically shaped

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<sup>18</sup> Seni, *Life’s Destiny* (n 8) 7.

<sup>19</sup> อาทิตย์ เลียมรัตน์บุญ "นักเรียนฟิลิปปินส์" ในทัศนะวิจารณ์ของชนชั้นนำไทยต่อนักเรียนนอกก่อนสงครามมหาเอเชียบูรพา, (2015) 4(7) ขุมทางอินโดจีน เอเชียตะวันออกเฉียงใต้ปริทรรศน์ 559–74 [Arthit Jiamrattanyoo, “Philippine-Educated Students’ in the Critical Perception of the Thai Elite Before the Asia-Pacific War” (2015) 4(7) Indo-China Crossroad: Southeast Asian Review 559–74] (Thai).

Thailand's political and legal landscapes during the Cold War era. This paradox—his apparent reluctance for political engagement set against his significant contributions—adds a layer of complexity to his life narrative, framing his autobiographical identity as a jurist committed primarily to jurisprudence. From this overview, it becomes evident that Seni Pramoj crafted his identity through various literary devices, necessitating a critical reading rather than merely accepting this narrative as objective historical evidence. According to Pike, autobiographers treat time in autobiography as linear, as they usually tell their life story from birth to adulthood and the final times of their life. However, Pike reveals that autobiographical time is not linear and objective, despite the autobiographers' efforts to control time through their writing. Autobiographical time is, therefore, entangled with past, present, and multiple selves. Therefore, autobiography is fiction, challenging the traditional reading of autobiography as a factual historical record.<sup>20</sup> Applying this framework to reading Seni's autobiography will provide insights into how historical facts mentioned in his life writing are mingled with his multiple identities, emotions, ideologies, and the unconscious.

Apart from reading literary components, I also read affective aspects of the autobiography to add depth to how his autobiography engages with the audience, thereby circulating and shaping official Thai legal history through his autobiographical legal historiography. *Reluctant Rule by Law* embodies the affective layers embedded in Thai legal historiography, as exemplified in Seni's autobiography. This term is an affective analytical framework integrating autobiographical self-representation with semi-colonial hybridities.

## A. Law and Affect

This article explores Seni's autobiography using affect theories to see how his life writing impacts the affects that shape conservative Thai legal history. Instead of focusing on happy feelings in this writing, I focus on minor effects such as his reluctance to political conflicts, his anxiety over communism, and his nostalgia for Thai Buddhist nationalism. These affects explain his semi-colonial conditions and privileges as the Thai royalist elite. Nevertheless, this does not mean I ignore the linguistic impacts of the text, especially the legal intertextuality frequently used throughout. An affective reading of this legal history reveals that the emotional script or meta-feeling of reluctance in this autobiography sets the expected emotional tone when people read other referenced legal historical texts. This narrative affect, in turn, shapes the way the texts are intellectually interpreted.

It is important, however, to note that affect theory has many branches, and I have used Sara Ahmed's approach, which does not see affect as purely visceral or bodily. Rather, it examines how affect works together with discursive elements, which,

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<sup>20</sup> Burton Pike, "Time in Autobiography" (1976) 28(4) *Comparative Literature* 326–42 <<https://doi.org/10.2307/1770020>>.

I think, can blend with the autobiographical and postcolonial theories I employ that are traditionally based on the linguistic turn. Firstly, the notion of “affective economies,” as proposed by Ahmed, offers an intricate framework for understanding the circulation of emotions within communities, thereby shaping individual subjectivity. Ahmed uses the economy as an analogy to conceptualize the cultural politics of emotions, in which affect acts as circuitry structures that circulate in society and adhere to figures such as ideologies, values, and experiences. The economic analogy also illustrates how socially constructed emotions can be invested, accumulated, and intensified over time, influencing people’s orientations, either binding them together or pushing them apart. Ahmed says, “In such affective economies, emotions do things, and they align individuals with communities—or bodily space with social space—through the very intensity of their attachments. Rather than seeing emotions as psychological dispositions, we need to consider how they work, in concrete and particular ways, to mediate the relationship between the psychic and the social, and between the individual and the collective.”<sup>21</sup> In a nutshell, Ahmed sees emotions as active agents that significantly contribute to shaping society.

When discussing law and affect, it is crucial to recognize that rationality is not the only important factor in legal studies. To fully understand how the rule of law influences people's perceptions of it, we must also consider emotions and visceral reactions as essential complements to rational analysis. Although I use law and affect, I am aware that reading affective practices in texts is inevitable to read discursive devices. With this, I also explore rhetorical devices, focusing on how they convey feelings as the audience engages intellectually and emotionally with the text. Therefore, I will concentrate on descriptions of gestures and symbolism. However, rather than focusing on their semantic meanings, I will specifically examine their roles in inducing emotional effects on the audience. Although there are many definitions of affect in social sciences and humanities, Gregory J. Seigworth’s flexible definition of affect as “rangy” or “capacious” will guide my reading of affective states in Seni’s autobiography. This shows that affect cannot be precisely named, highlighting its elusiveness and free-flowing quality in the cultural politics of emotion in Thailand.<sup>22</sup>

This article reads the affective motif of reluctance in Seni Pramoj’s legal autobiography, which offers a rethinking of the in-betweenness in many domains of the legal and the non-legal. By “in-betweenness,” I refer to affective states that exist between the fixed epistemological and ontological dichotomies of law and literature, fictionality and historicity, coloniality and postcoloniality, reason and emotion, pity and fear, public and private, objectivity and subjectivity. In recent decades, affect studies have grown significantly. Despite heterogeneous approaches, scholarship in this field pays attention to the phenomenological interaction between bodies, emotions, and subjectivity. This affective approach departs from the linguistic turn in

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<sup>21</sup> Sara Ahmed, “Affective Economies” (2004) 22(2) *Social Text* 117–39, 119 <[https://doi.org/10.1215/01642472-22-2\\_79-117](https://doi.org/10.1215/01642472-22-2_79-117)>.

<sup>22</sup> Gregory J. Seigworth, “Capaciousness” (2017) 1(1) *Capacious: Journal for Emerging Affect Inquiry* i-v <<https://doi.org/10.22387/cap2017.7>>.

humanities, cultural studies, and social sciences that pay attention to the power of language in creating reality through deconstructive or suspicious readings to expose hidden assumptions of linguistic constructs. Although the difference between emotion, feeling, and affect is significant, this article uses the terms interchangeably. When I use the word emotion, I do not refer to something biologically essentialized or genetically determined. Instead, I mean a state of feeling that is in flux and influenced by both natural and cultural environments. I also adopt Sianne Ngai's flexible notion of emotion and feeling:

While the distinction between affect and emotion is thus helpful here in a number of ways, I will not be theoretically leaning on it to the extent that others have—as may be apparent from the way in which I use the two terms more or less interchangeably. In the chapters that follow, the difference between affect and emotion is taken as a modal difference of intensity or degree, rather than a formal difference of quality or kind.<sup>23</sup>

Affect theories are helpful in reading what has not been explicitly mentioned in Seni's autobiography, whether due to his semi-colonial identity or the complex nature of feelings and linguistic limitations. Epistemologically, this approach shows the limitations of logical positivism in the traditional law and literature as well as legal history.

## B. Autobiography criticism

Autobiography criticism is instrumental in understanding how Seni's autobiographical devices are used to evoke certain emotions associated with Thai legal history. In their seminal work *Reading Autobiography: A Guide for Interpreting Life Narratives*, Sidonie Smith and Julia Watson assert that constructing an autobiographical narrative reflects not merely one's identity, but a dynamic process characterized by performativity. Consequently, autobiographical narratives should not be perceived as mere factual accounts akin to historical writings; instead, they should be viewed as intersubjective constructs that establish a contractual relationship between the writer and the audience. Within this pact, the autobiographer engages in the artful sculpting of intersubjective truths to enrich the audience's comprehension of the author's identity.<sup>24</sup> This intersubjective truth of autobiography will be emphasized through my analysis of Seni's autobiographical affective states, which not only provide historical facts about the Thai rule of law but also create an autobiographical contract between the autobiographer and the audience. This contract

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<sup>23</sup> Ngai, *Ugly Feelings* (n 2) 27.

<sup>24</sup> Sidonie Smith and Julia Watson, *Reading Autobiography: A Guide for Interpreting Life Narratives* (University of Minnesota Press 2001) 1–14 <<https://doi.org/10.5749/minnesota/9780816669851.001.0001>>.

forms an affective social agreement that promises Reluctant Rule by Law for the audience.

Therefore, at first glance, this intimate account is not political from the outset, but as we read into it, we will see how *Life's Destiny* creates what Lauren Berlant calls an intimate public or sentimentalist form of writing that links the personal with the political.<sup>25</sup> However, rather than using melodramatic sentimentality like American women's writings from the 19th and 20th centuries that Berlant has analyzed, Seni employs autobiographical reluctance that underpins all emotions in the text, echoing his semi-colonial psyche. Additionally, Berlant also emphasizes the intimate public of life writing, meaning that the genre is not purely personal. There are negotiations of norms, both conforming and resisting, within this genre.<sup>26</sup>

This collaborative effort of creating an autobiographical rule by law between Seni and his granddaughter is significant. It shows that legal autobiography should be read with an awareness of its intersubjective emotional nature, rather than as an objective historical source easily understood by discursive analysis.

## C. Postcolonial Studies

The postcolonial situation in Thailand is complex due to its unique historical claim of having never been colonized. Nevertheless, the country's struggle with extraterritoriality, resulting from unequal treaties, suggests that this nationalist narrative may not entirely capture Thailand's actual postcolonial context. In recent decades, several historians, including Thongchai Winichakul in various speeches on the rule by law, have proposed that Thailand experienced a form of semi-colonialism, crypto-colonialism or internal colonialism.<sup>27</sup> Despite not falling directly under the jurisdiction of Western powers, Thailand has been greatly impacted by its legal frameworks, primarily through extraterritorial measures like the unequal Bowring Treaty, which had a significant influence on its socioeconomic conditions. Prabhakar Singh's study of two international law cases, *Cheek v. Siam* (1898) and *the Temple of Preah Vihear* (1962), reveals the semi-colonial conditions of Thailand.<sup>28</sup> Meanwhile, Thailand has shown colonizing behavior within its borders and across Southeast Asia—a status often referred to as internal colonization. Similarly, Hong Lysa observes that Thai history is constructed of narratives emphasizing foreign

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<sup>25</sup> Lauren Berlant, *The Female Complaint: The Unfinished Business of Sentimentality in American Culture* (Duke University Press 2008).

<sup>26</sup> Lauren Berlant and Jay Prosser, "Life Writing And Intimate Publics: A Conversation With Lauren Berlant" (2011) 34 *Biography* 180–87.

<sup>27</sup> See, for example, "Semicolonialism and International Law," YouTube (Jindal Global University, 11 March 2021) <[https://www.youtube.com/watch?v=Ftyn\\_4HLLcI](https://www.youtube.com/watch?v=Ftyn_4HLLcI)>. A webinar conducted by the Centre for International Legal Studies, Jindal Global Law School, and Addis Ababa University IHL Clinics, featuring 'Semi-colonialism in Siam' by Thongchai Winichakul.

<sup>28</sup> Prabhakar Singh, "Of International Law, Semi-Colonial Thailand, and Imperial Ghosts" (2019) 9 *Asian Journal of International Law* 46 <<https://doi.org/10.1017/S204425131800005X>>.

threats to national sovereignty and highlighting the monarchy's anti-colonial role. However, paradoxically, the country's unique postcolonial condition is conspicuously absent from official Thai historical accounts, owing to its claim for exceptionalism.<sup>29</sup>

As I have argued that semi-colonial conditions shaped Seni's subjectivity and the way he constructed Thai legal history through his life narrative, I, therefore, will apply postcolonial theories that touch on notions of subjectivity to understand the psychological makeup of Seni Pramroj. The concept of colonial mimicry and hybridity, as proposed by Homi K. Bhabha, is employed in examining the formation of Seni's autobiographical identity. In "Of Mimicry and Man: The Ambivalence of Colonial Discourse," Bhabha suggests that the local elite, through their acquisition of Western or colonial knowledge, evolve their identity to the point where they perceive themselves as "almost the same, but not quite"<sup>30</sup> as the colonizers, despite having attained a similar level of education or knowledge. I argue that this ambiguous identity is evident in Seni's autobiographical reluctance.

Additionally, Peter Jackson reinterprets the idea of colonial hybridity by examining it through the lens of semi-colonial Thailand. In his work on semi-colonial hybridities, Jackson argues that the frameworks of hybridity provided by Homi Bhabha and García Canclini are inadequate for grasping the complexities unique to this setting.<sup>31</sup> Consequently, exploring the formation of Seni's colonial hybrid subjectivity through his autobiographical narrative entire of personal dimensions might reveal the affective life of Thai legal history more dynamically.

While intricate debates persist regarding the distinctions between colonialism, postcolonialism, decolonialism, anticolonialism, and semi-colonialism, this article will not explore these ongoing dialogues. The primary focus will be on semi-colonialism to provide insight into Thailand's distinctive postcolonial context. This perspective is influenced by the seminal contributions from Asian and Thai studies scholars such as Thongchai Winichakul, Hong Lysa, Peter Jackson, and Prabhakar Singh, as I have discussed.

In his autobiography, Seni's account of excelling in the English bar exam and harboring mixed feelings towards the West reflects his layered colonial identity marked by Thai traditionalism and Western-inspired modernity. This dual identity—both as a member of the Thai elite and as a figure shaped by Western legal principles—guides his life choices and perspectives as depicted in his autobiography. This narrative serves as a valuable text for understanding the intricate process of semi-colonial formation of prevailing Thai legal identity. Ultimately, analyzing Seni's life writing through the lenses of autobiography criticism and postcolonialism could shed light on the emotional dimensions of Thai rule of law during the Cold War—a period

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<sup>29</sup> Hong Lysa, "Invisible Semicolony: The Postcolonial Condition and Royal National History in Thailand" (2008) 11 *Postcolonial Studies* 315–27 <<https://doi.org/10.1080/13688790802226710>>.

<sup>30</sup> Homi Bhabha, "Of Mimicry and Man: The Ambivalence of Colonial Discourse" (1984) 125–33, 126 <<https://doi.org/10.2307/778467>>.

<sup>31</sup> Peter Jackson, "Autonomy and Subordination in Thai History: The Case for Semicolonial Analysis" (2007) 8(3) *Inter-Asia Cultural Studies* 329–48 <<https://doi.org/10.1080/14649370701393709>>.

rife with security anxieties. I hope this analysis will enrich our understanding of Seni's complex identity and contribute to studying the legal history of emotions in Thai constitutionalism.

In the following sections, I will demonstrate how Seni's autobiography creates Reluctant Rule by Law embedded with emotions such as happiness and anxiety that stick to particular normative orderings, resonating within the broader affective regime that sustains prevailing Thai legal history.

### III. EXPLORING RELUCTANT RULE BY LAW IN LIFE'S DESTINY

Before analyzing the text, I will examine the autobiographical acts within Seni's life narrative. Utilizing Sidonie Smith and Julia Watson's framework of autobiographical acts, I dissect the structural elements of Seni's narrative. These elements comprise eight distinct components: the coaxers, sites of storytelling, the autobiographical "I"s, the "Others" concerning these "I"s, the addressees, modes of self-inquiry, emplotment, medium, and consumer. This autobiographical structure not only shows how Seni discursively constructs autobiographical truth but also demonstrates how it induces certain emotions in the audience.

**The coaxers:** According to Smith and Watson, the coaxers refer to the force or the reason encouraging one to write an autobiography.<sup>32</sup> In Seni's case, it is his relatives that urge him to write an autobiography. The coaxer tells why she wants to publish the autobiography in the foreword of the autobiography I used.

**Sites of storytelling:** Narration sites, whether occasional or locational, set the context for the evolving narrative, influencing the audience's expectations.<sup>33</sup> In Seni's autobiography, his home provides the setting for his recollections, as he articulates his memories while a relative transcribes them. This homely environment might lend a serene and introspective atmosphere to the narrative, cultivating a deep connection between the reminiscing narrator and the audience. Such an intimate setting fosters a pact between the writer and the audience where Seni commits to sharing his profoundly personal and subjective truths with the audience amid the calm of his retirement.<sup>34</sup>

**The autobiographical "I"s:** Autobiography usually uses "I" as a pronoun of the text. This autobiographical pronoun carries multiple meanings. "I" is a producer of autobiographical narratives that encompasses the actual or historical "I," the narrating "I," the narrated "I," and the ideological "I". The real or historical "I" refers to the biographical Seni Pramroj, whose existence can be traced in historical documents.<sup>35</sup>

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<sup>32</sup> Smith and Watson, *Reading Autobiography* (n 24) 50–55.

<sup>33</sup> *ibid* 56–58.

<sup>34</sup> *ibid* 58–64.

<sup>35</sup> *ibid*.

In the context of the autobiography, the historical “I” is the name “MR Seni Pramoj,” as featured on the book’s cover. However, this aspect is not a primary focus of my analysis as it falls outside the scope of this autobiography. This analysis focuses on Seni’s life’s experiential and interpretative dimensions as presented in the autobiographical narrative. The narrating “I” is the senior Seni Pramoj, who reflects on his past, intertwining the history of his professional life with that of Thailand during the Cold War era. The narrated “I” is the version of himself he portrays within the narrative, and the ideological “I” is the perspective he espouses throughout his narrative.

**The others of Autobiographical “I”:** This concept illustrates that the identity of the autobiographer is interdependent with others, signifying the relationality of autobiographical narratives. Other figures portrayed in autobiographical discourse can be historical others or well-known figures from collective memory, such as politicians.<sup>36</sup> In his autobiography, Seni recounts his interactions with numerous Thai political figures, school friends, and law students he taught and even describes the disparate treatment between Malaysian and Thai waitpersons by Westerners. Countless historical figures are depicted within the narrative to help mold Seni’s subjectivity, framing him as a member of the Thai elite as perceived by Westerners or as a legal expert who primarily engages in matters of law and technocracy outside the realm of politics.

**The “addressee”:** This element pertains to the individual or group to whom the narrative is being told. The interaction between the narrator and the addressee contributes to creating an intersubjective truth, further shaping the identity of the autobiographer.<sup>37</sup> In this autobiography, the addressee appears to be Seni’s grandchildren, evidenced by his frequent use of the term “grandpa” throughout the narrative. However, a deeper reading suggests that the addressee extends beyond his immediate family and includes the Thai people. This broader audience is especially apparent in Chapter Five, where he recounts his experiences as a member of the Free Thai Movement, which contributed significantly to Thailand’s resilience during World War II. Furthermore, in Chapter Seven, Seni discusses his political career, painting a picture of himself as a politician dedicated to protecting and improving the nation.

**The structuring modes of self-inquiry:** This concept relates to the narrator’s strategies to investigate his self-identity and accumulate self-understanding.<sup>38</sup> In Seni’s autobiography, he undertakes a reflective exploration of his experiences during his retirement years. As such, his self-inquiry methods veer towards introspection of his life, encompassing in-depth contemplation of personal and political events, as communicated through his narrative. The reluctant idiom elucidates his self-awareness that his life is persistently entwined with politics, often without intentional engagement.

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<sup>36</sup> *ibid* 64–65.

<sup>37</sup> *ibid* 68–69.

<sup>38</sup> *ibid* 69–71.



**Patterns of Emplotment:** The emplotment of autobiography is multilayered with a mixture of the temporal and spatial organization.<sup>39</sup> In *Life's Destiny*, Seni tries to manipulate autobiographical time, rich with historical events, by organizing his life through his various roles and distancing his life as a legal technician from his life as a politician.

**The medium:** In this autobiographical context, the medium extends beyond the written text to include additional elements that support and enhance the narrative discourse.<sup>40</sup> In Seni's autobiography, images from various stages of his life have been incorporated into the text. A notable example is a photo accompanying the start of Chapter Seven, depicting Seni Pramoj delivering a speech to a large crowd. This image, combined with a secondary picture showing the vast audience, creates an impression of his leadership role as a politician beloved by the people, embodying his embrace of democracy.

The significance of these images becomes even more striking when they are read in conjunction with the heading on the following page, "The Democrat Party"—a political party with which Seni was deeply involved as a leader. This image-text association primes the audience to understand Seni's life as one dedicated to the service of the people. The first sentence below the heading, where Seni expresses his distaste for politics, contrasts the graphic representation, thus suggesting an ambivalent stance towards Thai politics. This multimedia representation enriches his narrative, crafting a complex and heteroglossic portrayal of the autobiographer's subjectivity.

**The consumer:** "consumer" differs from "narratee" or "implied audience." It refers specifically to the actual, tangible individuals who engage with the text, as opposed to the theoretical or intended audience implied within the narrative. The audience of autobiography "consumes" it alongside other cultural narratives; therefore, their perception of the autobiography is influenced by other narratives circulated in their communities, meaning that communities of consumers can be heterogeneous. Hence, the meanings of the autobiography.<sup>41</sup> I will explore how different kinds of consumers of Seni's autobiography perceive his in the final analysis of the afterlives of his life writing. The consumers of Seni's autobiography are a heterogeneous group, including individuals with conservative leanings, members of the Democrat Party, and progressive legal scholars. The consumers of this autobiographical text interact with it within their respective sociocultural and temporal contexts, producing diverse cultural interpretations of the narrative.

Now that we have explored the autobiographical aspects of Seni's life writing, we can observe that autobiography is not merely an intimate personal narrative but is intertwined with multiple factors such as ideologies, values, emotions, and a larger collective history that collectively shape the meanings attributed to the

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<sup>39</sup> *ibid* 71–74.

<sup>40</sup> *ibid* 74–77.

<sup>41</sup> *ibid* 77–80.

autobiographer. It is not straightforward historical evidence but requires critical, close reading within complex contexts.

Understanding the context in which Seni Pramoj narrated his professional life is essential, particularly considering it spanned Thailand's late World War II and Cold War periods. This backdrop is pivotal for comprehending how he portrayed himself within the realms of modern political and legal history. The post-World War II political landscape in Thailand was characterized by significant instability. In 1947, a coup d'état led by military leaders Field Marshal Plaek Phibunsongkhram, Phin Choonhavan, and Kat Katsongkhram, and supported by royalists, aimed to reestablish royal political influence. This move came after the transformative 1932 revolution, which shifted the nation from an absolute monarchy to a constitutional democracy with the King as the head of state. Many scholars argue that the 1947 constitution signified a resurgence of the royal institution, marking a critical turning point in Thailand's transition from an absolute monarchy to a constitutional democracy.<sup>42</sup> Worawut Butrmatr refers to the constitution resulting from this coup d'état as the "royal constitution."<sup>43</sup>

Additionally, Kasidit Ananthanathorn contends that the initial 15 years of Thai constitutionalism, beginning with the 1932 revolution, can be described as democratic. However, the 1947 event, often labeled a coup d'état, is more aptly considered a constitutional revolution. This is because, according to Kasidit, it marked a significant transfer of constituent power from advocates of democracy to royalist supporters.<sup>44</sup> Conversely, Natdanai Nachan, in his doctoral dissertation, suggests that the constitutions between 1932 and 1974, which he refers to as "elite-constructed constitutions," including the first constitution following the democratic revolution, were structurally crafted to serve the interests of the elite and were based on their desire to maintain the status quo.<sup>45</sup> All in all, we can see that the period during which Seni Pramoj lived his professional life was a transitional phase. It spanned the first 15 "honeymoon" years of democracy and led into the years of royal nationalism, a time to which his works significantly contributed.

Following the end of the Second World War, a transformative shift transpired in the global landscape. This alteration was characterized by ideological rivalry,

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<sup>42</sup> For an insightful commentary on this undemocratic coup d'état, see the work of Pridi Banomyong, one of the prominent leaders of the 1932 constitutional revolution and a pivotal figure in Thai history: ปรีดี พนมยงค์, "ความไม่ชอบธรรมของรัฐธรรมนูญฉบับชั่วคราว (รัฐธรรมนูญใต้ตุ่ม)" (สถาบันปรีดี พนมยงค์ 2564) [Pridi Banomyong, "The Illegitimacy of the Interim Constitution (Hidden-Under-a-Water-Jar Constitution)" (Pridi Banomyong Institute 2021)] (Thai) <<https://pridi.or.th/th/content/2021/02/595>>.

<sup>43</sup> วรวัฏ บุตรมาตร, "รัฐธรรมนูญ ๒๔๙๐ รัฐธรรมนูญฉบับคณะเจ้า" (ศิลปวัฒนธรรม 2565) 44(1) 54–67 [Worawut Butrmatr, "The 1947 Constitution: The Royal Constitution" (Silapawathanatham 2021) 44(1) 54–67] (Thai).

<sup>44</sup> Kasidit Ananthanathorn, "The Life of Thai Constitutional Regime (1932–1947)" (Thammasat University 2017)(in Thai) <[https://digital.library.tu.ac.th/tu\\_dc/frontend/Info/item/dc:139852](https://digital.library.tu.ac.th/tu_dc/frontend/Info/item/dc:139852)>.

<sup>45</sup> Natdanai Nachan, "The Constitutions of the Kingdom of Thailand: Elite-Constructed Constitutions (1932–1974)" (PhD Diss, Te Herenga Waka–Victoria University of Wellington 2023) <<https://doi.org/10.26686/wgtn.24625464>>.

culminating in the Cold War. In this geopolitical struggle, the United States of America ascended as the vanguard of liberal democracy, whereas the Soviet Union took the helm of the communist bloc. Subsequently, Thailand emerged as a pivotal locale for the United States in its endeavor to counteract the proliferation of communism in Southeast Asia. Kullada Kesboonchoo Mead argues that a tripartite coalition of the monarchy, military elite, and the United States orchestrated the democratization process in Cold War-era Thailand. Specifically, U.S. support fortified the monarchy, legitimizing the military elite's efforts to combat communism. Simultaneously, the military played a pivotal role in safeguarding the unchallenged status of the monarchy.<sup>46</sup> Intriguingly, Kullada contends that this interplay yielded an uneven trajectory of democratization, culminating in the mass protests of October 1973. Kullada closes the chapter by positing that American imperialistic influence not only shaped the contours of Thailand's constitutional system—swaying it between democracy and military dictatorship—but also engendered a new social stratum, notably manifest in the student-led protests of October 1973.<sup>47</sup>

Another crucial moment in Thailand during the Cold War was the Thammasat Massacre on October 6, 1976. Unlike October 1973, this incident is regarded as a wounded history of contemporary Thai politics, as the perpetrators were not brought to trial as they should have been. Thongchai sees this incident as an example of a culture of impunity in Thailand, which he later affirms as another feature of Thai rule by law, which we have discussed earlier.

All these events are evident in Seni's autobiography. I argue that the historical narratives within Seni's autobiography generate *Reluctant Rule by Law*, imbued with the content of royal nationalism that portrays the monarchy as liberal and anti-colonial heroes during the Cold War era. These narratives are interwoven with shades of reluctance with other emotions.

## A. Reluctance as Meta-Feeling

The quote at the beginning of this article from Aristotle's *Poetics* discusses the cathartic emotions of pity and fear. These emotions, which are considered canonical, elevate the audience's sense of morality as they witness the downfall of Oedipus in *Oedipus Rex* by Sophocles. These feelings have also been a topic of discussion in Thai scholarship in recent years, as I have mentioned. However, in this article, I want to unpack non-dominant feelings embedded in Seni's autobiography.<sup>48</sup> Sianne Ngai explores negative minor emotions in *Ugly Feelings* such as paranoia and anxiety, as she points out that the feelings she analyzes in this book are "explicitly amoral and noncathartic, offering no satisfactions of virtue, however oblique, nor any therapeutic

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<sup>46</sup> Kullada Kesboonchoo Mead, "The Cold War and Thai Democratization" in Albert Lau (ed), *Southeast Asia and the Cold War* (Routledge 2012) 219.

<sup>47</sup> *ibid* 215–40.

<sup>48</sup> Aristotle, *Poetics* (n 1).

or purifying release”<sup>49</sup> and Ngai focuses on the “meta-feeling” that underpins other emotions:

In fact, I would suggest that what each moment produces is the inherently ambiguous affect of affective disorientation in general—what we might think of as a state of feeling vaguely “unsettled” or “confused,” or, more precisely, a meta-feeling in which one feels confused about what one is feeling.<sup>50</sup>

Ngai’s concept of ugly feelings which focuses on subtle feelings has been used by Lorianne York’s study on reluctant celebrity which proposes that the articulation of celebrity reluctance is a privilege that enables celebrities to project their public personalities.<sup>51</sup> Returning to York’s analysis of Thomas Jefferson’s “humble ascent to public life” that I have provided at the beginning of this article, we can see that this reluctance is not radical refusal but a way to navigate his private life and public expectations. This ambivalent stance is evident in Seni’s motifs of “not wanting to enter politics,” “asking for trouble,” and even the title “Life’s Destiny,” which together project him as a public figure who, with his privileges, cannot reject great responsibilities. In short, I argue that the meta-feeling of reluctance underpins all emotions in Seni’s autobiography and it shows his semi-colonial identity as well as privileges as the Western-educated Thai elite.

## B. Reluctant Pride

In the chapter titled “Shame Before Others” of *The Cultural Politics of Emotion*, Sara Ahmed analyzes the emotions of national pride and shame, arguing that they are closely related. Ahmed uses the case of Australian settler colonialism and its treatment of the Aborigines to argue that national pride is created through the shame of the nation’s past wrongdoings.<sup>52</sup> This oxymoronic duality of pride and shame is evident in *Life’s Destiny*, where national pride is linked to the protagonist’s personal life, while national shame about state violence is distanced from his role as a prime minister at that time. The emotion of pride in *Life’s Destiny* connects Seni’s personal life with the broader theme of anti-colonial nationalism. In Chapter One, which narrates his childhood, the autobiographer traces his royal family history and then recounts his experiences traveling to England to study abroad. He encounters various racist moments, but ultimately excels in many activities among his Western peers, including literary talents, while in boarding school. This reluctant pride is even more evident in Chapter Eight where Seni projects his senior life as a Thai poet and emphasizes his role of translating poems with themes of national independence. Notably, this

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<sup>49</sup> Ngai, *Ugly Feelings* (n 2) 6.

<sup>50</sup> *ibid* 14.

<sup>51</sup> York, *Reluctant Celebrity* (n 3) 2.

<sup>52</sup> Sara Ahmed, *The Cultural Politics of Emotion* (NED-New edition, 2, Edinburgh University Press 2014) 101–21.

narration is filled with pride in contrast to when Seni talks about this unwillingness to enter politics. This affect of national pride that reinforces the plot of monarchs as anti-colonial heroes in Thai history by linking their personal lives with national pride in not being colonized and having something better than non-Western countries. This affect might seem progressive at first glance, but this section will read the counterpart of pride, which is shame or something that needs to be concealed. This selection of what should be considered pride and shame shows the cultural politics of emotion in the Thai rule of law very vividly and shows how studying anticolonialism and postcolonialism in Thailand should not be taken straightforwardly due to the semi-colonial status of the country's history.

The Thammasat Massacre on October 6, 1976, is a painful chapter in Thai political and legal history, highlighting a culture of impunity where no one is held accountable for state violence. This incident is awkwardly mentioned in *Life's Destiny* in Chapter Seven, which covers Seni's political life. Seni situates this incident as the final section of his political career before moving on to the next chapter, which provides closure to his senior years and affection for literature. This underscores Thongchai's observation in *Moment of Silence* about the public sentiment towards the incident, showing the unfinished business of contemporary Thai history.<sup>53</sup>

In terms of Thai constitutionalism, this incident exemplifies the nature of Thai constitutionalism, characterized by a culture of impunity where those responsible for state violence remain silent.<sup>54</sup> Seni's autobiographical account of this unresolved history reveals his reluctance, which I interpret as a reflection of his "legal privilege" while serving as prime minister, a position that should have held him accountable for investigating the state violence. This interpretation links his autobiographical emotion of reluctance with the broader context of the Thai rule of law. As Thongchai discussed in his speech mentioned in the introduction, the rule of law in Thailand is maintained by abusive legal enforcement and legal contents that favor the status quo. It is, therefore, his legal privilege to stay silent in this situation that makes the tone of reluctance in his narration of the incident.

In *Life's Destiny*, Seni frequently voiced his concerns over communism. Being part of the Thai royalist elite during the Cold War, he found himself in an era when the United States backed the monarchy and Thailand to prevent the domino effect. Given Thailand's strategic geopolitical importance in Southeast Asia during this period, his anti-communist stance reflects the broader narrative. On page 70 of his autobiography, he references a speech he delivered in 1952, expressing his opposition to communism. He summarises his perspective by arguing that communism, contrary to human nature, is destined to fail. He provides the example of the Russian

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<sup>53</sup> See Thongchai Winichakul, *Moments of Silence: The Unforgetting of the October 6, 1976, Massacre in Bangkok* (University of Hawaii Press 2020) <<https://doi.org/10.1515/9780824882853>>.

<sup>54</sup> See Tyrell Haberkorn, "The Hidden Transcript of Amnesty: The 6 October 1976 Massacre and Coup in Thailand" (2015) 47(1) *Critical Asian Studies* 44–68 <<https://doi.org/10.1080/14672715.2015.997344>>.

Revolution in 1991, which marked the end of global communism, to validate his point of view.<sup>55</sup> His anti-communist sentiment is also evident in his references to the Thammasat Massacre in 1973. This tragic event in Thai history remains officially unresolved by the state. The incident occurred when hyper-royalists accused progressive university students of being communists, thereby justifying state violence against the students, including inhumane acts such as killings and desecration of dead bodies. In this autobiographical text, the narrator cherry-picks events from his tenure as the prime minister, focusing only on the dehumanization of students and state-led violence. He rationalizes the coup d'état that occurred that day, mentioning that the coup board did not label it as a revolution akin to the 1932 upheaval that overthrew the monarchy but as a reformation indicating progress. He further claims this "reformation" served to rescue him from trouble, as it obviated his need to seek refuge abroad.<sup>56</sup>

In conclusion, Seni's reluctant pride as well as anti-communist legal historiography in his autobiography reveals a personal narrative that reflects broader Cold War era ideologies and politics. His explicit opposition to communism, coupled with the strategic geopolitical importance of Thailand during the Cold War, aligns his perspective with a mainstream anti-communist narrative. His selective recounting of events, particularly his take on the Thammasat Massacre of 1973 and his portrayal of the subsequent coup d'état as a "reformation," illuminates his ambivalent standpoint as a member of the Thai elite.

### C. Reluctant Happiness

Happiness is one aspect of Seni's autobiography that creates a sense of nostalgia for the glorious history of Thailand. Here I use Sara Ahmed's affect theory of happiness as a lens to examine how Seni's autobiographical legal history generates affects that promise happiness and well-being to the Thai people during the age of absolute monarchy.

The incorporation of Ahmed's notion of the promise of happiness reveals how this emotion shapes historical perspectives of anticipation. This understanding is instrumental in comprehending how Seni's affective autobiography constructs circulating happiness within conservative Thai legal history. Seni's autobiography shows how happiness adheres to social norms and figures in Thailand's patriarchal context, with implications for creating a future orientation to happiness under the Thai-style rule of law, where the status quo is upheld.

Ahmed proposes the concept of "happy objects," illustrating that the emotion of happiness is often generated through associating affective values with nearby

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<sup>55</sup> Seni, *Life's Destiny* (n 8) 70.

<sup>56</sup> *ibid* 227.

objects focusing on the feeling of happiness,<sup>57</sup> which I believe is relevant to our analysis as Seni's autobiography frequently promotes the monarchy and Buddhism as sources of national happiness. Ahmed states: "To be 'made happy' by this or that is to recognize that happiness starts from somewhere other than the subject who may use the word to describe a situation."<sup>58</sup> This means that when one feels happy, it is because happiness is constructed outside the individual, highlighting that this feeling is influenced by the interaction between the individual's body and the sociocultural milieu. Applying the concept of "happy objects" to Seni's autobiographical narrative, it becomes evident that his portrayal of traditional laws and a benevolent monarchy serves as a juristic affect that offers the Thai people the promise of happiness and well-being. This is achieved by framing the monarchy as a protective force during moments of national crisis. However, rather than projecting the positive feeling of happiness, *Life's Destiny* creates the emotion of happiness in the sense of nostalgia for the bygone constructed past that highlights the meta-emotion of reluctance. This technique is vividly employed in Seni's autobiography, especially when he evokes Reluctant Rule by Law of nostalgia for bygone periods of Thailand, a point I will further elaborate on in the following paragraphs.

In this section, I unpack how the affect of happiness is sticky to Seni's historiography, which is manifested in his references to his other prominent historical works. While happiness is embedded in this historical intertextuality, it is still shaped by the meta-emotion of reluctance, which shows how Seni's and the collective semi-colonial identities shape the way Thai legal history has been constructed. This section will unravel Seni's narratives of legal history in his autobiographical account, which encompasses anti-colonial, anti-communist, and Buddhist themes. These narratives collectively embody Seni's semi-colonial ambivalence towards Western legal modernity and also shape the trajectory of dominant Thai legal history. I maintain that these affective plots are embedded with mixed feelings, demonstrating the interplay of Seni's semi-colonial identities and official Thai legal history.

### 1. Anti-colonial Legal Historiography.

Thongchai suggests that official modern Thai history incorporates elements of glorious antiquarianism, a meta-narrative of anti-colonial history portraying the monarchy as an anti-colonial hero aiding the nation's struggle for independence, and a robust nationalist spirit through chosen traumas of postcolonial struggles.<sup>59</sup>

Similarly, Seni's autobiography highlights the monarchy's pivotal role in safeguarding Thailand's territorial integrity, thereby revealing his semi-colonial

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<sup>57</sup> Sara Ahmed, "1 Happy Objects" in Melissa Gregg and Gregory J. Seigworth (eds), *The Affect Theory Reader* (Duke University Press 2010) 29–51 <<https://doi.org/10.1515/9780822393047-003>>.

<sup>58</sup> *ibid* 29.

<sup>59</sup> Thongchai Winichakul, "Modern Historiography in Southeast Asia: The Case of Thailand's Royal Nationalist History" in Prasenjit Duara, Viren Murthy, and Andrew Sartori (eds), *A Companion to Global Historical Thought* (Blackwell 2014) 257–68 <<https://doi.org/10.1002/9781118525395>>.

hybrid subjectivity. This semi-colonial hybridity demonstrates a nuanced form of resistance to colonial powers while selectively embracing Western democratic values and seeking to align traditional Thai laws with international norms, asserting their compatibility, if not superiority.

At the beginning of Chapter Seven, which recounts Seni's political journey, the autobiographer perpetuates the notion of royal democracy through the telling of major periods of Thai history according to the official history: Sukhothai, Ayutthaya, and Bangkok. Seni asserts that the Sukhothai period embodies a golden age for Thailand, which was marked by its liberation from the Khmer empire and the invention of unique Thai characters, as evidenced by Inscription Number One. Seni Pramroj emphasizes the unique form of governance, where the King rules over the people with paternal care. Buddhism is also highlighted as a means of justice. Furthermore, he suggests that this form of government can be seen as a form of democracy. However, he later suggests that this period experienced a decline as the people excessively indulged in their rights, leading to civil unrest and riots. This narrative perpetuates Reluctant Rule by Law, circulating the feeling of nostalgia for a bygone past. In mainstream historical imagination, Sukhothai is perceived as a period where Thai people lived under the rule of conscious kings, akin to fathers and their children.<sup>60</sup>

It is worth noting that Seni's discussion of the Sukhothai period and its unique democratic governance in his autobiography is not an isolated commentary; it resonates with his earlier scholarly work, where he made significant claims about Thailand's legal history. Seni Pramroj gained tremendous renown for his proposition that the inscription of King Ramkamhaeng was the nation's earliest constitution. In two distinct editions of *Dulapha*, a Thai judge journal, Seni Pramroj extensively elaborates on the idea that this constitution predates even the Magna Carta, which holds immense renown as a significant milestone in the establishment of the rule of law worldwide, particularly in the context of British constitutional history. Therefore, by positioning the inscription of King Ramkamhaeng as the earliest Thai constitutional document, Seni reshapes the timeline of Thai legal history and underscores the early emergence of constitutional principles in Thai society. This use of historical anachronism emphasizes Thailand's legal traditions' rich and distinct cultural heritage, situating them as initial contributors to the global constitutional discourse. Importantly, this vividly demonstrates Seni's ambivalent view under semi-colonial influence. While embracing Thailand's unique past, he ensures that this past is universally adaptable to a global arena.

Following his discussion on the Sukhothai period, Seni Pramroj further developed his ideological narrative by proposing the subsequent period of Ayutthaya, which emerged approximately 400 years after the initial era. He asserts that a defining characteristic of this period is the establishment of a governing system based on laws

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<sup>60</sup> For an analysis of the influence of the historical narrative of Sukhothai and democratic paternalism on contemporary Thai politics, especially during the period of Sarit Thanarat from 1958 to 1963, see: Thak Chaloemtiarana, *Thailand: The Politics of Despotic Paternalism* (Cornell University Press 2007) <<https://doi.org/10.7591/9781501721106>>.



inherited and utilized during the early Rattanakosin period. Additionally, Seni Pramoj emphasizes Ayutthaya's resilience despite enduring the city's fall on two occasions due to the Siamese-Burmese wars. He underscores that the kingdom ultimately regained its independence during the Rattanakosin period.

In this context, it is pertinent to note that Seni's reflections on the Ayutthaya period are not isolated musings in his autobiography. They echo his notable speech on the laws of the Ayutthaya Kingdom, delivered on the 200<sup>th</sup> anniversary of its first fall. In that speech, which later became a definitive textbook on the subject, Seni Pramoj emphasized the foundational principles of Ayutthaya's legal system.<sup>61</sup> He began his speech by stating that his motivation to discuss the Ayutthaya laws was to shed light on elements that represent the "diamond of the first water" (เพชรน้ำหนึ่ง) in global legal history—elements often overlooked in Thai textbooks. This recurring motif is evident throughout his speech, where he provided various examples from the laws, focusing primarily on the balance of power and the rule of law. Seni highlighted a law where the King voluntarily limited his authority despite wielding absolute power. This explanation underlines Seni's significant contributions to understanding this historical period and adds depth to his autobiographical narrative.

The final period the autobiographical Seni explores is the Rattanakosin era, which began roughly 150 years after the Ayutthaya period. During this time, according to him, Thailand was under an absolute monarchy, where the King adhered to the Dasavidha-rājadhamma, or the "tenfold virtues of the ruler," garnering the respect of the populace. This invocation of Buddhist principles can be seen as Seni's effort to meld official Buddhism with the concept of royal democracy.

The autobiographer also highlights the significance of diplomacy in safeguarding the nation from colonialism, underscoring the monarchy's role in preserving Thailand's sovereignty and independence.<sup>62</sup> It is worth noting that Thailand confronted various national security challenges during this period. One significant event was the Bowring Treaty under the reign of King Rama IV. This unequal treaty led to issues of extraterritoriality, causing anxiety among the Siamese elite about the nation's sovereignty. This autobiographical narrative exemplifies how Seni not only perpetuates the meta-narrative of the monarchy as a democratic, anti-colonial hero but also generates Reluctant Rule by Law that arouses collective sentiments of concern for national integrity, coupled with gratitude for the monarchy's safeguarding role.

In concluding his allusion to Thailand's history at the beginning of Chapter Seven, Seni succinctly states that when those in political authority exercise their power legitimately, it leads to national progress and the overall well-being of its people. He then transitions to the contemporary period, the era of democracy initiated in 1947—the day of the revolution. Reflecting on his role as a judge during this transformative

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<sup>61</sup> ม.ร.ว. เสนีย์ ปราโมช, "กฎหมายสมัยอยุธยา" (วิญญูชน 2559) [MR Seni Pramoj, *Law in the Ayutthaya Period* (Winyuchon 2016)] (Thai).

<sup>62</sup> Seni, *Life's Destiny* (n 8) 160.

year, he expresses his disillusionment with politics, primarily due to the rise of corrupted politicians governing the nation.

## 2. Buddhist Legal Historiography.

Buddhism is deeply ingrained in the Thai legal system, a fact prominently exemplified by Thai traditional laws founded on Buddhist principles. Historian Nidhi Eiwsiwong has emphasized that Buddhism, the army, and the monarchy are essential to Thai constitutionalism. He notes that these foundational cultural elements have remained constant despite the country's numerous coups. He refers to these enduring factors as integral to what he terms the "Thai Cultural Constitution."<sup>63</sup>

In his study on contemporary uses of Buddhist nationalism, Khemthong Tonsakulrungruang proposes that all camps of Thai political ideologies use Buddhist nationalism to support their agendas.<sup>64</sup> This deployment of Buddhist nationalism is pronounced in his autobiography where Seni refers to his speech titled "The Infiltration of the New Religion" (การแทรกซึมของศาสนาใหม่), encouraging the audience to delve deeper into the spread of communism in Cold War Thailand.<sup>65</sup> In this speech, he satirically suggests that the world needs a new religion, using the term "religion" as a metaphor for communism. He implies that the pervasive spread of communism could ultimately threaten the existence of Buddhism. By synthesizing Thai traditional laws with Buddhist tenets and portraying them as absolute legal axioms, Seni establishes a binary opposition that positions communism as antithetical to Thai Buddhism. Utilizing this calculated narrative structure, he employs Buddhism as the foundational bedrock for his ideology of royal nationalism.

## 3. Happiness as Reluctant Affective Community.

Building on Benedict Anderson's notion of "Imagined Communities," Thongchai Winichakul employs his "Siam Mapped" concept to explain the construction of royal nationalism and official Thai history. He utilizes national cartography as an allegory to explore how spatial representations contribute to the formation of Thai national identity.<sup>66</sup> While both Anderson's "Imagined Communities" and Winichakul's "Siam Mapped" concept emphasize the influence of discursive practices and printing capitalism in constructing national identity through spatial representations, I,

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<sup>63</sup> Nidhi Eiwsiwong, "The Thai Cultural Constitution" (2003) 3 *Kyoto Review of Southeast Asia* <<https://kyotoreview.org/issue-3-nations-and-stories/the-thai-cultural-constitution>>.

<sup>64</sup> Khemthong Tonsakulrungruang, "The Revival of Buddhist Nationalism in Thailand and Its Adverse Impact on Religious Freedom" (2021) 8 *Asian Journal of Law and Society* 72 <<https://doi.org/10.1017/als.2020.48>>.

<sup>65</sup> ประชุมปาฐกถา และคำอภิปราย พ.ศ. 2489–2509, 217 [Collective of Lectures and Debates 1946–1966, 217] (Thai) <<http://eresource.car.chula.ac.th/chula-ebooks/detail.php>>.

<sup>66</sup> Thongchai Winichakul, *Siam Mapped: A History of the Geo-body of a Nation* (University of Hawaii Press 1997) <<https://doi.org/10.1515/9780824841294>>.

however, argue that nationalist texts such as newspapers, textbooks, and maps foster a sense of belonging not only via their intellectual content but also emotions within them. In other words, the very form of these texts and non-textual things, such as music or emotions in literary texts, elicit emotional attachments, giving rise to an “affective community” that unites people through shared intellectual history and ideologies but collective emotional experiences. Reading the Thai imagined community in this way, we can see that it is an “affective community” that binds Thai people together. This explanation aligns well with the promissory nature of happiness. As Ahmed points out, “To be affected in a good way by objects that are already evaluated as good is a way of belonging to an affective community. We align ourselves with others by investing in the same objects as the cause of happiness.”<sup>67</sup>

#### IV. THE AFTERLIVES OF SENI’S AUTOBIOGRAPHY

The unique characteristic of the genre of autobiography lies in its ability to transcend the lifespan of their authors. In the following section, I will explore the posthumous existence of Seni’s autobiographical work, examining its application within contemporary Thai politics and legal history. I will show how society is ambivalent, too, as seen in its multiple interpretations and uses of the autobiography. Sidonie Smith and Julia Watson examine autobiographical afterlives through eight distinct cases. Their findings reveal that the subjectivity of the autobiographer can transform over time through various revisions. This textual evolution leads to contradictions and ambivalences in the self-representation within the autobiographical text.<sup>68</sup>

Seni’s autobiography has been interpreted and utilized by individuals with diverse ideologies and backgrounds on various occasions. Notably, a Facebook post from the Democrat Party on October 14, 2014—commemorating the day when a university uprising ended the dictatorship government and established the populist King who adopted democracy—quotes from the first edition of his autobiography, which discusses his life abroad. The concluding paragraph of the post delves into his experiences as a diplomat in the United States, where he served as a member of the Free Thai Movement. Seni recalls when he observed Westerners treating Malaysian waitpersons akin to enslavers and enslaved people while they showed respect to Thai waitpersons. Seni suggests that this difference in treatment was because Thailand was an independent country. This profoundly impactful observation played a significant role in his declaration of the Free Thai Movement in 1941 when Japan invaded

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<sup>67</sup> Sara Ahmed, *The Promise of Happiness* (Duke University Press 2010) 38 <<https://doi.org/10.2307/j.ctv125jkj2>>.

<sup>68</sup> Sidonie Smith and Julia Watson, “The Afterlives of Those Who Write Themselves: Rethinking Autobiographical Archives” (2020) IX *European Journal of Life Writing* 9–32 <<https://doi.org/10.21827/ejlw.9.37323>>.

Thailand.<sup>69</sup> Therefore, Seni's autobiography not only stands as an essential work that outlines his personal experiences and ideologies but also serves as a tool for various consumers to analyze and understand the complex nature of Thai royal legal history.

In the study of the Free Thai Movement and struggle for independence during WWII, Nobchulee Maleenont quotes some texts (footnotes 14 and 15) in the 2005 version of Seni Pramoj's autobiography *Chiwa likit* (M.R. Seni Pramoj Foundation, 2005), in combination with a biography by David Van Praagh, *Thailand's Struggle for Democracy: The Life and Times of M.R. Seni Pramoj* (Holmes & Meier, 1996), to emphasize his role in safeguarding the country's independence:

Pramoj did not stop there. His goal was to protect his diplomatic standing as Thai Minister to the United States and maintain the official recognition of the Thai Legation in Washington, for he believed, "as long as there is still a Royal Thai Legation, then Thailand is still considered free." [14] Pramoj was also determined to establish a Free Thai movement in America (FTM), in order to show the Allies that Thai patriots were committed to the Allied cause, and by doing so, he hoped that Thailand would not be regarded as a defeated enemy when the Allies eventually win the war. The minister thus called for Thai volunteers in America, most of whom were college students, to fight for the Allies, so that when the Japanese were finally defeated, he said, "we will have a right to win back our independence." [15] In doing so, Pramoj won the sympathy and support of high officials in the State Department, including Hull, Maxwell Hamilton, head of the Division of Far Eastern Affairs, and Assistant Secretary of State Adolph Berle Jr., who, according to the minister, patted him on the back and called him "our first ally." [16]<sup>70</sup>

These afterlives of *Life's Destiny* exemplify how the text has been circulating in Thai academia and perpetuating Reluctant Rule by Law with an audience from various ideologies and generations.

## V. FICTIONALITY IN HISTORY: DOING LEGAL HISTORY THROUGH LAW AND AFFECT

My questions in this study are: How do the affects of reluctance work in Seni Pramoj's legal autobiography, and how do these non-cathartic feelings circulate in Thai affective landscapes, shaping Thai legal history? I have analyzed Seni's autobiography, contending that his work perpetuates a form of Reluctant Rule by Law that embodies an ambivalent attitude toward Western legal imperialism. This autobiographical affect carries the message that juxtaposes Thai legal traditions with Western ones, advocating that the rule of law should be rooted in a nation's unique cultural traditions and values. This perspective, in turn, reveals traces of the semi-colonial conditions of

<sup>69</sup> พรรคประชาธิปัตย์, "Democrat Party, Thailand" Facebook (14 October 2014) <<https://m.facebook.com/DemocratPartyTH/photos/10152331438701791>>.

<sup>70</sup> Nobchulee Maleenont, "'No God-Damned Thailander Can Be Trusted to Do a Job Without Getting Political Minded': The Free Thai Movement and the Politics of Independence During World War II" (2018) 2(1) *Voces Novae* 12.

Thailand. Moreover, Seni's works often depict Thai monarchs as anti-colonial heroes who utilize law to protect Thailand's sovereignty. This portrayal underscores the paradoxical nature of the grand narrative of Thai nationalist rule of law, which grapples with reconciling the modernization impulse and a nostalgic connection to the nation's illustrious past. The title "Almost Happiness, But Not Quite" here therefore alludes to Homi Bhabha's colonial ambivalence as discussed in Seni's autobiographical reluctance.

There are some implications from this analysis I want to point out. First, Seni Pramoj's autobiography emerges as a manifestation of "Reluctant Rule by Law," challenging conventional categorizations of legal texts and reshaping the way we approach the study of Thai legal history. Second, analyzing semi-colonial hybrid subjectivity within Seni's life writing complicates prevailing notions of Thai rule of law and legal culture, offering a more nuanced perspective. Third, this article asserts that the intersectionality of law, literature, and emotion provides a nuanced lens to critique Thai constitutional thoughts and practices, enriching legal and literary discourses circulating in the Thai constitutional order. Fourth, applying affect theories to study semi-colonial hybridities provides valuable insights into the construction of subjectivity and embodied experiences, particularly within the Cold War era characterized by emotional currents such as anxiety about national sovereignty and nostalgia for the imagined glorious pasts. Seni's emotionally charged autobiography can be contextualized within the framework of royal nationalist historiography, which presents the monarchy as a democratic and anti-colonial force, fostering an affective community that binds people together.

Writing this article on Thai legal history made me reluctant and anxious, given my background in law and comparative literature, which focuses on textual and theoretical interpretations of how narratives interact with their socio-ecological contexts and audiences. Therefore, I see this article as a law and literature project on legal autobiography, using affect theories to highlight Seni's inexpressive autobiographical emotions related to Thai legal history. If this article could contribute to Thai legal studies, its main offering is not in the legal history of emotions or the historical psychology of law but in exploring the legal aesthetics that shape readers' expectations of historical legal texts, such as Seni's autobiography. Through my hermeneutical approach, I hope to inspire empirical historians and social scientists to investigate how these reluctant emotions have passed on to the meta-narrative of Thai legal history. In literary studies, there is a field of criticism called reader-response, which examines how certain texts or genres set expectations for implied readers.<sup>71</sup> Studies of autobiographical writings by prominent Thai legal figures can be understood in this manner by focusing on how implied readers—legal scholars, law students, judges, and legal practitioners, to name just a few—emotionally invest in certain legal life writings and simultaneously contract meanings from them and how these emotions inspire them to behave and become like their legal idols or interpret

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<sup>71</sup> See David S. Miall, "Reader-Response Theory" in David H. Richter (ed), *A Companion to Literary Theory* (John Wiley & Sons Ltd 2018) <<https://doi.org/10.1002/9781118958933>>.

other legal texts.

I do not see this article as legal history but as law and literature work focusing on the genre of legal autobiography. That is why this essay humbly focuses on narrative affects in the autobiographical account rather than using it as a main source of legal history, of which I have limited knowledge. However, the autobiography genre provides the intimate history of legal figures that have been insufficiently unseen in the official legal history. With a focus on the affective fictionality of legal autobiography, this essay offers phenomenology or the intersubjective embodied experience of Seni's autobiography. This offers something to history rather than providing the actuality of historical content. It rather shows how this intimate historical narrative induces some emotions within its readers, and this might answer for us how the official legal historical narrative shapes the Thai legal mind. I also want to state that it is. However, I want to point out that there is a symbiotic relationship between law, literature, and history. However, what law and affect can do best is provide possible interpretations of texts. What is empirical here is, at least, how the text induces certain emotions in me. In other words, if it has some significance in legal history due to lack of empirical evidence in the traditional sense of legal history, of which limitation I am aware, I hope it could contribute not as empirical evidence but more likely as a law and affect/law and literature perspective for historical interpretation of the Thai rule of law. In sum, what does the law and affect approach offer? This does not mean I abandoned the linguistic impacts of the text, especially legal intertextuality, which was frequently used throughout the text. Affective reading of this legal history reveals that the emotional script or meta emotion of reluctance in this autobiography established the expected tone of emotion when people go read other referenced legal historical texts, and this narrative affect, in turn, shapes the way the texts are intellectually interpreted.

Beyond that, this article aims to contribute to broader discussions about the intersections of law, history, emotion, and empire in the context of global legal reforms during the Cold War. It also endeavors to illuminate studies of Thai legal history, viewing it as cultural narratives within the symbolic and affective constitutional order. This approach attempts to connect literary theories such as autobiography criticism, affect studies, and postcolonialism, thereby introducing fresh perspectives to Thai and Asian legal historiographies.

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\* **Indexing Thai names.** "Although family names are used in Thailand, Thais are normally known by their given names, which come first, as in English names. The name is often alphabetized under the first name, but practice varies." The Chicago Manual of Style (17th edn, University of Chicago Press 2017) §16.85.