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BOOK REVIEW

IMPERIALISM AND INTERNATIONAL LAW: THE CASE OF THE NORTHERN MALAY STATES IN THE 19TH CENTURY

Piracy, Paramountcy And Protectorates*

by Alfred P. Rubin

Penerbit Universiti Malaya (1974)

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It is not often that the unprecedented expansion of European imperialism in Asia during the nineteenth century receives more than a cursory glance from students of disciplines other than history. The irrepressible drive of the great powers in extending their imperial frontiers from India on the one hand into Burma and the Malay Peninsula and from Cochin China on the other into Vietnam and Laos resulted in a bitter contest for power and influence that threatened the very basis of European diplomacy. This imperial rivalry reached its peak with the entry of Germany and Russia towards the last quarter of the century and is generally regarded as a contributory factor to the outbreak of the First World War. The historical significance of this process of imperial expansion has been studied in extraordinary detail and at great length and it would be no exaggeration to say that the state of scholarship in this particular aspect of the history of both Europe and Asia had reached its nadir by the beginning of the decade of the 1970s. Apart from a fine crop of thoroughly researched and penetrating case studies of the expansion of European control over the Indian frontier regions, Burma, the Malay Peninsula and Indo-China, there are innumerable articles in learned journals by some of the most distinguished scholars. This impressive advance in our knowledge of the period was largely made possible by the opening-up of the official archives, particularly in Britain, France and Germany, during the 1950s coupled with the accessibility to the researcher of the private papers of the more important statesmen and diplomats of the time. One would, therefore, be forgiven for being some-

EDITORIAL NOTE

For an earlier review of this book from a legal angle, see the review by Cik Wan Arfah in [1974] J.M.C.L. 326. Since then we have received this review by a historian.

what unduly enthusiastic over the publication of a work that attempts to explain the implications for international law of the manner in which the territorial aggrandisement of the European powers was executed, coming almost inevitably as they did into conflict with traditional Asian concepts of lawful authority.

The author's case study is a highly specialised one for he is exclusively concerned with the Northern Malay States of Kedah, Perlis, Kelantan and Trengganu. He claims that, having "analysed the justification asserted for their political actions by people of very different culture first confronting each other in the Malay Peninsula" in another book, *The International Personality of the Malay Peninsula: A Study of the International Law of Imperialism*, "that analysis ends when it became clear that European formulations would become the sole basis for the political reorganization of the Peninsula during the nineteenth century" (p.ix). In the first two chapters he deals with the problem of piracy and its definition that cropped up in Britain's relations with Kedah and the Kingdom of Siam during the first half of the nineteenth century and the complications brought about by the British naval bombardment of Trengganu in the 1860s. Both these controversial questions are ably discussed and placed in the context of international law in the final part of Chapter Two under the heading "British Imperial Law and Recognition" (pp. 70-80). These latter pages constitute, probably, the most interesting and stimulating contribution of the book for, in venturing to analyse the Raman frontier question of the 1890s and the Duff Syndicate episode at the turn of the century, Rubin has, willy nilly, walked into a classic academic morass.

While it would be somewhat tedious to labour the point by enumerating some of the more tendentious statements in the first part of the book it is, nevertheless, important to draw attention to the more obvious lapses. In discussing the complications that arose between Britain and Siam as a result of the anomalies in the legal definition of "piracy" and the related activities of certain Kedah notables during the 1820s and 30s, it is quite incredible to find that not a single primary source is cited and that, of the major historical works on the subject, only two, L.A. Mills and C.N. Parkinson, merit any mention.¹ The author does not appear to have heard of R. Bonney, *Kedah, 1771-1877: The Search for Security and Independence*, Kuala Lumpur, 1971, or of the articles of Sharom Ahmat and others on the subject of Kedah in the context of Anglo-Siamese relations during the first half of the nineteenth century.² Similarly, the discussion

¹ L.A. Mills, *British Malaya, 1824-1867*, Kuala Lumpur, 1966; C.N. Parkinson, *British Intervention in Malaya, 1867-1877*, Kuala Lumpur, 1964.

² Sharom Ahmat, "Kedah-Siam Relations", *Journal of the Siam Society* (hereafter referred to as *JSS*), (Bangkok), Vol. 59, No. 1, 1971; J. de Vere Allen, "The Elephant

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of the naval bombardment of Trengganu and the thorny question of Anglo-Siamese interests in the Malay States, in Chapter II is devoid of any reference to the voluminous primary material in the Public Record Office in London with the solitary exception of the Carnarvon Papers which merit a single footnote on page 73. These striking omissions are noted here not in any niggling sense but rather to emphasise the fundamental assumptions that Rubin necessarily makes about the formulation and execution of British imperial and colonial policy in his effort to demonstrate that the "irrepressible [British] drive to expand was ... based quite explicitly upon racial pride" (p. 78) and that they "were willing to forego the prospect of a share of Thailand that should include some desirable parts of the Malay Peninsula in return for avoiding European neighbours in South-east Asia" (p. 80). It is hardly the place here nor indeed is it necessary to have to point out the dangers of relying exclusively on printed official papers such as Blue Books, Parliamentary Papers and the like in the scholarly interpretation of British policy.³

In Chapter III, Rubin declares his intention to "illustrate the interplay between law and diplomacy, and the relations between municipal law, British imperial law and international law as the high tide of empire was reached" by looking closely at two events in Anglo-Siamese relations concerning the Siamese province of Reman and the tributary state of Kelantan (p. 82). At the very beginning of his account of the British interest in the Siamese province of Reman on the northern border of Perak (pp. 82-83), Rubin quotes an outdated source for his contention that Britain did not wish to press the claims of the local colonial officials for fear of possible French retaliation against other parts of Siam. The original thesis of V.G. Kiernan in 1956 which he cites has been modified since by a number of later studies which have quite convincingly demonstrated that Britain's fear of alienating the Siamese whose goodwill they badly needed after the 1886 annexation of Upper Burma was the overriding factor in the Malay Peninsula.⁴ It has to be realized that Britain was similarly cautious not to

and the Mouse-deer — a new version: Anglo-Kedah relations, 1905-1915", *Journal of the Malaysian Branch, Royal Asiatic Society*, (hereafter referred to as *JMBRAS*), (Singapore), Vol. 41, No. 1, 1968.

³ I have dwelt at some length on this academic methodological problem in my critique of similarly-based studies in "Britain and the Siamese Malay States, 1892-1904: A Comment", *The Historical Journal*, (Cambridge), Vol. XV, No. 3, 1972.

⁴ Eunice Thio, "Britain's search for security in North Malaya, 1886-97", *Journal of Southeast Asian History*, (Singapore), Vol. 10, No. 2, 1969. Oddly enough, of all the many published articles prior to 1969 this particular work by Professor Eunice Thio is cited by Rubin.

offend the Chinese whose cooperation she needed in protecting India's northern frontiers against the Russians at practically the same time.⁵

Furthermore, Rubin exhibits an astonishing *naivete* about the Anglo-Siamese Secret Convention of 1897: "Apparently as part of the negotiation the British had acknowledged Thai sovereignty over Kelantan and Trengganu although neither appears in the text of the Convention" (p. 83). This is patently not true for, after much bickering between the Foreign and Colonial Offices during the negotiations over the question of using the term "sovereignty" or "suzerainty" to describe Siam's rights in the Malay Peninsula, there was only a bare reference to the King of Siam's "rights" in the final document.⁶ As a matter of fact, although the Foreign Office had flatly warned the Colonial Office that it was "no longer possible . . . to refuse to recognize Siamese sovereignty over these States",⁷ it was tacitly agreed among the chief decision-makers at the Foreign Office that it would be better not to specify Siam's rights at all.⁸ One of the main reasons why the Foreign Office felt averse to the suggestion that Siam's rights should be described as "sovereign" was that, if Britain were to admit Siamese "sovereignty" over the Malay States, some hostile power such as Germany might succeed in "exciting the Malay Chiefs" against her and thereby extract concessions for herself.⁹ Of course, once the decision was taken that the agreement should be secret, there was no more concern over this question although it was doubted at the Foreign Office "if secrecy in an agreement with Siam could last long".¹⁰

A little later, in his somewhat long-winded account of the Perak-Reman

⁵G.J. Alder, *British India's Northern Frontier, 1865-95, A Study in Imperial Policy*, London, 1963, Chapter V; Chandran Jeshurun, *The Contest for Siam, 1889-1902: A Study in Diplomatic Rivalry*, Kuala Lumpur, 1977, Chapter II-III.

⁶For the full text of the Convention see my article, "Three Agreements relating to the Northern Malay States concluded in 1896, 1897 and 1899", *Peninjau Sejarah*, (Kuala Lumpur), Vol. III, No. 2, 1968. See also Thamsook Nummonda, "The Anglo-Siamese Secret Convention of 1897", *JSS*, Vol. 53, Part 1, 1965.

⁷Foreign Office to Colonial Office, 27 November 1896, F.O. 17 [China: Original Correspondence, Volume] 1296, [Public Record Office, London]. It is apparent that, despite Rubin's euphemistic statement in his Introduction that "the research was done primarily in the Public Records [sic] Office in London and the University of Cambridge Libraries", he, like several others, was led astray by the Foreign Office's decision to file most of the important papers regarding Siam between 1891 and 1896 in the China (F.O. 17) series and not in the Siam (F.O. 69) one.

⁸Minute by Sir Francis Bertie (Head of the American and Asiatic Department at the Foreign Office) on the proposed Colonial Office amendments to the draft Convention, 24 October 1896, F.O. 17/1295.

⁹Minute by Bertie, 21 August 1896, on Maurice de Bunsen (British Minister Resident in Bangkok) to Lord Salisbury (Secretary of State for Foreign Affairs and Prime Minister), 15 July 1896, F.O. 17/1295.

¹⁰*Ibid.*

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boundary negotiations in Bangkok in 1897-99 between the British Minister there, George Greville, and the Siamese Foreign Minister, Prince Devawongse, Rubin again reveals a singular lack of understanding of the wider diplomatic and strategic considerations in British policy at that time. He asserts, for example, that it was Greville's negotiating tactic "to mix the Reman problem in with a general negotiation concerning the extradition of offenders between the British-controlled and Thai-controlled areas of the Malay Peninsula and abolition or heavy revision of the antiquated tariff and tax provisions of the Treaty between Great Britain and Thailand concluded in 1856" (p. 89). As Rubin correctly surmises, the difficulty arose over the murder of a Kedah Malay within the disputed territory between Perak and Reman in early 1898 and the arrest of one of the assailants in Perak. The colonial authorities in the Malay Peninsula naturally seized upon the opportunity to press the Foreign Office for some sort of joint jurisdiction to be exercised within the disputed territory pending the settlement of the boundary dispute. However, from that point on Rubin presents a wholly distorted picture of the British official reaction to the long-standing boundary problem.

It was to be one of the many unfortunate results of the Anglo-Siamese Secret Convention of 1897 that the Siamese successfully represented the arrangement to the British as one that was wholly unfavourable to them. They made it a point, particularly, to keep reminding the Foreign Office that they would be under strong pressure from other powers who had most-favoured-nation clauses in their treaties with Siam if it was ever known that they had virtually granted exclusive special rights and privileges to Britain in the Malay Peninsula. Moreover, Greville had reported to the Foreign Office that it had been clear to him on King Chulalongkorn's return from his European tour that he had been very hurt by the lack of pomp and pageantry in his reception in England and particularly put off by the fact that he had not been "asked to dine and sleep at Osborne or Windsor; a modest invitation to luncheon was all he got".¹¹ Rubin does not appear to appreciate fully the circumstances in which the Siamese were able to put forward a formal and strenuous defence of their rights over the disputed territory in April 1898.

It is now quite obvious that the Siamese were intent upon capitalizing on their seemingly justified chagrin and disenchantment with the British by bringing in other questions in which they hoped to extract concessions favourable to themselves. Their shrewd appreciation of the state of Anglo-Siamese relations at that time emboldened them to press for a major revision of British extraterritorial jurisdiction in Siam as well as the modifi-

¹¹ Greville to Bertie, Private, 31 December 1897, *F.O. 69* [Siam: Original Correspondence Volume] 188, [Public Record Office, London].

cation of some of the more irksome taxation restrictions contained in the 1856 Anglo-Siamese Treaty. These somewhat involved and apparently extraneous factors in Anglo-Siamese relations were placed in their original context in an article by the present writer more than ten years ago.¹² A reading of that paper might have been of help to Rubin in ridding himself of some of the unfounded notions about the significance of the problem of British extraterritorial rights and its relevance to the Perak-Reman boundary negotiations (pp. 89-91). Rubin's familiarity with the sources becomes questionable when he comments that "the negotiation on tariff revisions also met with some difficulty, but that difficulty involved the India Office and not the Colonial Office; it is not significant to the present study" (p. 91). On the contrary, it was the effort to revise and rationalize British extraterritorial jurisdiction in Siam, a process that inevitably impinged upon the interests of thousands of British Indian subjects working in that country, that led to a fundamental disagreement between the Foreign and India Offices over policy.¹³

It would not be out of place to emphasize here that, for the serious student of international law, the tortuous process of modifying nineteenth century justifications for foreign extraterritorial rights of jurisdiction in independent and sovereign Asian nations such as the Kingdom of Siam at the turn of the century offers a challenging field of research. Anyone who is familiar with the complex problem of the abandonment of extraterritoriality in Siam by European powers and its attendant legal, cultural, political and racial ramifications during the high tide of imperialism will, no doubt, feel rather disappointed that Rubin has chosen to dismiss the subject in such cavalier fashion. In these circumstances it would be certainly misleading to describe the Anglo-Siamese Registration Agreement of November 1899 as a "mutually beneficial, non-controversial agreement" (p. 92). As a matter of fact, some of the most revealing discussions about the very concept of empire took place in Whitehall during the negotiations between Britain and Siam over the question of extraterritorial rights with Liberal exponents such as Sir Arthur Lyall of the India Council challenging the inherent attitudes of racial superiority in British imperial policy. In disregarding the whole matter and deluding himself that it had nothing to do with "the interplay between law and diplomacy, and the relations between municipal law, British imperial law and international law", Rubin has, in this writer's opinion, committed an unfortunate *faux pas*.

¹² See my article on the extraterritoriality question, "British Foreign Policy and the Extraterritorial Question in Siam, 1891-1900", *JMBRAS*, Vol. 38, Pt. 2, 1965.

¹³ It is discussed at length in my article.

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In the section on "The Last Frontier: Kelantan" in Chapter III, which deals with the Duff Syndicate's concession in Kelantan, Rubin asserts confidently at the outset: "It is a story of intrigue, the flag following trade, diplomacy, and the source of a series of decisions by British courts which still stand as landmarks of international and British imperial law despite their anomalies" (p. 92). Unfortunately for the unsuspecting reader, what follows in the subsequent pages bears no resemblance whatsoever to this rather grandiloquent description for it is, on the contrary, a somewhat muddled narrative of the acrimonious dealings between the British, the Siamese and the Duff Syndicate between 1900 and 1902. It is a singularly unhelpful account in that it fails altogether to place the local problem in the Malay States within the proper context of the more pressing diplomatic situation thus creating something of a *lacuna* in the connection between the Duff Syndicate problem and the modification of Anglo-Siamese relations *vis-a-vis* Kelantan and Trengganu in October 1902.¹⁴ In reading Rubin's blow-by-blow account of the discussions over the Duff Syndicate's concession it is difficult to escape the conclusion that, part of his confusion arises from the fact that he is unaware of the distinction that was made in the Siamese mind as regards their position in the outer provinces and in the tributary states. He mistakenly believes, for example, that the difference between Reman, on the one hand, and Kedah, Kelantan and Trengganu, on the other, was due to the fact that there was a Sultan in each of the last three "issuing decrees in his own name" while it was not so in Reman (p. 96).

Reman was, of course, one of the Seven Malay Provinces (*Khaek Chet Huamuang*) which were included in the major revision of the Siamese provincial administration under the Minister of the Interior, Prince Damrong Rachanuphap, in the late 1890s. The Siamese had, for example, brought the administration of Kelantan and Trengganu under the supervision of the permanent commissioner at Puket in 1895 and transferred it to the superintendent commissioner at Nakhon Sithammarat in 1899. In 1896 the Seven Malay Provinces of Pattani, Yaring (Jambu), Yala, Rangae (Legeh), Nongchik, Sai (Teluban) and Reman, known as *Khaek Chet Huamuang*, were placed under a commissioner appointed from Bangkok while Kedah, Perlis and Satun (Setul) were reorganised as *monthon Kedah*. In 1901, the Ministry went even further when the Seven Malay Provinces were collectively designated as the Area of the Seven Provinces or *Boripun Chet Huamuang* and new regulations for their administration were

¹⁴The precise role of "la haute politique" in deciding the fate of Kelantan and Trengganu has been examined in detail in my article "Lord Lansdowne and the 'Anti-German Clique' at the Foreign Office: Their Role in the Making of the Anglo-Siamese Agreement of 1902", *Journal of Southeast Asian Studies*, (Singapore), Vol. III, No 2, 1972.

formulated.¹⁵ It is strange, to say the least, that in a book that surveys the evolution of British relations with Siam from the early nineteenth century there should be such a fundamental misunderstanding regarding the Siamese position in the former state of Pattani, of which Reman had been a part, and its political reorganization under direct Bangkok rule. This apparent confusion as to the nature of the Siamese position in the Malay Peninsula also extends to the interpretation of Siam-Kelantan relations: "Did the confirming of Kelantan police authority in the two districts [which comprised the area of the Duff Syndicate's concession] impliedly [sic] negative Thai police authority there?" (p. 99). Siam's relationship with her tributary states did not depend on such tangible factors as her "police authority" but rather on an age-old concept of patron-client balances in the indigenous international order of Southeast Asia. That this traditional scheme of things underwent change was neither unique nor was it entirely due to the impact of European imperialism in the late nineteenth century.

Far more inexplicable is the author's ignorance of the terms of the momentous Anglo-French Declaration of January 1896 which provided for a joint guarantee of the valley of the Menam Chao Phraya but left the rest of the Kingdom virtually as British and French spheres of influence.¹⁶ Rubin's description of the non-guaranteed parts of Siam is perhaps the most telling evidence of his lack of understanding of the historical background of his subject (p. 101). He is also often weak and misleading in his assessment of the attitudes of the officials in Whitehall as, for instance, becomes evident in a comment regarding a minute by an Assistant Under-Secretary at the Foreign Office in 1901. Referring to a Duff Syndicate suggestion for the settlement of the troubles in Kelantan, the Foreign Office man pointed out that, while it might suit the Siamese, the Sultan of Kelantan and the Duff Syndicate, it was, nevertheless, objectionable to Britain as the Siamese had bound themselves under the terms of the 1897 Secret Convention to submit all applications for concessions in the Siamese Malay States to London for prior approval before ratifying them. Rubin contends feebly that the Foreign Office official "seems to miss the

¹⁵ See Tej Bunnag, "The Provincial Administration of Siam from 1892 to 1915: A Study of the Creation, the Growth, the Achievements, and the Implications for Modern Siam of the Ministry of the Interior under Prince Damrong Rachanuphap", Unpublished D. Phil. dissertation, Oxford University, 1968, pp. 245-264. This pioneering study has now been published as *The Provincial Administration of Siam, 1892-1915; The Ministry of the Interior under Prince Damrong Rajanubhab*, Oxford University Press, Kuala Lumpur, 1977.

¹⁶ See my article, "The Anglo-French Declaration of January 1896 and the Independence of Siam", *JSS*, Vol. LVIII, Pt. 2, 1970.

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point" of the Duff Syndicate's suggestion although, a few lines later, he contradicts himself by stating that "British policy demanded a Foreign Office veto on peninsular concessions" (p. 109). Such lapses are a little difficult to accept in a book that is supposed to have been based on the sources in the Public Record Office and was published in 1974 by which time there was already available a considerable literature specifically on the 1896 Declaration.

Students of the diplomatic history of the period and of the problem of the Northern Malay States are also likely to find Rubin's perfunctory analysis of the international complications that were threatened by the Duff Syndicate's intrigues somewhat spurious. Apart from some confusion over the relative roles of the Foreign and Colonial Offices in the matter, consider, for example, the following: "Duff's actions were threatening not to present the Colonial Office with a nice bit of territory to administer, as it seemed from Singapore, but with the possibility of war" (p. 111). Again, in discussing departmental attitudes in Whitehall in August 1910, Rubin alleges that the Colonial Office had "changed" its position with regard to the Northern Malay States because it was at that time apparently nervous of the danger of foreign intrusion in that region (p. 116). In fact, as late as May 1902, the Colonial Office was advocating a direct approach to the rulers of Kelantan and Trengganu in overcoming the deadlock between Britain and Siam over the proposed appointment of British Advisers to the two states. It was the Foreign Office that was more cautious and considered any such move as "impolitic"¹⁷ because it was feared that if the Siamese were pushed too far they "may come to the conclusion that their only chance of escaping from practical absorption or a state of protection and ultimate division by France and England would be an appeal to Russia and Germany who, nothing loath, would come forward with their good offices."¹⁸ It had always been a particular obsession of the Colonial Office that Britain should take pre-emptive action in the Northern Malay States to prevent other foreign Powers from gaining a foothold in the Malay Peninsula whereas the Foreign Office sought to deny Britain's diplomatic rivals precisely that opportunity.

Rubin treads on even more uncertain ground when he ventures an opinion, based on weak evidence, that corruption in high places was probably prevalent in the Siamese Government. Suffice it to say that the subject is not one that can be fruitfully dealt with in a short footnote, the more so in the absence of primary material from Thai archival sources (Footnote 62, p. 119). For an international law specialist, Rubin also takes

¹⁷ Minute by Bertie on Colonial Office to Foreign Office, 20 May 1902, F.O. 69/237.

¹⁸ Minute by Bertie, 26 May 1902, F.O. 69/237.

a curious view of the Siamese contention as to their treaty obligations to foreign powers under the most-favoured-nation clause (p. 123). The Siamese had always maintained in their negotiations with Britain over the Northern Malay States that any special privilege granted to Britain within Siamese territories would immediately give rise to demands from other foreign Powers for similar treatment because of the most-favoured-nation clause in their treaties with Siam. Although the Foreign Office's response to this argument was that Siam was only obliged to consider such foreign demands but not necessarily to accede to them, it was realized in London that such a stand would be too euphemistic and it was partly owing to this consideration that the 1897 Convention remained a secret agreement.

It is probably his treatment of the events which led to the signature of the Anglo-Siamese Agreement of October 1902 that raises one's gravest doubts. In the first place, it is quite without foundation to state that the British, in 1901-02, made a "decision to take a more active hand in helping the Thai to reduce Kelantan and Trengganu to direct and clear subordination" (p. 129). As this writer has attempted to explain elsewhere in an exposition of British policy at the time,¹⁹ the British merely did not object to Prince Damrong's energetic policy of reorganising the provincial administration but there is, as far as the records are concerned, no evidence to suggest that the Siamese Ministry of the Interior derived its inspiration from London. Secondly, Rubin appears to have been unaware of the fact that the Anglo-Siamese negotiations of 1901-02 concerned, on the one hand, an agreement between the two parties that the Siamese nationals, and, on the other, the terms of the Notes to be exchanged between Siam and the Sultans of Kelantan and Trengganu providing for the appointment of Siamese Advisers. In fact, Siam was only able to obtain the signature of the Sultan of Kelantan and the Trengganu ruler remained obdurate for some time about receiving an Adviser from Bangkok. These details are imperative for any meaningful analysis of the British and Siamese attitudes *vis-a-vis* Kelantan and Trengganu but Rubin has, unfortunately, glossed over them.²⁰

Apart from the above examples of fundamental faults in the historical

¹⁹Chandran Jeshurun, "Lord Lansdowne and the 'Anti-German Clique' at the Foreign Office: Their Role in the Making of the Anglo-Siamese Agreement of 1902", p. 233.

²⁰See Thamsook Numnonda, "Anglo-Siamese Negotiations, 1900-1909", Unpublished Ph.D. thesis, University of London, 1966. The writer and Dr. Thamsook have co-authored a forthcoming book *The Northern Malay States, 1896-1909: From Siamese Suzerainty to British Protection* to be published by the University of Malaya Press.

interpretation of the case-studies found in this book, it is also unfortunate that the publishers have failed to detect innumerable errors with which the book is riddled. It might be argued that most of them are rather minor ones but, to anyone who has some knowledge of nineteenth century Malaysian history, they are most irritating. In the very first chapter itself, notwithstanding the fact that the author is engrossed with early nineteenth century affairs when nomenclature was admittedly a little perverse, Rubin repeatedly writes "Selangorc" when he means Selangor (Eg. pp. 47, 51). The quaint "Merbow [Merbau] River in Kedah" on page 23 falls into the same category. In Chapter III which deals with policy-making in Whitehall in some detail it is rather strange to find Francis Bertie, who was in 1899 an Assistant Under-Secretary and Superintending Head of the American and Asiatic Department of the Foreign Office, being blandly referred to as "the Under-Secretary of State for Foreign Affairs" (Footnote 12, p. 86). C.E.W. Stringer was not the "British Charge' d'Affaires who succeeded George Greville at the conclusion of the Reman negotiation" in 1900 but merely a member of the British consular establishment in Siam at that time (p. 93). The Anglo-French Declaration of 15 January 1896 was never referred to officially as a "Protocol" (Footnote 40, p. 191). William Archer was not "the British Minister in Bangkok who succeed [sic] George Greville as Mr. Stringer's superior" but acted on several occasions for the British Minister in-between new appointments (p. 104).

While this writer is not prejudiced against the use of American spelling in the text, although he does have reservations about the use of "Thailand" and "Thai" in talking about the pre-1932 Kingdom of Siam, it does seem rather odd to find "neighbors" in an official British document of the time (p. 113). Prince Damrong Rachanubhab, the enterprising Siamese Minister of the Interior, was not fortunate enough to be Prime Minister in 1901, even if such a post had existed (p. 115). Reginald Tower succeeded Greville *not* Archer as British Minister in Bangkok (p. 124). Far from having been "a personal adviser to the King", Rivett-Carnac was intensely disliked within the Siamese Court while he was Financial Adviser to the Government and was often snubbed by the British Government in his attempts to involve himself in *la haute politique* (p. 130). Ralph Paget was the new British representative in Bangkok in 1903, not the Charge' d'Affaires (p. 134, footnote 1).

One cannot have much sympathy for Rubin's plea that he was unable to enter into the details of the 1909 Anglo-Siamese Treaty negotiations on the grounds that "the files concerning the final negotiations were not yet open to researchers when I completed my student days in England" (p. 140). As the relevant volumes of official correspondence were open for

consultation at the Public Record Office in London by the late 1950s, one wonders when the research for this book, published in 1974, was actually done? It is also extraordinary that a book which deals with such little-known entities as Reman and Legeh, not to speak of delicate boundary disputes, is devoid of a decent map of the region and one can only hope that the ancient one on the front cover was not intended to serve the purpose! While it is unusual that a review should end on such a dismal note, one cannot but warn the intending reader of the weaknesses of this book, of which there are far too many.

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RECENT PROPOSED CHANGES IN THE FAMILY LAW IN MALAYSIA

Malaysia has a variety of family laws.¹ The Muslims marry according to Islamic law and the various State enactments which deal with the administration of Muslim law provide that they are applicable only to persons professing the Muslim religion. The Chinese and Hindus marry according to their own law or custom as determined by the Courts. The natives of Sabah and Sarawak may marry according to their customs and so also may the aborigines of Peninsular Malaysia. In Peninsular Malaysia anyone, except a person professing the religion of Islam, may have his or her marriage solemnised under the Civil Marriage Ordinance, 1952, which provides for civil monogamous marriages before Registrars of marriages.² A marriage between Christians or between persons one of whom is a Christian may be solemnised under the Christian Marriage Ordinance, 1956.³ In Sarawak marriages other than marriages contracted according to the laws and usages of Muslims, Hindus, Dayaks or other persons governed by their own laws and customs of marriage, may be solemnised under the Church and Civil Marriage Ordinance.⁴ Muslim marriages are solemnised according to the Islamic law, native customary marriages according to native customary law, Hindu marriages according to Hindu law and customs and Chinese marriages according to Chinese custom and the provisions of the Chinese Marriage Ordinance. In Sabah marriages between persons one or both of whom is or are a Christian or Christians are required to be solemnised in accordance with the Christian Marriage Ordinance.⁵ There is a Marriage Ordinance⁶ which lays down provisions generally applicable relating to the age of marriage, consents and registration and subject to this Ordinance Muslim marriages may be solemnised under the Islamic law, native customary marriages under the native customary law, and Chinese and Hindu marriages under their respective customary laws. Divorces under the religious or customary laws are

¹ See Ahmad Ibrahim, *Family Law in Malaysia and Singapore*, Singapore, 1978.

² Civil Marriage Ordinance, 1952 (No. 44 of 1952; Reprinted No. 1/1970), S. 3.

³ Christian Marriage Ordinance, 1956, (No. 33 of 1956; Reprinted 1973), S. 3.

⁴ Church and Civil Marriage Ordinance, Sarawak, (Cap. 92), S. 1(2).

⁵ Christian Marriage Ordinance, Sabah (Cap. 24), Ss. 2 and 4.

⁶ Marriage Ordinance, Sabah, 1959 (No. 14 of 1959).