

Western Imperialism and Defensive Underdevelopment of Property Rights Institutions in Siam

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Thailand and Japan both faced the threat of colonialism in the latter half of the nineteenth century. While geopolitical vulnerabilities provided Japan with a critical impetus for defensive modernization, they compelled the Siamese state to pursue a strategy of defensive underdevelopment. To understand this paradox, the article explores how variations in the “unequal treaties” imposed on Japan and Siam by Western powers shaped state interests in a policy area of vital importance to the two countries’ predominantly agricultural economies: the rural land rights regime.

KEYWORDS: colonialism, property rights, institutional change, economic development, international relations, Southeast Asia

Studies on the security–political economy nexus in non-Western polities suggest that the closer the geopolitical context approximates that which prevailed in early modern Europe,¹ the stronger and more cohesive the state institutions that emerge.² In studies of economic development in East and Southeast Asia, serious security threats have often been assigned a central role as drivers of developmental state activities, which, in turn, have stimulated the region’s rapid economic growth.³

Of course, the literature on security and development in East and Southeast Asia recognizes that the presence of serious external security threats alone is not a sufficient condition for the formation of developmental states.⁴ Other factors, such as access to abundant natural resources, may conspire to block developmental impulses even in the presence of serious external threats.⁵ In addition, actual military conflict may shorten the time horizons of political leaders to such an extent that developmental activities are assigned a relatively low priority, as was the case in the short-lived South Vietnamese republic.⁶

This article addresses arguments about the relationship between external security threats, state formation, and economic development. The focus is on the two Asian countries that managed to escape colonization: Japan and Thailand (or Siam as it was known during the period under discussion here). Both states were forged in an era when powerful states in the world system did not routinely recognize the (juridical) sovereignty of weak states. Despite unequal treaties, Japan is a paradigmatic case in models of economic development in which external security threats are posited as an important spur for growth-enhancing institutional reform.⁷

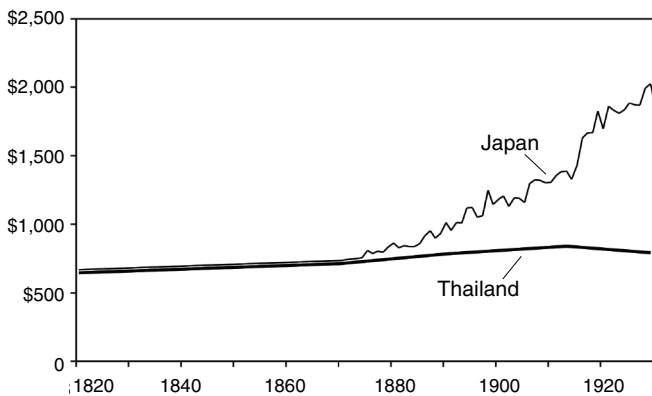
In contrast with Japan, the Siamese state did not develop the attributes—developmental orientation, cohesiveness, and strength—that one would expect of a state that, like Japan, was struggling to secure survival in a highly competitive international system. When World War I broke out in Europe in 1914, Siam had faced the threat of colonization for almost a century; it had faced an imminent threat for the previous three decades. However, the imperialist threat had largely failed to engender a developmental response from Siam's ruling elites. As a consequence, the country's physical infrastructure, military capability, and general institutional development remained surprisingly weak.⁸

The contrasting Japanese and Siamese responses to the imperial threat are associated with a sudden divergence in economic growth trajectories. From 1820 to 1870, both countries had similarly low levels of per capita income. But shortly after 1870, Japan embarked on a period of sustained, rapid growth in terms of per capita gross domestic product (GDP), whereas stagnation continued to characterize the Siamese economy (see Figure 1).

To help us understand this divergence, this article focuses on the development of state-enforced formal property rights in land, an institutional dimension of central concern to states and one that has a prominent position in the literature on long-run economic growth. Land is an important factor of production, and ensuring that land is used productively is therefore an important concern to any ruler,⁹ but especially so in preindustrial and newly industrializing societies. The importance of property rights reform in the broader process of economic development is illustrated not only by the experience of Meiji Japan, which is discussed below, but also by the more recent experiences of South Korea and Taiwan, where land reform helped provide the foundations for decades of "miraculous" growth.¹⁰

While acknowledging that Siam did institute some important reforms in the area of property rights in the brief period of 1901 to 1909,

Figure 1 Japan and Thailand GDP per Capita, Selected Years 1820–1920 (1990 international Geary-Khamis \$s)



Source: Angus Maddison, *The World Economy: Historical Statistics* (Paris: Development Center of the Organization for Economic Cooperation and Development, 2003).

this article seeks to explain both this sudden but short-lived burst of state activity and the long period of neglect that preceded and followed it. The argument, in short, is that provisions in treaties imposed on Siam beginning in 1855 prevented a “developmental” political equilibrium from emerging in a state whose geopolitical vulnerability increased dramatically from the 1870s. The “unequal” treaties imposed on Japan by Western powers were not similarly constraining, thereby allowing for the emergence of a developmental political equilibrium.

The article is structured as follows. The next section presents the property rights reforms undertaken by the Japanese state in the late nineteenth century as a central component of the country’s broader scheme of “defensive modernization and industrialization in response to an external threat.”¹¹ The subsequent section establishes the weaker property rights regime that prevailed in Siam; to do this requires some engagement with existing literature on Thailand that paints a more favorable picture of its early institutional development. It also requires consideration of the argument that Japan and Siam in fact faced quite different geostrategic challenges. The next two sections describe the features of the international treaty regime imposed on Siam by the colonial powers and discuss their significance for Siam’s institutional and economic development. The following section revisits the Japanese case in light of the preceding analysis to make clear how variations in treaty provisions affected state interests.

The concluding section discusses the empirical and theoretical significance of the study.

Defensive Modernization: The Case of Japan

The Japanese state built a “rich nation, strong army” in order to meet the national security challenge posed by imperialism.¹² This entailed a successful push toward industrialization, which in turn rested on a variety of institutional and legal changes with respect to property rights.

While there are important continuities between Tokugawa (1600–1868) and Meiji (1868–1912) Japan in terms of the administration and regulation of property rights in land, the Meiji Restoration led to the introduction of modern notions of individual private property rights and modern land survey techniques.¹³ In Tokugawa Japan, land surveys had been aimed at assessing land values as a basis for levying taxes. This entailed clarifying boundaries between villages, which were collectively responsible for paying taxes, but did not entail the demarcation of individual fields. As part of the financial reforms of the Meiji Restoration, tax reforms were introduced to stabilize revenues. No longer would villages be collectively responsible for payment of land taxes based on an estimate of the productivity of the land. Now, land taxes would be levied on individual persons or households (as landowners or leaseholders), market prices would provide the basis for an assessment of land values (and, hence, the tax base), and taxes would be paid in money rather than in kind. The new system required the abolition of “feudal” land relations and the establishment of private property rights, as well as the introduction of new and more precise survey techniques and a shift in administrative focus toward the mapping of individual properties.¹⁴ Title deeds were issued to farmers, establishing them as individual owners of the land. The cadastral survey was essentially completed by 1876, by which time 109.33 million land ownership certificates had been issued.¹⁵ With the title deed certificates followed the right to freely buy and sell land.

The new order provided farmers and other individuals with an improved economic incentive structure, with important implications for economic development.¹⁶ As a consequence of the reforms, capital investments in agriculture grew rapidly—and served to raise productivity—and resources were allocated more efficiently.¹⁷ In addition, Japan witnessed a dramatic expansion of the area under cultivation. Finally,

the reforms led to the generation of capital that could be used for wider development purposes, both through state investments and through private savings and financial intermediation.

Most significantly, the new rural property rights regime and the attendant taxation system served to align private and public interest in promoting the productivity of Japan's many small farms. This explains the eagerness with which the Meiji leadership searched for ways to increase farm productivity.¹⁸ The land tax reform of 1873 has been credited as "the single most important reform of the Meiji Restoration."¹⁹ According to James Nakamura, the land tax reform "constituted the economic machinery that the Meiji leadership employed to destroy the old economic and social system and to create a new one."²⁰

Land taxation played a central role in the fiscal system of late Tokugawa and Meiji Japan, with land taxes accounting for 78 percent of central state revenues from 1869 to 1881.²¹ Land taxes still accounted for 27 percent of central state revenue in the period 1909–1911.²² This had important implications for state policy and economic development. The state could directly capture part of the gains from productivity improvements to finance state investment in infrastructure projects, military capability, and the like. Indeed, the Japanese military's demand for resources had served as an important catalyst for the state to develop supporting institutions, such as the centralized taxation system.²³ These reforms further provided the preconditions for the emergence of a sophisticated financial system, which in turn played a key role in the process of economic modernization.²⁴

In short, the Japanese state's response to the long-term threat posed by Western imperialism is a model of "defensive modernization," which included dramatic, productivity-boosting reforms of the central state's administration of property rights in agricultural land.

Coding the Case of Siam

It is important to establish that Siam did fail to respond to the serious threat with, as one would have expected, a Japanese-style program of defensive modernization in which the reform of the property rights regime would have been a key component. Coding the case of Siam as "nondevelopmental" with regard to property rights is not uncontroversial, however. According to David Feeny, the Siamese state *did* supply modern, productivity-enhancing property rights institutions. This interpretation warrants closer scrutiny.²⁵

In support of the notion that the Siamese state supplied productivity-enhancing property rights in land, the existing literature points to a land law that is said to have been issued in 1892. According to Feeny, the new law “replaced a rather *ad hoc* system with a more comprehensive system of property rights in land.”²⁶ While this law did not include centralized record keeping, it did provide for the issuance of transferable title deeds, which improved the ability of land owners to use their land as collateral. The 1892 law is deemed by Feeny to have “significantly improved the security of land rights and helped to make procedures and documents more uniform.”²⁷ The 1892 initiative was followed in 1901 with the establishment of centralized land registration and the issuance of title deeds based on a modern cadastral survey.²⁸ These two pieces of legislation support the conclusion that the Siamese state under King Chulalongkorn responded with “developmental” property rights reforms in the face of colonial pressures and shifting relative factor prices, which enhanced the value of land.

But this conclusion is at the very least premature. First, the 1892 legislation Feeny referred to was never enacted. The document cited as evidence is only one among many draft laws and regulations relating to property rights in land and land taxation that were considered, but not enacted, between 1888 and 1901.²⁹ Second, the extent to which the (actually enacted) land legislation of 1901 enhanced security in landed property is at best unclear. The 1901 law and the amended version promulgated in 1909 introduced significant elements of insecurity, because they linked legal ownership exclusively to the possession of a new title deed, thus discounting well-established ways of showing proof of rights to land (such as land tax receipts and occupancy).

Accepting Feeny’s rationalist approach as well as the assumption that socioeconomic conditions were such that it would have served the interests of both the Siamese elite and society in general if the state had established a comprehensive administrative and legal system that strengthened property rights in land in the early 1890s (if not earlier), we are left with a puzzle. Why didn’t it happen? What other factors intruded into Siamese calculations of interest to cause this and several similar draft laws to be rejected?

One possible explanation for this “weak” response is that the Siamese state faced a less severe external threat than the Japanese state did. Notably, Benedict Anderson has argued that the Siamese monarchy ceased to contemplate engaging in warfare from around 1840 to 1940 because “the real external security of the Thai monarchical state had been guaranteed by the European imperial powers.”³⁰ That “guarantee”

took the form of the establishment of colonial control and demilitarization of Siam's traditional rivals—especially the Burmese and the Vietnamese. According to this interpretation, “Fortuitous positioning as a buffer between French and British possessions allowed Thai monarchs to preserve national sovereignty through negotiations rather than war.”³¹

A different interpretation of the respective geopolitical predicaments of Japan and Siam is, however, possible. Japan's geographical separation from the Asian mainland afforded it “natural” protection from rival powers;³² Japan's neighbors (Korea and China) were weak and weakening;³³ and great-power competition over Japan was muted.³⁴ In contrast, Siam's geographic location offered little protection from neighboring colonial powers Britain and France, both of which took territories in Siam and carved out their own spheres of influence in different parts of the country. As a consequence, Japan faced a much less serious *imminent* threat of invasion or incorporation into a neighboring empire than Siam did. In Japan, the West posed a serious long-term but not an imminent threat. To use a European analogy, Japan was like Britain some distance removed from geopolitical rivalries, while Siam was in a more vulnerable position, serving as a “buffer” between two great powers, somewhat like a Southeast Asian Poland. Classical geopolitical factors such as geography and the strength of neighboring powers were thus, on balance, more favorable to Japan than to Siam.

But geography is not the only geopolitical factor of relevance. Differences in the international institutional context, in the form of provisions contained in the so-called unequal treaties that Western powers foisted on both Siam and Japan in the nineteenth century, were of critical importance as part of the incentive structures that state elites were facing.

The nondevelopmental outcome in the area of Siamese land rights was caused neither by an insufficiently serious external security threat nor the presence of a domestic coalition “blocking” developmental activities.³⁵ Instead, Siamese government policy regarding land administration was critically conditioned—and constrained—by the international institutional context within which the Siamese state operated. In Siam, property rights policy became intertwined with a diplomatic bargaining process in which the government sought to abolish the treaty-based rights of Westerners to enjoy extraterritoriality and to acquire land in Siam. In Japan, where foreigners had never acquired a right to buy land, the government could formulate and implement property rights reforms without taking such international linkages into account.

The Bowring Treaty, Extraterritoriality, and Property Rights in Land

The Siamese state's response to the external threat was conditioned by the existence of a series of international treaties. The most important of these was the so-called Bowring treaty of 1855 between Siam and Great Britain. The treaty (and the detailed provisions contained in the supplemental Parkes agreement of 1856) became a pivot on which Siam's international relations and domestic politics were to turn during the following half-century.³⁶

How did the Bowring treaty affect the Siamese state's interests regarding the provision of formal property rights in land? It did so by limiting (1) the ability of the state to tax land, (2) the right of the state to decide who could own land where, and (3) the jurisdiction of the Siamese government over British subjects in Siam (extraterritoriality). These different aspects of the treaty influenced the policy options available to the Siamese state in its efforts to respond to external threats and to strengthen its authority and control over territory and population.

As regards extraterritoriality, the Siamese government ceded jurisdiction over British subjects to the British consular authority. This infringement on state sovereignty created considerable difficulties for the Siamese government. While systems of extraterritoriality similar to that in Siam were introduced in China and Japan, "the unusually large number of foreign subjects of Asian origin soon placed the Siamese authorities in a far more difficult position."³⁷

As Bowring himself recognized, the treaty provisions concerning taxation "involved a total revolution in all the financial machinery of the [Siamese] Government."³⁸ Siamese import taxes would henceforth be levied at a flat rate of 3 percent on the market value of the imported good. The code of regulation appended to the treaty further fixed the export and inland duties of all major Siamese export products. Finally, the treaty stipulated that land owned by British subjects "will be subject to the same taxation that is levied on Siamese subjects."³⁹ The Parkes agreement then specified what taxes the Siamese government could levy on land.⁴⁰ These taxes were, moreover, denominated in absolute terms and therefore gradually lost value in real terms.⁴¹ The decline in revenue potential (within existing institutional constraints) weakened the fiscal incentive for the Siamese state to invest in the definition and enforcement of property rights in land.

According to Harry Parkes, the treaty negotiations surrounding matters of taxation and revenues in effect amounted to "a recodification

of their Financial System.”⁴² And not only was the financial system re-codified—it was codified in an international treaty. The Siamese government didn’t regain fiscal autonomy until 1926, and up to that time the government was constrained in two respects. First, it was limited in its ability to pay for infrastructure investment.⁴³ Second, it was limited in its ability to capture the benefits of infrastructure investments.⁴⁴

The treaty also contained provisions governing foreign rights to land. While British subjects would have the right to trade freely in all Siamese seaports, they would have the right to reside permanently only in Bangkok, or within limits assigned by the treaty. Article 4 of the treaty deserves to be quoted at length:

British subjects coming to reside at Bangkok may rent land, and buy or build houses, but cannot purchase lands within a circuit of 200 sen (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation, British residents in Siam may at any time buy or rent houses, lands, or plantations, situated anywhere within a distance of twenty-four hours’ journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel.⁴⁵

Article 4 further stipulates that any purchase of such lands has to be facilitated through official channels: the prospective purchaser has to apply to the British consul who in turn would approach the appropriate Siamese authorities and request that they issue a title deed.

During the negotiation of the treaty, King Mongkut of Siam had recognized a tension between economic development and national security. In a proclamation regarding “treaty *farang*” (i.e., non-Asiatic subjects of Western nations with which Siam had signed treaties), he observed that while Western expertise in agriculture would be of great benefit to Siam—turning forests and wastelands into rice fields and plantations, thus increasing revenue and creating employment for poor Siamese—the cultural differences between the *farang* and the natives could easily give rise to dangerous situations in which the peoples living in Siam would oppress, rob, beat, or kill Westerners.⁴⁶ Mongkut perceived a similar danger in allowing Westerners to buy land in the capital: this was likely to give rise to disputes between the newly arrived Westerners and the city dwellers. The diplomatic implications of such events were clear enough. Thus, the restrictions were intended to reduce the risk of politically dangerous altercations between the

Siamese and subjects of the colonial powers taking up residence in Siam.

What were the political consequences of these treaty provisions? Arguably, the extraterritoriality provisions undermined the Siamese state, whereas the land rights restrictions, though limited, served to strengthen it.

As noted by Hong Lysa, problems associated with extraterritoriality came to the fore in the late 1880s, as the community of alien Asiatics—for example, Burmese, Shan, Khmer, Laotians, Vietnamese, Chinese—grew.⁴⁷ As British and French possessions in Asia expanded, immigrants to Siam from Burma, Indochina, and even China could claim protection as foreign subjects. In the imperial competition over influence in Siam, consuls were often eager to expand the number of their protégés in Siam. In 1901, the minister of foreign affairs was reported to have complained to the Dutch consul that “the consular corps in Bangkok would soon have more subjects than the king himself.”⁴⁸ By the 1890s, the expansion of the number of foreign subjects severely crippled the state’s prestige and authority.

The restrictions on foreign land rights, in contrast, provided the Siamese with a legitimate reason for denying (some) foreign requests to acquire land in parts of the territory claimed by Bangkok. This enabled the state to limit the penetration of European capital into Siam, but it did not stop alien Asiatics from remaining on their land or, as regards more recent immigrants, from clearing land and settling down. A considerable number of foreign subjects were thus able to acquire land outside the twenty-four hours’ zone on an informal basis. This was particularly true in northern Siam, where British subjects, primarily from Burma and the Shan States, formed a significant part of the population. But it was increasingly true also of eastern and northeastern Siam, where the French authorities were actively recruiting protégés in population groups that claimed ancestral links, however vague, to the territories constituting French Indochina. The Siamese government displayed a relatively tolerant attitude toward the alien Asiatics until the late 1890s—in part because many of them were living so far away from the foreign consul that their extraterritorial protection was more theoretical than real. However, once the growth of a population segment that enjoyed effective extraterritorial rights began to seriously undermine central state authority, the official attitude became less tolerant.⁴⁹ And with that, the twenty-four hours’ zone regulation became a source of “constant friction, suspicion, and subterfuge.”⁵⁰

In addition to the formal restrictions on foreign landholdings, the state sought to create and uphold an informal norm against land sales to foreigners, even in those areas where this was supposedly permitted by treaty. The British consul Ernest Satow observed in 1887 that the Siamese authorities had “for years past interposed every possible obstacle” on the attempts of British subjects to acquire land in Bangkok. As a consequence, “no Siamese subject would now venture to appear before the Bangkok authorities and acknowledge the sale of his land to a foreigner, as it is well known to be the policy of the King to prevent foreigners from obtaining land.”⁵¹ In a similar vein, Nutsatham shows that King Chulalongkorn sought to prevent large-scale acquisition of land by foreign subjects, by warning the prospective sellers against following through with such transactions, even though they were perfectly legal. In 1900, when the king learned that a royal prince was planning on selling a plot of land at Rangsit to an American, the king asked one of his officials to warn the prince that such a transaction was highly undesirable: “The *farang* have extraterritorial jurisdiction, which creates great difficulties for our administration. If they become owners of large plots of land like this, bandits can hide there and it will be difficult for us to capture them.” The king thought that it would be best if the land were sold to a Thai instead, and emphasized the importance of not letting the *farang* know about the (unofficial) royal disapproval of the land sale, as this was likely to give rise to complaints and cause trouble for the government. It sufficed, thought the king, that the norm against the sale of large plots of land to foreign subjects was known and respected among “ourselves.”⁵²

The outcome of Siam’s diplomatic intercourse with Great Britain in 1855–1856 had important long-term consequences. While some of these have already been discussed, there is one other important aspect that needs to be highlighted: the treaty contained the seed of a future diplomatic bargain, whereby Siam could regain lost sovereignty in the jurisdictional area by making concessions regarding foreign rights to acquire land as a *quid pro quo*. Indeed, the promise of full, formal property rights in land was “the last lever in the hands of the Siamese Government with which to obtain a mitigation of the extra-territorial system.”⁵³ In the Franco-Siamese Treaty of 1907 and the Anglo-Siamese Treaty of 1909, Siam traded eased restrictions on foreign land acquisition for concessions on extraterritoriality, which ended direct foreign jurisdiction over non-Siamese Asiatic subjects and, in the case of Britain, also over European British subjects.⁵⁴

Weapon of a Weak State

The value of Siamese lands—in both strategic and economic terms—increased rapidly from the 1880s. The rising value of property rights in land provided the Siamese state with an opportunity to counter the expansion of alien Asiatics by creating unfavorable land tenure conditions for them. The strengthening of central control and the introduction of a modern land titling system in Siam was an important part of this process. The introduction of a modern and centralized system of land administration was purposefully used in the Siamese state's quest to bolster its authority. Most importantly, the process of formalization of property rights posed a threat to the informal landownership of alien Asiatics and thereby raised the economic cost associated with that status.

British diplomatic reports provide some insights into how the Siamese state sought to create insecurity in land tenure for alien Asiatics by reversing its policy of tolerance of informal land accumulation by non-Siamese subjects. An 1898 British diplomatic dispatch from the northern city of Chiang Mai, which characterized the twenty-four hours' zone as an "antiquated limit to foreign trade, the landmark of a past period of barbarism," described the situation created by the new Siamese policy stance:

The unsatisfactory tenure of land in this district throughout is a constant source of complaint by British subjects. A few years ago, an Order was issued in Chiangmai, and the other large towns of the north, prohibiting native owners of land, under heavy penalties, from selling or disposing of their land to foreigners. . . . Thus, any person who can prove relationship to the seller of a piece of land to a British subject, can enter a suit in the International Court for the latter's eviction . . . and the British subject has to leave his land without any compensation for the enhanced value of the land, or for the improvements effected, interest on capital, &c. This state of things is intolerable.⁵⁵

A few years later, the Siamese government's safeguarding of the barbarous landmark became a cause of widespread popular discontent. In conversations with a British diplomat, Siam's foreign minister, Prince Devawongse, commented that the Shan rebellion of 1902 was caused by grievances stemming from "the measures taken by Siamese officials to prevent the acquisition of land by foreign settlers."⁵⁶ A similar situation arose in the south:

British subjects [in Trang province] who have wet padi fields continuously planted from year to year are allowed to retain their present holdings, but they are not allowed to enlarge them by taking in any more land; and those who have been in the habit of squatting on Government land at irregular intervals, planting in one year and leaving it the next, and returning again at a future occasion, have been stopped. They have no titles to show, and consequently have no redress.⁵⁷

While the new land law and the ambitious land-titling effort launched in the wealthier parts of central Siam in 1901 may in some respects have increased the security of tenure for recipients of the title deeds, the prospect of a thorough investigation of land claims throughout Siam also had a chilling effect on an important segment of society. The new land-titling scheme was understood by the British as being part of a broad diplomatic offensive, aimed ultimately at ending extraterritoriality: "Signs are not wanting that, in order to obtain their object, the Siamese Government mediate using pressure, by disputing the right of British subjects to the land already held by them."⁵⁸

The legalism at the turn of the twentieth century thus enabled the Siamese state to *legitimately* question "the ownership of real property by British subjects in any formal or judicial proceeding."⁵⁹ The Siamese government took the position that free trade in land would be allowed only after the system of extraterritoriality was abolished or modified in such a way that it would no longer pose a threat to state authority. While it was regarded as "incredible that the Siamese Government would seriously attempt to evict a large percentage of the population in the North,"⁶⁰ the threat was real enough to prompt the British to begin negotiations whereby the rights of British subjects to acquire land would be traded for concessions regarding jurisdiction over British subjects.⁶¹

It should be noted that while this policy went against the *private* interests of individual British, French, and other non-Siamese corporations and individuals, it was not altogether in conflict with the *imperial* interests of Britain and France. Both Britain and France were concerned about the destabilizing potential of foreign investment in Siamese territories bordering their colonies. These concerns took a number of concrete political expressions. In an 1896 declaration, France and Britain had sought to control their competition over Siam by agreeing to guarantee the continued independence of "Siam"—defined as the central region of the Chao Phraya River valley—and de

facto dividing Siamese territories outside this core into separate British and French spheres of influence.⁶² As part of this understanding, the European rivals were expected to prevent their nationals from investing in the “wrong” sphere.⁶³ British fears of the strategic implications of foreign (non-UK) investment in southern Siam were further manifested in the Anglo-Siamese Secret Convention of 1897, which was designed to prevent rival European powers from inserting themselves between the British possessions on the Malay peninsula and British Burma.⁶⁴

These new diplomatic arrangements had consequences for the ways in which the Siamese state approached the creation of formal property rights in land. The secret convention, for example, had the effect of obliging the Siamese authorities to “find all kinds of pretexts for delaying a reply to applications or concessions, and ending, perhaps, by their having to refuse the concession when no plausible ground existed.”⁶⁵ The British government had the right to veto all foreign investment in Siam’s southern territories, and this veto right led not only to long delays in the processing of applications from foreign capitalists who sought to invest in mines and plantations in the south, but also to their frequent rejection. The Siamese government was, however, unable to explain the true reason for such rejections (since doing so would have revealed the existence of the secret agreement with Britain) and therefore had to face, alone, foreign consuls frustrated by the Siamese government’s creatively invented “technical” rationales for denying their fellow countrymen the right to exploit Siam’s natural resources. The secretive nature of the convention also meant that such obstructionism exposed the Siamese government to harsh criticism from aggressively expansionist commercial interests in Singapore, as well as from the British governor of Singapore (who was never informed of the existence of the secret convention).⁶⁶

As with the Bowring treaty, the secret convention (and similar pressures from France) provided the Siamese state with perverse incentives regarding the commodification of fertile agricultural land: land policies were formulated and implemented to prevent large-scale investment in agriculture. The pattern of obstruction necessitated or motivated by the secret convention continued to be useful to the Siamese state also after it was abrogated in 1909, in the context of further negotiations over extraterritoriality and foreign land rights.

In 1907, Siam and France concluded a treaty that transferred jurisdiction over French Asiatic subjects and protégés to Siamese courts of law. In return, they were to enjoy the same rights as Siamese subjects, including the right to own land throughout the country’s territories.⁶⁷

All non-Asiatic French subjects retained their extraterritorial rights and continued to be denied full rights to acquire property.⁶⁸

In the treaty of 1909, Britain agreed to put all British subjects under modified Siamese legal authority, in exchange for which Britain gained the following from Siam: (1) unrestricted rights for property, residence, and travel for British subjects,⁶⁹ and (2) the states of Kelantan, Tringganu, Kedah, and Perlis.⁷⁰ In addition, the Siamese state gained expanded authority over the remaining part of southern Siam, as the secret convention was abrogated.⁷¹

Another land-for-jurisdiction bargain was struck, in 1909, between Siam and the Catholic Church's mission. The Catholic Church and the lands owned by it came under Siamese jurisdiction, and in return the lands that had been granted to the church were provided with full legal title. The process of issuing new title deeds, initiated in 1901, had "brought matters to head" in the long-standing argument between the government and the church regarding the church's landholdings. In a petition to the king, the Catholic mission in Siam observed that

for a long period, it is true, the Mission has been graciously authorised to cultivate lands in different parts of the Kingdom, which permitted the grouping of its own faithfuls around the Church. But during these last few years, uncertainty has arisen as regards to that which concerns the conditions in which the Mission, considered as a corporation, might possess lands, in harmony with the new dispositions of the laws and regulations relative to landed property.⁷²

The issuance of "modern" title deeds thus had a direct link to the change in the jurisdictional status of the church: "If a new title deed has been issued, the Mission has accomplished one of its chief desires, and thereafter it shall be dealt with as a Siamese subject in connection with that land."⁷³

In short, using land as a bargaining chip—and the "rule of law" as a judiciously deployed political instrument—the Siamese state managed to strengthen its sovereignty and win back some of the jurisdictional authority it had lost in 1855. However, the threat of further colonial encroachment had not disappeared, and property rights policy continued to be intertwined with the diplomatic process seeking the abrogation of the unequal treaties.⁷⁴

One of the implications of this argument, which links the formalization of property rights in land to a diplomatic strategy, is that the Siamese state's enthusiasm for implementing the new land-titling law should decrease considerably once the immediate diplomatic objectives

had been achieved. This is also the case. According to Feeny, the state was “less active in doing cadastral surveys” after 1909.⁷⁵ This is significant since, according to the law, title deeds could be issued only in areas that had been so surveyed.

In southern Siam, in particular, British capitalists were frustrated by the unwillingness of the Siamese government to issue landownership documents, thus hindering them in their efforts to create a plantation economy there as they had done in neighboring Malaya.⁷⁶ The British legation in Bangkok had to exert considerable effort to counter the “evident determination in influential quarters to exclude British subjects as much as possible from the Malay peninsula.”⁷⁷ The political motivation behind Siamese obstructionism was understood as resulting from a combination of private and national concerns:

In the first place, the country is very rich and full of valuable mineral deposits. . . . To keep this prospective source of wealth as much as possible to themselves has been the object of the few Siamese officials with capital to invest. The other motive may be ascribed to the fear entertained that Great Britain has the intention eventually to absorb the whole Malay peninsula, and it has found expression in the rejection, on various pretexts, of applications for exclusive prospecting rights, refusal to issue title deeds, delays on the part of local authorities in executing the legal formalities connected with the purchase and sale of land, owing to the alleged inability to take the necessary steps without instructions from the Ministry of Interior.⁷⁸

Among the formalities standing in the way of the issuance of title deeds was the legal requirement that this be preceded by a proper survey. However, instead of pressuring the Siamese government to increase the budget for surveying, the British legation urged the Ministry of Agriculture to instead start issuing temporary title deeds in areas of the country that had not yet been surveyed (i.e., the greater part of the country). The foreign adviser to the Ministry of Agriculture, A. W. Graham, responded to the request by observing that no regulation existed that would allow for that, but that the matter would receive the attention of the ministry. In the meantime, the British legation observed, “There can be no real security of tenure, and, moreover, transactions in the sale and purchase of land are hampered in consequence, since the production of a title of ownership is usually demanded by the intending purchaser before a sale can be effected.”⁷⁹

This diplomatic correspondence brings a clarifying light to otherwise elusive comments by another foreign adviser to the Ministry of Agriculture, who argued that “it would be an absurdity to expect any

development in agriculture” in Siam, given that “every obstruction has been put in the way of using capital whether local or foreign”; and that the land laws were judged to be wholly inappropriate to local economic conditions: “[The laws are] stringent and in every way prohibitive, whereas they should be the opposite, when operated in an area where there are large stretches of waste land waiting to be cultivated.”⁸⁰

The treaty regime imposed on Siam by Western powers created perverse incentives for the Siamese state. The Siamese state underinvested in the provision of modern property rights because (1) productivity gains could not be captured by the state under the existing (treaty-regulated) taxation system, (2) the operation of a free market in land threatened to put prime agricultural land in the hands of capital-rich subjects of the great powers, and (3) the issue linkage that arose from the treaties meant that additional land rights for foreigners could be traded for reform of the system of extraterritoriality. As a consequence, land law was used to raise rather than reduce transaction costs, to obstruct rather than facilitate the commodification of land, and to promote Siamese interests in the diplomatic negotiations that eventually led to the abolition of extraterritoriality and the abrogation of the unequal treaties.⁸¹

Revisiting the Japanese Case

International treaties acted as a serious constraint on the Siamese state. Similar “unequal treaties” were imposed on Japan, so what accounts for the different responses? This section highlights a number of differences in the provisions of the respective treaty regimes, with consequences for the incentive structures faced by Japanese and Siamese state elites.

One of the crucial differences was that the treaties imposed on Japan never forced it to open its land markets to foreigners. Like their Siamese counterparts, Japanese elites resisted the physical penetration of Westerners into their country.⁸² In the unequal treaties between Japan and the Western powers, the rights of foreigners to acquire land and real properties were severely limited. In effect, foreigners could lease or buy houses in the treaty ports, but nowhere else. Thus, one of the distinct advantages of the Japanese extraterritoriality regime was that it confined foreigners to the treaty ports and spared Japan from more extensive foreign economic penetration.

The treaties did, however, constrain the Japanese government with regard to taxation. But it did so in a much less damaging way than in the case of Siam: by fixing import tariffs at a low rate (5 percent *ad val-*

orem) the Japanese state was “forced” to continue to rely on agricultural land taxation. It thus had a strong incentive to further develop land as a revenue base. The Japanese state could therefore invest in property rights reforms and other productivity-enhancing programs without worrying about potentially negative security implications. It is illustrative that while the Siamese state sought to obstruct the penetration of foreign capital, particularly into peripheral areas of the Siamese “geobody,” the Japanese state had no reason to hesitate in the creation of land markets in the country’s periphery. The Meiji reformers were able to implement land tax reform and established private and individual title to land also in not-yet-assimilated areas such as Okinawa and Hokkaido.⁸³ In the case of Japan, the state’s hold on peripheral spaces and peoples was thus strengthened through the wholesale introduction of formal land rights, modern land taxes, and Western-style land and credit markets.⁸⁴

As Japan sought to abolish the system of extraterritoriality and gain tariff autonomy by revising the treaties, the Japanese were further successful in countering efforts by foreign powers to create treaty-based land rights for their subjects. The idea that foreigners were to be allowed to acquire land in Japan was intensely unpopular with the public, and because of this it was agreed that such rights would be created through future legislation passed by the Diet.⁸⁵ Non-Japanese were given the right to acquire land only in 1926. And that right was severely limited: large areas of the country had been classified as “essential to national defense,” and foreigners wishing to buy land there were required to first gain approval from the minister of war or the minister of the navy.⁸⁶

Because of differences in the treaties, Siam and Japan faced radically different political incentive structures regarding the development of state-enforced formal property rights in land. The modernization of the Japanese property rights regime in land was never seriously constrained or impeded by provisions in the unequal treaties, as it was in Siam. On the contrary, the taxation provisions included in the treaties provided the Japanese state with an added incentive to develop the country’s agricultural sector and thus to modernize the country’s property rights regime.

Conclusion

This essay has contributed to the study of comparative Asian political economy in a number of ways. First, it has brought attention to the rad-

ically different developmental implications of the ways in which Western imperialism operated in Siam and Japan. As with the literature on the importance of colonial legacies for economic development,⁸⁷ the cases of Siam and Japan illustrate that noncolonization is similarly associated with developmental outcomes, which depend on the character of the institutions that arise in the encounter with imperial powers.

Second, by bringing new evidence to light, the article has contributed to the debate about how to code the case of Siam as regards the nature of (1) the geopolitical threat faced by the Siamese state, and (2) the development of the property rights regime. It has been demonstrated that the existing literature, as exemplified by Feeny, has overestimated the “developmental” character of Siamese state policy in the period from 1890 to 1910.⁸⁸ The exaggerated view of Siamese “developmentalism” as regards property rights reform rests on a flawed understanding of Siamese legal history, and on a one-sided interpretation of the implications of the 1901 land-titling law for the security of property experienced by agriculturists. Ostensibly, these reforms were aimed at “rationalizing” Thai land administration along modern, Weberian lines of bureaucratic management, so as to boost security in land ownership and promote investment and productivity. However, as shown, the enactment of a new land-titling law served a rather different political purpose, as a component of a broader strategy aimed at securing Siamese jurisdiction and sovereignty. It has also been shown that one strand of the existing literature, exemplified by Anderson and others, tends to underestimate the seriousness of the security threat and glosses over the ways in which Siam’s geopolitical vulnerabilities precluded developmental state initiatives.⁸⁹ The security threat posed by Western imperialism critically constrained Siamese policymakers regarding agricultural development, and Siam’s geopolitical position was exacerbated by the attenuated nature of Siamese sovereignty that had resulted from the system of unequal treaties. In the absence of full recognition of Siam’s sovereignty, Siamese rulers were unwilling to develop effective institutions—such as clearly defined property rights and legal-bureaucratic enforcement mechanisms—that might result in landed wealth becoming concentrated in the hands of capital-rich foreigners who were subjects not of the Siamese state but of Western imperial powers.

The focus here has been on the relationship between external security threats and the development of property rights institutions in land in Siam and Japan. In methodological terms, the study has limited its scope to a single independent variable and a single dependent vari-

able in the two countries. Because of this focus, it has been possible to unveil a complex intertwining of international relations and rural political economy. A natural extension of this research would be to explore the political economy shaping institutional development regarding other areas of natural resource management, such as forestry, mining, and fisheries. Have the political dynamics highlighted in this article, whereby property rights reforms became nested within a broader diplomatic effort to secure Siamese state sovereignty, had a similar impact in those areas?

Finally, further research should evaluate the long-term consequences of varying responses to security threats by non-Western countries. To what extent have institutional outcomes such as the ones described here given rise to path dependencies that continue to constrain contemporary developmental efforts? And under what conditions have societies been able to escape the legacies of colonization and noncolonization? In light of the nondevelopmental strategy Siam adopted in the period described here, it is a delightful irony that Thailand today is regularly presented as a paradigmatic case of the developmental benefits—in terms of economic growth and poverty alleviation—that stand to be gained from aggressive commodification and collateralization of rural land rights.⁹⁰ In seeking to understand the impressive contemporary developmental capacities of the Thai state, it is probably not without significance that the country, in contrast with Japan and its Southeast Asian neighbors, inherited from the era of high imperialism a rural class structure that was—and has remained—dominated by independent smallholders rather than by extensive landlordism or foreign-owned plantations.

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Notes

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1. Charles Tilly, *Coercion, Capital, and European States, A.D. 990–1992* (Cambridge: Blackwell, 1990).

2. See Michael C. Desch, “War and Strong States, Peace and Weak States?” *International Organization* 50, no. 2 (1996): 242; Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World* (Cambridge: Cambridge University Press, 1990); Cameron G. Thies, “War, Rivalry, and State Building in Latin America,” *American Journal of Political Science* 49, no. 3 (2004): 451–465.

3. See Daron Acemoglu and James A. Robinson, “Economic Backwardness in Political Perspective,” *American Political Science Review* 100, no. 1 (2006): 115–131; Richard F. Doner, Bryan K. Ritchie, and Dan Slater, “Systemic Vulnerability and the Origins of Developmental States: Northeast and Southeast Asia in Comparative Perspective,” *International Organization* 59, no. 2 (2005): 327–361; David C. Kang, *Crony Capitalism: Corruption and Development in South Korea and the Philippines* (Cambridge: Cambridge University Press, 2002); Richard Stubbs, “War and Economic Development: Export-Oriented Industrialization in East and Southeast Asia,” *Comparative Politics* 31, no. 3 (1999): 337–355; Richard Stubbs, *Rethinking Asia’s Economic Miracle* (Basingstoke: Palgrave Macmillan, 2005); Tianbiao Zhu, “Consistent Threat, Political-Economic Institutions, and Northeast Asian Developmentalism” (PhD diss., Cornell University, 2000); Tianbiao Zhu, “Developmental States and Threat Perceptions in Northeast Asia,” *Journal of Conflict, Security and Development* 2, no. 1 (2002): 6–29.

4. I use the term “developmental” in a broad sense, which includes also what Peter Evans calls “intermediate states.” Such states are neither “developmental” in East Asian fashion nor are they simply predatory. Such states become “more developmental” when their bureaucratic capacity is strengthened and focused on improving the society’s economic well-being. This does not assume that states are able to achieve the level of intrabureaucratic or state-societal coordination attributed to East Asia’s developmental states in their push to industrialize. See Peter B. Evans, *Embedded Autonomy: States and Industrial Transformation* (Princeton: Princeton University Press, 1995), p. 60.

5. Doner, Ritchie, and Slater, “Systemic Vulnerability.”

6. Zhu, “Consistent Threat.”

7. See, for example, Acemoglu and Robinson, “Economic Backwardness in Political Perspective,” pp. 127–128.

8. Benedict Anderson, “Studies of the Thai State: The State of Thai Studies.” In Eliezer B. Ayal, ed., *The Study of Thailand: Analyses of Knowledge, Approaches and Prospects in Anthropology, Art History, Economics, History, and Political Science* (Athens: Ohio University Center for International Studies Southeast Asia Program, 1978); Noel Alfred Battye, “The Military, Government and Society of Siam, 1868–1910: Politics and Military Reform Dur-

ing the Reign of King Chulalongkorn" (PhD diss., Cornell University, 1974); Han Ten Brummelhuis, *King of the Waters: Homan Van Der Heide and the Origin of Modern Irrigation in Siam* (Leiden: KITLV Press, 2005).

9. Douglass C. North, *Structure and Change in Economic History* (New York: Norton, 1981), p. 23; Adam Smith, *Lectures on Jurisprudence* (Indianapolis: Liberty Fund, 1982), pp. 70, 426–427.

10. World Bank, *The East Asian Miracle: Economic Growth and Public Policy* (New York: Oxford University Press, 1993), p. 32.

11. Acemoglu and Robinson, "Economic Backwardness in Political Perspective," p. 128.

12. Richard J. Samuels, *"Rich Nation, Strong Army": National Security and the Technological Transformation of Japan* (Ithaca: Cornell University Press, 1994).

13. This section draws heavily on Philip C. Brown, "The Mismeasure of Land: Land Surveying in Tokugawa Japan," *Monumenta Nipponica* 42, no. 2 (1987): 115–155; James I. Nakamura, *Agricultural Production and the Economic Development of Japan, 1873–1922* (Princeton: Princeton University Press, 1966).

14. The land tax reform of 1873 is implicated in the subsequent rise of indebtedness, landlordism, and rural protest movements. See Roger W. Bowen, *Rebellion and Democracy in Meiji Japan: A Study of Commoners in the Popular Rights Movement* (Berkeley: University of California Press, 1980), p. 90 ff; Yujiro Hayami, *A Century of Agricultural Growth in Japan: Its Relevance to Asian Development* (Minneapolis: University of Minnesota Press, 1975), pp. 47–48. For a revisionist view, emphasizing the positive effects of the new order on the lives of Japanese farmers and tenants, see Richard J. Smethurst, *Agricultural Development and Tenancy Disputes in Japan, 1870–1940* (Princeton: Princeton University Press, 1986), pp. 57–73.

15. Kozo Yamamura, "The Meiji Land Tax Reform and Its Effects." In Marius B. Jansen and Gilbert Rozman, eds., *Japan in Transition, from Tokugawa to Meiji* (Princeton: Princeton University Press, 1986), p. 382.

16. Nakamura, *Agricultural Production*, p. 195, n. 75; Smethurst, *Agricultural Development*, p. 48.

17. Yamamura, "Meiji Land Tax Reform," p. 394.

18. Thomas R. H. Havens, *Farm and Nation in Modern Japan: Agrarian Nationalism, 1870–1940* (Princeton: Princeton University Press, 1974), ch. 2; Smethurst, *Agricultural Development*, ch. 3.

19. Hayami, *A Century of Agricultural Growth in Japan*, p. 47.

20. Nakamura, *Agricultural Production*, p. 177.

21. Thomas C. Smith, *The Agrarian Origins of Modern Japan* (Stanford: Stanford University Press, 1959), p. 211.

22. R. M. Bird, "Land Taxation and Economic Development: The Model of Meiji Japan," *Journal of Development Studies* 13, no. 2 (1977): 163.

23. D. Eleanor Westney, "The Military." In Jansen and Rozman, *Japan in Transition*, p. 168.

24. Peter L. Rousseau, "Finance, Investment, and Growth in Meiji-Era

Japan,” *Japan and the World Economy* 11, no. 2 (1999): 187; Richard Sylla, “Financial Systems and Economic Modernization,” *Journal of Economic History* 62, no. 2 (2002): 289–290.

25. David Feeny, *The Political Economy of Productivity: Thai Agricultural Development, 1880–1975* (Vancouver: University of British Columbia Press, 1982).

26. *Ibid.*, p. 94.

27. *Ibid.*, p. 95.

28. Sunthari Asawai, “Sathanaphap Khong Khwam Ru Kiawkap Phatthanakan Khong Rabop Kammasit Thidin Khong Thai [The state of knowledge about the development of the Thai system of property rights in land].” In *30 Pi Thai Khadi Sūkṣa* [30 years of Thai studies] (Bangkok: Institute of Thai Studies, Thammasat University, 2001), p. 174; Robert Lingat, *Prawattisat Kotmai Thai: Kotmai Thidin* [History of Thai law: Land law] (Bangkok: Thammasat University, 1940), p. 42 ff.

29. Tomas Larsson, “Capitalizing Thailand: Colonialism, Communism, and the Political Economy of Rural Land Rights” (PhD diss., Cornell University, 2007), pp. 70–72. Similarly erroneous references, which treat the draft as if it had been enacted, are found in Gershon Feder et al., *Land Policies and Farm Productivity in Thailand* (Baltimore: Johns Hopkins University Press, 1988), p. 11; David Feeny, “Competing Hypotheses of Underdevelopment: A Thai Case Study,” *Journal of Economic History* 39, no. 1 (1979): 123; David Feeny, “The Demand for and Supply of Institutional Arrangements.” In Vincent Ostrom, David Feeny, and Hartmut Picht, eds., *Rethinking Institutional Analysis and Development* (San Francisco: International Center for Economic Growth, 1988), p. 186; David Feeny, “The Development of Property Rights in Land: A Comparative Study.” In Robert H. Bates, ed., *Toward a Political Economy of Development: A Rational Choice Perspective* (Berkeley: University of California Press, 1988), pp. 284, 286; David Feeny, “The Coevolution of Property Rights Regimes for Land, Man, and Forests in Thailand, 1790–1990.” In John F. Richards, ed., *Land, Property, and the Environment* (Oakland, CA: ICS Press, 2002), pp. 185, 186; François Molle, “Social and Economic Patterns of Landlord-Tenant Relationships in the Chao Phraya Delta, Thailand: An Historical Perspective,” *Journal of Southeast Asian Studies* 33, no. 3 (2002): 534.

30. Anderson, “Studies of the Thai State,” p. 202.

31. Doner, Ritchie, and Slater, “Systemic Vulnerability,” p. 349.

32. Robert E. Bedeski, “Diplomacy of a Developmental State.” In Ashok Kapur, ed., *Diplomatic Ideas and Practices of Asian States* (Leiden: E. J. Brill, 1990), p. 62.

33. Ian Brown, “Economic Thought in Early Twentieth-Century Siam.” In Manas Chitakasem and Andrew Turton, eds., *Thai Constructions of Knowledge* (London: School of Oriental and African Studies, University of London, 1991), p. 95.

34. Michael R. Auslin, *Negotiating with Imperialism: The Unequal Treaties and the Culture of Japanese Diplomacy* (Cambridge: Harvard University Press, 2004), p. 7.

35. According to one popular mode of explanation, proposals for irrigation schemes and many other developmental programs for the agricultural sector failed to be adopted because they threatened—or failed to serve—narrowly conceived elite interests. According to Feeny, property rights modernization was one of the policy areas where elite interests, narrowly conceived, happened to coincide with broader societal interests. See Feeny, *Political Economy of Productivity*, ch. 5; David F. Holm, “Thailand’s Railways and Informal Imperialism.” In Clarence B. Davis and Kenneth E. Wilburn Jr., eds., *Railway Imperialism* (New York: Greenwood Press, 1991), p. 132.

36. The Bowring treaty became a model for subsequent treaties with foreign powers, including the United States and France (1856), the Netherlands (1860), Prussia (1862), and Japan (1898). See James C. Ingram, *Economic Change in Thailand, 1850–1970* (Stanford: Stanford University Press, 1971), p. 35.

37. Chandran Jeshrun, “British Foreign Policy and the Extraterritorial Question in Siam, 1891–1900,” *Journal of the Malaysian Branch of the Royal Asiatic Society* 38 (part 2), no. 208 (1965): 290.

38. John Bowring, *The Kingdom and People of Siam*, vol. 2 (London: Oxford University Press, 1969), p. 226.

39. While the treaty restrictions did not formally apply to Siamese subjects, the government “was unwilling to make a distinction between Siamese and European: therefore, in effect, the treaty restrictions on the levying of taxes applied also to the Siamese population.” Ian Brown, *The Creation of the Modern Ministry of Finance in Siam, 1885–1910* (London: Macmillan, 1992), pp. 18–19, n. 3.

40. In fact, most of the “land” taxes were conceived of as taxes on trees. The tax assessment was to a large extent based on the number and size of fruit trees that grew on any particular plot of land. As for annual crops such as rice, the tax rate depended on the class of land it belonged to.

41. Feeny, *Political Economy of Productivity*, p. 83.

42. *File Concerning Harry Parkes’ Mission to Bangkok in 1856 from the Archives of the Ministry of Foreign Affairs, London* (Bangkok: Khana Kam-makan Phitcharana lae Chatphim Ekkasan thang Prawatsat, 1975), p. 47.

43. Since Siam was unwilling to go into public debt, again for fear that this would weaken its defensive posture, infrastructure projects had to be financed by direct revenues. On the link between British finance and British imperial expansion, see Peter Cain and Tony Hopkins, *British Imperialism, 1688–2000*, 2nd ed. (New York: Longman, 2001).

44. Feeny, *Political Economy of Productivity*, p. 83.

45. Bowring, *Kingdom and People of Siam*, p. 217.

46. See Department of Lands, *100 Pi Krom Thi Din* [Department of Lands 100 years], vol. 4: *Ruam Kotmai Kao Kiewkap Thidin* [Collection of old laws concerning land] (2001), p. 9. *Farang* is a Thai term for Westerner.

47. Hong Lysa, “Extraterritoriality in Bangkok in the Reign of King Chulalongkorn, 1868–1910: The Cacophonies of Semi-Colonial Cosmopolitanism,” *Itinerario* 27, no. 2 (2003): 133.

48. N. A. Bootsma, “The Recuperation of Sovereign Rights by Asian

Countries, Circa 1870–1945,” *Itinerario* 29, no. 2 (2005): 55. Reliable data on the total number of foreign subjects are scant. One report from April 1899 reports that France claimed to have 14,000 protégés in Siam (an increase by 8,000 since 1897). The number of British subjects in Siam stood at 9,000 at the same time. More important, however, was the immense potential for continued growth: French imperial anthropology identified the “Siamese” as a minority ethnic group, constituting, according to one 1903 estimate, only a third of the population of the kingdom. See Foreign Office, “Mr. Greville to the Marquess of Salisbury, Bangkok, February 2, 1899,” in *Further Correspondence Respecting the Affairs of Siam 1899* (1900); David Streckfuss, “The Mixed Colonial Legacy in Siam: Origins of Thai Racialist Thought, 1890–1910.” In Laurie J. Sears, ed., *Autonomous Histories, Particular Truths: Essays in Honor of John R. W. Smail* (Madison: University of Wisconsin, Center for Southeast Asian Studies, 1993), p. 130.

49. The restrictions on the ability of “foreigners” to own land were not based on origin or ethnicity but on jurisdiction. Subjects of states that did not have treaties with Siam—most notably China, but also Latin American and some European countries—were freely given the right to own land also outside the twenty-four hours’ zone. Persons falling under Siamese jurisdiction became “Siamese” in light of the law, while persons with extraterritorial rights were defined as foreigners.

50. Foreign Office, “Mr. Archer to the Marquess of Lansdowne, Bangkok, August 23, 1902,” in *Further Correspondence Respecting the Affairs of Siam 1902* (1903).

51. Ernest Satow, “Memo on the Points Raised in Mr. Gould’s Note of 23 September, 23 November,” in *PRO 30/33/1/7* (1887).

52. Noppharat Nutsatham, “Kanpatirup Kotmai Thidin Nai Samai Phra-batsomdet Phrachunlachomklao Chaoyuhua [Land law reform in the reign of King Chulalongkorn]” (Master’s thesis, Chulalongkorn University, 1977), p. 205.

53. Foreign Office, “Mr. Paget to the Marquess of Lansdowne, Bangkok, October 27, 1905,” in *Further Correspondence Respecting the Affairs of Siam 1905* (1906).

54. A note on sources: the National Archives in Bangkok does not allow researchers to access the files covering the treaty negotiations with Britain and France, which, even a century later, are considered too sensitive. The discussion here therefore mainly builds on British sources, which often include copies of the correspondence produced by the government of Siam.

55. Foreign Office, “Consul Beckett to Mr. Greville, Chiangmai, October 13, 1898,” in *Further Correspondence Respecting the Affairs of Siam 1902* (1903).

56. Foreign Office, “Mr. Archer to the Marquess of Lansdowne, 1902.” See also James Ansil Ramsay, “The Development of a Bureaucratic Polity: The Case of Northern Siam” (PhD diss., Cornell University, 1971), p. 217; Tej Bun-nag, *Khabot Ro So 121* [The 1902 revolt] (Bangkok: Thai Watthana Phanit, 1981), p. 46.

57. Foreign Office, "Consul Frost to Mr. Beckett. Kedah, November 6, 1907. Inclosure in No. 10," in *Further Correspondence Respecting the Affairs of Siam 1908* (1909).

58. Foreign Office, "Mr. Paget to the Marquess of Landsdowne. Bangkok, August 4, 1903," in *Further Correspondence Respecting the Affairs of Siam 1903* (1904).

59. Foreign Office, "Mr. Archer to the Marquess of Lansdowne, 1902."

60. Foreign Office, "Mr. Paget to the Marquess of Landsdowne, 1903."

61. In support of this more restrictive policy, a modern map of the twenty-four hours' zone was produced, for the first time, in 1906 to assist the officers issuing title deeds. See "Gibson to Sisunthonwohan, 1 October," in *National Archives R5 Kh.4/6* (1906).

62. Chandran Jeshrun, *The Contest for Siam, 1889–1902: A Study in Diplomatic Rivalry* (Kuala Lumpur: Penerbit Universiti Kebangsaan Malaysia, 1977), ch. 4, especially pp. 223–230.

63. *Ibid.*, p. 223.

64. Article 3 of the convention obliges "His Majesty the King of Siam not to grant, cede or let any special privilege or advantage whether as regards land or trade within the above specified limits [i.e., Siamese territories or islands lying to the south of Muong Bang Tapan] either to the Government or to the Subjects of a third Power without the written consent of the British Government." This article was not intended to provide Britain with any special privileges, but "rather to prevent foreigners from obtaining special leases of land and special trading rights as a means to an end"—the end being, of course, to eventually acquire political control over these territories. Thamsook Numnonda, "The Anglo-Siamese Secret Convention of 1897," *Journal of the Siam Society* 53 (part 1) (1965): 54–55.

65. *Ibid.* p. 55.

66. SarDesai, *British Trade and Expansion in Southeast Asia, 1830–1914*, p. 273.

67. Francis B. Sayre, "The Passing of Extraterritoriality in Siam," *American Journal of International Law* 22, no. 1 (1928): 78.

68. France nevertheless gained land in exchange for handing over jurisdiction over their Asiatic subjects: as part of the agreement Siam ceded the provinces of Battambang, Siam Riap, and Sisophon to France.

69. On July 21, 1909, the minister of agriculture announced that British subjects would enjoy the right to full land ownership on equal footing with the Siamese. See "Prakat Phomtoem Phraratchabanyat Thidin Wa Duai Khon Nai Bangkhap Angkrit Kho Thü Kammasit Thi Din" [Additional declaration regarding land law on British subjects requesting land ownership], in *National Archives K 1/724* (1909).

70. Sayre, "The Passing of Extraterritoriality in Siam," p. 80. This was the last of Siam's territorial concessions. Siam "lost" 456,000 square kilometers of territory—"nearly half the area that had been under Bangkok's suzerainty" in 1850; David K. Wyatt, *Thailand: A Short History* (New Haven: Yale University Press, 1984), p. 208.

71. It was noted at the time that the secret convention could be judged as a success only if it had been the desire of its drafters “almost wholly to exclude foreigners and foreign enterprise from the Siamese Malay States.” Foreign Office, “Memorandum. The Abrogation of the Secret Convention of 1897 and Substitution of an Undertaking of a Political Nature. Inclosure in Mr. Paget to Sir Edward Grey. Bangkok, February 27, 1908,” in *Further Correspondence Respecting the Affairs of Siam 1908* (1909).

72. “Colombet to Chulalongkorn, 15 August,” in *National Archives R5 Kh 4.4/10* (1909).

73. “Kalayan to Rabi. 26 June,” in *National Archives R6 T2/4* (1912).

74. See Larsson, “Capitalizing Thailand”; Tomas Larsson, “Intertextual Relations: The Geopolitics of Land Rights in Thailand,” *Political Geography* 26, no. 7 (2007): 775–803.

75. Feeny, *Political Economy of Productivity*, p. 96.

76. Arthur Peel, W. R. D. Beckett, and J. Crosby, “Annual Report on Siam for the Year 1911.” In Ian Nish, ed., *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print. Part 1, Series E, Asia, 1860–1914, volume 27, Southeast Asia: Siam, Malaya and Indochina, 1856–1914* (Frederick: University Publications of America, 1914), pp. 271–272.

77. Arthur Peel, T. H. Lyle, and J. Crosby, “Annual Report on Siam for the Year 1913.” In *ibid.*, p. 326.

78. *Ibid.*

79. Arthur Peel, “Memorandum. Bangkok, 15 October 1913. Inclosure in Peel to Grey, 5 December 1913.” In Ian Nish, ed., *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print* (Frederick, MD: University Publications of America, 1913), p. 343.

80. F. H. Giles, “Note on Labour Question,” in *National Archives Kh 0301.1.30/13* (1913).

81. For more on the diplomatic endgame, see Larsson, “Capitalizing Thailand,” ch. 4: “Intertextual Relations.”

82. Auslin, *Negotiating with Imperialism*, p. 10.

83. Tessa Morris-Suzuki, *Re-Inventing Japan: Time, Space, Nation* (Armonk, NY: M. E. Sharpe, 1998), pp. 25–27; Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawaii Press, 1994).

84. In the case of Siam, a similar process started only after much delay, 100 years after the Meiji Restoration, as Siam faced the threat of communism. See Larsson, “Capitalizing Thailand,” ch. 5.

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86. Robert Karl Reischauer, “Alien Land Tenure in Japan,” *Transactions of the Asiatic Society of Japan* 13 (Second Series) (1936): 127.

87. Atul Kohli, *State-Directed Development: Political Power and Industrialization in the Global Periphery* (Cambridge: Cambridge University Press, 2004).

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