

## Marriage and marriage registration in Thailand (<Special Issue>Focus on Asia)

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# Marriage and Marriage Registration in Thailand

Supaporn SHIGETOMI

## **Introduction**

Since the student-led democracy movement in 1973, the status of women in Thailand has become widely discussed among scholars. Feminism, women's studies, and gender have been placed on the curriculum at universities in Thailand. Women in Thai history is one topic that has drawn broad attention. The Marxist approach has been used to explain the status of women. In the past, women were exploited by Thai men who controlled the power. The situation of Thai women worsened when Thai society modernized in the 19<sup>th</sup> century because Thai leaders adopted Western culture, which limited women's rights.

In this article, I examine the status of Thai women in terms of marriage, from the past until today. The purpose of the paper is to explain how and why women's status before and after marriage has changed. The main point of the paper is related to marriage registration, which has affected women's rights in many ways. The marriage ceremony and rituals are beyond the scope of this paper.

## **Status of Thai Women: The View from the Past**

I begin by reviewing historical documents written by foreigners who visited Siam/Thailand and recorded what they observed. La Loubere, a French envoy of Louis XIV, who visited Ayutthaya in 1687, said that marriage was an agreement between the parents of the couple marrying. Before the marriage, the bridegroom had to build a house in the same area as his future bride's family's house and reside there for a while after the marriage (La Loubere, p. 51). Women

stayed in their parents' area even when they had married. Women's status should be secure since they remained near their parents and relatives.

Almost two hundred years after La Loubere's visit, Sir John Bowring was sent on a diplomatic mission by the British government to Siam in 1855. In his well-known book, *The Kingdom and People of Siam*, he said that the status of Thai women was better when compared to other Asian countries.

***“Divorce is easily obtained on application from the woman, in which case the dowry is restored to the wife . . . A husband may sell a wife that he has purchased, but not the one who has brought dowry . . . On the whole, the condition of woman is better in Siam than in most Oriental countries.”*** (Bowring, p. 119)

Another book, *The Kingdom of Siam*, a factual account of Siam in 1904, was written by many Westerners who lived in Siam or worked there during that period, and described the high status of Siamese women as follows:

***“The position of women is high in Siam. They enjoy, both in business matters and social life, a great dependence . . . Marriage is a civil contract and the wife retains her dowry; divorce is infrequent.”*** (Carter (ed.), p. 45)

Until the early 20<sup>th</sup> century, Siamese/Thai women's status from the view of foreigners (especially Europeans) was high and better than that of women in other societies in Asia.

### **Marriage in the Modern Era**

In the 19<sup>th</sup> century, Thailand, similar to Japan, was pressured by the West to reform the government administration system. The government of Siam adopted a new legal system, abolished the old law, *The Laws of the Three Seals*, and then enacted new laws that were similar to Western laws. However, in the new laws, especially family

law, the content rarely changed. Most of the content remained the same, such as the family law of The Laws of the Three Seals. Women's dowries were still protected. Even if a marriage was not registered, one wife was accepted legally. Having other wives was not prohibited.

The big change in women's status started during the reign of King Rama VI (1910–1925). In the past, Thai citizens did not have family names or surnames. The Thai identified themselves by referring to their parents' names (given name) or the place they resided. Though the Thai government had started recording data on Thai citizens since the reign of King Rama V (1868–1910), the data was limited: birth, death, household members, etc. Data was collected mainly around the Bangkok region. In addition, it was difficult to identify people because in those days many people had the same name. The king hoped that surnames would make identifying people easier and more accurate.

King Rama VI went to study in Britain in 1893 when he was 12 years old and returned in 1902. Almost a decade of living in Western society may have affected his way of thinking about society, humans, the nation-state, and people. In 1912, just two years after he ascended the throne, he declared that a birth, death, and marriage registration system should be instituted in Thailand. Everyone had to bear a surname to identify their status properly. In 1913, the first Surname Act was enacted. According to this law, a “married woman can bear her husband's surname or keep her maiden name” (Clause 6 of The Surname Act 1913). This means that in the transformation to modern society, a married woman had the right to choose her surname. The government gave Thai women the right to select their surnames.

### **Form of Address for Women**

In the past, different words were used to address men and women. Nai (นาย) or Ay (อาัย) came before a man's given name while Am daeng (อ้าแดง) or Ii (อี) came before a woman's given name. For ex-

ample, a man named Somchai was addressed as Nai / Ay Somchai, and a woman whose name was Somsri was addressed as Am daeng / Ii Somsri. It was an old custom to mention men and women in Thai society. There was no law concerning this matter. The custom may have been a way of indicating people's gender. In 1917, King Rama VI declared a new law, the Form of Address for Woman Act, 1917. The act fixed a new form of address Nangsao (นางสาว) (Miss in English) for women who were unmarried (the wording used in the act was *woman who has no husband*- author) and Nang (นาง) (Mrs. in English) for women who were married (means married woman or *woman who has husband*- author).

Once a woman married, she had to use the address Nang before her given name for the rest of her life even if she divorced or was widowed. This form of address at the time was used only for regular women. It did not apply to women in the royal family and noble families.

In 1921, the King proclaimed the form of address for girls. He set the rule that girl meant a female under 15 years old. Women who were older than 15 years of age and unmarried (meaning married to a man) should use the address Nangsao before their given name.

After the new acts were legislated, the status of women, especially ordinary women, changed drastically. A woman's legal status was fixed by age and marriage status while her male counterpart did not have to change his surname and form of address after marriage.

### **Status of Women in Democratic Society**

In 1932, a group of military and civil servants seized power from King Rama VII (1925–1935) and established a democratic government. The new government rushed to change Thailand into a new modern society. The first Constitution was drafted and promulgated. In 1935, the government enacted the first Family Registration Act, 1935.<sup>1)</sup> The act covered all registration related to families, for example,

marriage and divorce, the household register, and the adopted child register. This was the first time marriage involved legal ties. In the past, marriage was recognized by society but was not directly connected to the state or authority. In addition to marriage registration, the status of married women did not change. Women still had the right to select their surname.

Women's right to select a surname came to an end in 1941, when the government enacted the Personal Name Act 1941. The law forced women to use their husband's surname after marriage (Clause 13 of the Personal Name Act 1941).

Retaining one's maiden name was no longer allowed. According to the regulation, married women who used their maiden names were not allowed to register a divorce unless they had changed their surname to their spouse's surname. Owing to this law, women lost not only a right they had had for a long time but also equal status to men. The Personal Name Act 1941 was revised in 1962. The law allowed a divorced woman to resume her maiden surname (Clause 13 of the Personal Name Act 1962). A widow could keep her husband's surname or could resume her maiden surname (Clause 14 of the Personal Name Act 1962). There may be many reasons the law was revised that must be studied in detail.

The women's movement in Thailand has expanded widely since the 1970s democracy movement. The movement has developed along with economic growth in Thailand. Women have expanded their role in the fast-growing economic sector. At one point, women have been more independent; however, they are limited by old laws and social values. Today, there are many women's groups. Some are grassroots organizations. Some work on government projects. Some work on revising unequal laws for women, although the number of female lawmakers is still very low compared with developed countries. In a surprise move, the Personal Name Act and the Form of Address for Woman Act were recently revised.

After the political turmoil in 1991–1992, the Constitution was promulgated in 1997. This Constitution has much important content concerning Thai women’s rights. Article 30 guarantees equality between men and women. Due to this article, the Personal Name Act was revised and enforced in 2002.

According to the new law, a married woman has the right to use her maiden name or assume her spouse’s surname. The couple has to choose when they officially register their marriage. A couple also has the right to use a different surname. This is a big leap for the women’s movement because women spent a long time revising this law.

The latest change in women’s status was the revision of the Form of Address for Woman Act in 2008. It is clear that the act, enacted since 1917, restricted women’s rights and freedom, which are guaranteed in the Constitution. The new Form of Address for Woman Act 2008 states the following:

***Section 5. A woman who has marriage registration shall select to address “Nang” or Nangsao” at her pleasure, before her given name and shall notify the registrar under the law on family registration.***

***Section 6. If marriage registration of a woman is revoked, that woman shall select to address “Nang” or “Nangsao” at her pleasure, before her given name and shall notify the registrar under the law on family registration.***

The laws allow Thai women who have used their spouse’s surname to change back to their maiden name. In addition, a married woman can apply to change all her documents (ID card, driver’s license, bank account, etc.) to the address “Nangsao” before her given name.

According to data from the Ministry of the Interior, within one

year after the Form of Address for Woman Act was enacted, 429,387 women applied to change the forms they were using; 174,674 applied for “Nang” while 254,173 applied for “Nangsao.” This shows that Thai women welcomed the law. It is unclear whether Thai women are very conscious of their rights and want to be equal to men. Many factors shape the way of their thought. The effect of the unequal laws on the status of women must be studied further.

### **Conclusion**

In the past, from the perspective of foreigners, women’s status in Thailand was better than in other Asian countries. One reason may be the tradition that married women did not move out to live with their husband’s family as in Japanese and Chinese societies. A bride’s parents could protect her until they had confidence in their son-in-law. Furthermore, in the past Thai women played a large role in the economic sector for example they worked in the farm liked men or they were traders in the market. This gave them a strong position in the family.

When Thailand entered the modern era and implemented the Western legal system, marriage registration, surname, and the form of address for women were introduced and practiced. Women’s status changed drastically, and women became dependent on their spouses. The right to use a surname after marriage was changed by the laws. The situation worsened during the democratic regime. According to the policy of the government, which aimed to make Thailand a civilized society, they retained the concept that a man was the head of the family. Married women had to assume their spouse’s surname and be addressed “Nang” or Mrs. before their given name as the practice in Western society.

With the political change in the 1990s, a new Constitution was promulgated in 1997. This is the most democratic Constitution that Thai society has ever had. The women’s movement played a big role

in drafting the Constitution. Women's rights and freedom were written in the Constitution. This led to changes in the laws related to women's rights after marriage.

The rights and freedom Thai women enjoy today are not new but were taken away for a long time. Now they have returned to women's hands again.

### Note

- 1) Actually, in 1914 King Rama VI enacted a palace law on family registration. The law was applied to all the court official not ordinary people. (See more detail in Supaporn Shigetomi, 2012)

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