Crime of passion: justice and emotion

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Abstract

This paper argues that, in the case of crimes of passion, women's groups should not demand a single standard of punishment for both men and women, and the abolition of the judge's discretion, but rather a different framework for understanding anger in the case of men and women respectively. The judgment in the controversial "Doctor Killing his Wife" case, committed five years ago in Bangkok, suggests that the understanding of emotion or passion on the part of the judge, and possibly of the Thai justice system, is non-cognitive. As a result, any deep understanding of the mentality and of the impact of the socio-cultural environment on mentality is blocked. I give a brief outline of traditional Thai cultural settings to illustrate the social construction of emotion, and the different paradigm scenarios allowed for "appropriate" anger for men and women. In some cases of rage-killings by women, the rage has to be viewed not just on an individual basis, but also on a group basis, i.e. as an act of resistance by a member of an oppressed group.

In July 2002 the Criminal Court of South Bangkok sat in judgment on a doctorate-holding professor who had "punched, slapped, kicked, and used a blunt object" (a golf umbrella) to beat his wife to death (hence the name the "Doctor Killing his Wife Case" given by the media). His punishment was fifty hours of community service, and what could have been more appropriate for him than to serve those fifty hours by teaching "free of charge." His two-year jail term, having been reduced from four, was suspended for three years. This sentence was given after the court had considered the "great loss" he had already had to endure (that is, the loss of his wife whom he himself had beaten to death), his children
who still needed caring for, the professor's own "intellectual" and educational background (a Ph.D. in economics), and the absence of a previous criminal record.

The sentence outraged women's groups in Thailand. Accusations of double standards based on gender, education, and economic status were raised in unison. In particular, those who were critical pointed to the degree of punishment meted out in some other cases deemed to be comparable to the professor's but in which women were the ones found guilty. Some of the critics have even claimed that most "women-who-kill" cases should be considered self-defense; however, in most of the cases the original charge brought by the state prosecutors was murder. Some people feared that the leniency of the professor's sentence would encourage the idea that a man could beat his wife to death and quite literally get away with it. Some people called for the abolition of the "court's discretion" in the sentencing as this seemed to have allowed the judge to exercise his own gender bias. Most importantly, many people called for the Thai justice system to use the same standard of sentencing in cases of killings carried out by both men and women.

What is of particular interest is that the judge, having ruled out adequate provocation, still cited "a momentary jealous rage" as a reason to deliver a verdict of unintentional killing or manslaughter, which the state prosecutor had originally put forward. In other words, uncontrollable passion still served as an "excuse" for the killing to be deemed an uncontrollable act with a minimum of three years and a maximum of fifteen years imprisonment, as against fifteen to twenty years for murder.

In this paper I argue women's groups should not focus on achieving a single standard of punishment for both men and women, nor on abolishing the judge's discretion, but on ensuring that the judge's discretion incorporates a different framework for understanding the anger of men and women. I propose to do this by, first, outlining the scenario of the "Doctor Killing his Wife" case to suggest that the understanding of emotion or passion on the part of the judge, and possibly of the Thai justice system, is non-cognitive, and that as a result it is impossible to dig deeper into the mentality or the socio-cultural setting of the mentality that gives rise to passion. Second, I will give a brief outline of traditional Thai
cultural settings to illustrate the social construction of emotion, and the different paradigm scenarios in which anger is deemed “appropriate” for men and women. Finally, I argue that in some cases of rage-killings by women, the rage has to be viewed not just on an individual basis, but also on a group basis, i.e., as an act of resistance by a member of an oppressed group.

The “Doctor Killing his Wife” case

The Thai criminal justice system, like many Western counterparts that it follows, allows mitigation for killings due to either “diminished responsibility” (caused by, for example, temporary insanity), or “adequate provocation”, literally translated as “anger caused by a serious injury committed without just cause” (บุคคลมาฆะโดยสมบรุณocratesองค์สงคราม, คำว่าผู้บั้นไม่เป็นธรรม). The main assumption that makes mitigation possible is that such an act is carried out by someone who “lacks the reason controlling consciousness (สติ, satti) of any ordinary person,” or, to put it in more familiar terms, the actor has lost self-control and hence cannot be blamed for the action. However, as the action itself is wrong, total acquittal is not applicable.

The key conceptual difference between a total acquittal and a partial mitigation is that between a “justified killing” and “excusable killing.” A “justified killing” is parallel to killings in wars and killings in self-defense—though not encouraged, the killing is not considered wrong. An “excusable killing,” on the other hand, focuses on the responsibility of the actor. While it is believed that the killing itself is wrong, the individual doing the killing is seen as lacking some essential quality that would allow that person to be held responsible for the action, particularly if that person’s rationality is believed to have been suspended due to an overwhelming rush of emotion.

In the “Doctor Killing his Wife Case,” adequate provocation was ruled out as it was seen that the professor was in fact provoking the so-called “provoker” and that domestic arguments and even fights are ordinarily to be “expected.” The victim was merely being “sarcastic” while telling him that she was still in love with her former boyfriend. In other words, judging by the “feelings of an
ordinary person, hypothetically put in the defendant's position," it was not an "adequate" provocation. Though there was anger flying around, it was not fair to have gone as far as the husband did. In other words, the victim was not seen to have "asked for it." However, it was also perceived by the judge that, in his exact words, "a momentary jealous rage arose" (อารมณ์โกรธที่เกิดขึ้นในชั่วขณะหนึ่ง), causing the defendant to do what he did, as if his action had not been a part of him, as if some alien force had come to overpower his reason.

According to the court's record, this "momentary jealous rage" started simmering to its boiling point in the husband when, finding her slightly drunk and with alcohol on her breath, he slapped her. Then, having caught her lying about her meeting with another man, he slapped her again. Later, after she confessed to the loneliness that had resulted in her meeting up with her former boyfriend twice before that fatal night, he slapped her once again. The husband told his wife how hurt he was, how humiliating it was for a respectable professor like him, and how this would affect the children. After she told him ("sarcastically" in the words of the judge) of her undying love for her former boyfriend, he slapped her yet again. The slapping started with one hand, then continued with both hands. She then put up both her arms to protect herself and to fight back. He saw a book, picked it up and threw it at her. He then took off his belt intending to beat her with it but, finding it too small, looked for something bigger. He saw the golf umbrella, picked it up, and started to beat her around the head. She crumpled to the floor, and he then kicked her. The next morning her sister found her there on the floor. She was taken to the hospital where she died the next day.

Cognitive theory of emotion, social constructivism, and emotion's paradigm scenarios

In delivering the verdict of manslaughter because of the "momentary rage that took place," the judge assumed not only that passion is something beyond a person's control but also that the cause of the rage was something outside the "self" of the defendant, and that rage itself is something unintelligible. In so doing, he
closed the door to any rational discussion of the emotion itself, leaving only a caricature of a puppet pulled in all different directions by unintelligible forces. What is the alternative here? It seems to me that the opportunity to make sense and dig deeper into the “passion” in a crime of passion lies in the cognitive theory of emotion.

The essential idea of a cognitive theory of emotion is that emotion is not something unintelligible that just “happens” to a person, nor is it a mere bodily “feeling” or a neurological event as William James would have us believe. On the contrary, emotion is “cognition,” which means different things to different philosophers. For the members of the “emotion-as-a-judgment” school of thought such as Robert Solomon and Martha Nussbaum, when someone is angry with someone else, in effect, the angry person judges that he or she has been wronged by the other person. However, for all cognitivists, emotion is intentional, or object-directed, which is conspicuously different from the Jamesian conception of emotion. For a cognitivist, a person is angry at someone or something, which tells us two things. First, emotion is different from moods and feelings (or sensations) in that moods do not clearly have an intentional object. Second, as emotion is intentional, the association between emotional response and its objects can be socially constructed. Ronald de Sousa categorized the “objects” of emotion into seven types, ranging from a simple “target” such as that expressed after the “at” in the proposition “I am angry at the person who stole my bicycle,” to what he calls a “formal object” that defines the character and conditions of appropriateness of any emotion type. According to de Sousa, the “formal object” is a second-order property, that is, a property subservient to some other properties. For example, something is frightening by virtue of it being dangerous. According to de Sousa, “there are as many formal objects as there are different emotion types.” Obviously what is dangerous is not always “factual”, hence, what is frightening or the formal object of an emotion is not always based on “brute fact.”

Martha Nussbaum clarifies this point by proposing that “emotions always involved thought of an object combined with thought of the object’s salience or importance; in that sense, they
always involve appraisal or evaluation." In other words, her "cognitive-evaluative" view is telling us that though emotion is intentional in the sense that it is "about" an "object," that "aboutness" is not just a matter of focus but is "more internal and embodies a way of seeing." In that case, where does this "way of seeing" come from? Most of us would want to reject the explanation that it comes "from nowhere," especially when the world around us seems to be complacent about the very thing that outrages us. This is where, I think, the school of social constructivism helps us understand at least some of our emotion.

Though he does not directly discuss the social construction of emotion, Ronald de Sousa, with a psychoanalytical background, argues that each distinct type of emotion is determined or learned in a specific, dramatic type of situation associated with a characteristic "feel" (in the broad sense, not limited to bodily feelings). He calls these situations "paradigm scenarios." Through basic response-tendencies like those of a child's smile, a response becomes object-directed or acquires an emotional characteristic by association with various types of scenarios.

A scenario involves two aspects: first, a type of situation which features the characteristic objects of a specific type of emotion; and second, a set of "normal" responses (feels) to the situation. Emotion as understood here is "appropriate" within a given social and cultural context that helps shape its "formal object." For example, finding one's lover in bed with someone else, we may react with rage or jealousy. According to de Sousa, in his culture (monogamy), this type of situation can be traced back to experiences first rehearsed in infancy of "being robbed by another of vital physical attention." De Sousa's hypothesis is that we are made familiar with the vocabulary of emotion by association with paradigm scenarios which are drawn from our daily life, and which are reinforced by "arts, stories, culture to which we are exposed."11

This type of situation, then, has become a paradigm scenario for jealousy, and the jealousy is deemed appropriate if it corresponds with the same type of situation or paradigm scenario. As paradigm scenarios can be socially prescribed, this means that our emotions can be socially determined.12 What is learned through these scenarios is not just what is the appropriate emotional
response one “should” have, but also what one actually feels—that is, we even learn the felt experience of that emotion. This means that emotion is a part of our identity, at least as a member of a group. Take for example the Japanese idea of *amae* (translated as “to depend or presume upon another’s love, or to bask in another’s indulgence, or to indulge in another’s kindness”), an emotion believed to be quite unique, and not found in the emotion repertoire of Western cultures. Some psychiatrists believe that this emotion is a key to the understanding of the Japanese personality structure.

What is significant here is that the construction of emotion through paradigm scenarios can be seen as political. Feminist literature, both in the West and in this part of the world, have told the story of master-slave relationships, and John Stuart Mill hits the bull’s eye when he tells us that “Men do not solely want the obedience of women. They want their sentiments.” In a patriarchal society, emotion can be an invaluable mechanism for keeping women in their place. When an emotion is “appropriate” both reflects and reinforces the hierarchical structure of gender power relations in that society. In Thai traditional society, I believe that at least two particular variants of anger are part of the construction of the identity of Thai women, and of other groups of people on the lower rungs of the hierarchy of power. These emotions play a significant role in maintaining the existing hierarchical power relations. These two variants of anger are *noi jai* and *ngon*.

**Female anger in traditional Thai paradigm scenarios: *noi jai* (*น้อยใจ*) and *ngon* (*งอน*)**

Before going into traditional “Thai” paradigm scenarios on anger, particularly those that are built along gender lines, perhaps it is best to give a brief description of the Thai ideological layout of the ideal husband-wife relationships. Needless to say, the ideology is mainly taught and passed on through girls/women who have played supporting roles to their husbands. One of the traditional sources of the ideal middle class and folk female virtues still cited today is *Supphasit son ying* (literally, “Proverbs teaching women”) written by
Sunthorn Phu, one of the best known middle class male poets in the early Bangkok period. In *Supphasit*, one of the female virtues is to be “mindful” (having สติ, *sati*) of her every action, which range from body movement to verbal exchange. A good woman should always be mindful not to swing her arms or her hips while walking, nor should her mind slip to allow her hand to run through her hair in public. A good woman should never raise her voice and never swear. Even in sleep (here’s a good one for a Freudian dream analyst), after making sure there are no dust or insects on the bed to irritate her good husband, and maybe after occasional massages to ease his muscle pain, and not forgetting to *wai* his feet, a good woman should never let her mind totally slip once asleep in case she might move her body or swing her arms and hands to touch or hit her husband, causing him to be awakened from his peaceful and deserved sleep.

Though mindfulness is a concept borrowed from Buddhism, women’s mindfulness, of course, has its gender connotations. This is especially so when one realizes that a woman in traditional Thai culture, especially in an aristocratic or middle class family, was supported as a dependent by her husband and had her worth measured by her husband. She had to “know her place” in the hierarchy of dependence, and be mindful of every step she took lest it “betray her true worth.” This was at the very heart of the art of keeping that relationship going. Her emotion was to be like “a tree trunk,” that is, when the wind blows, the leaves might move, but not the trunk. “Over-expressing” her emotion was considered unbecoming for a good woman. This means in practice, or in what De Sousa calls in paradigm scenarios, that a woman whose expression of happiness was “full-faced,” meaning that she failed to keep her smile “within-her-face” (ยิ้มใบหน้าภายใน) and laughed too loud, was the object of contempt. Her “vice” would be the formal object of contemptuous emotional responses as she was judged or appraised in the paradigm scenarios as “stained copper” and not “true gold.”

A woman’s emotions were to be subordinated to those of her husband. The cosmology known as the *Traiphum* or “Three Worlds” describes one of the qualities of a “gem woman,” one of
the seven “gems” or precious possessions of a great king, as being “warm when her husband is cold, and cool when her husband is hot.” Though the description is explicitly that of her “bodily temperature”, a popular understanding of this concept is reflected in Sunthorn Phu’s *Supphasit* that “whenever your husband is boiling, extinguish it. Do not raise your voice nor argue. If he is like a fire, then you have to be the water drizzling on that fire…. And even if you are angry with your husband, do not talk behind his back, but keep it in your chest…. Do not take that fire outside your home.”

With respect to anger (which includes jealous rage), although Thai culture values Buddhist “positive” emotion such as chanta or universal compassion for all beings, one of the “negative” emotions in Buddhism Thai culture allows (but does not encourage) is tosa or anger. In Buddhism, tosa is seen as one of the roots of akusala or vice. As Buddhism preaches wisdom based on the doctrine of “non-self,” tosa is seen as one of the emotions that closely involves the illusion of self and self-absorption. Hence, for the Thais, one should plong (accept) or take an attitude of acceptance towards the three facets of life—impermanence, suffering, and non-self—without a futile resistance which would only bring even more suffering to oneself.

However, in Thai society, in which specific lines of hierarchy are drawn (sometimes clearly, sometimes very subtly) with check points like those imposed by kreu jai, or for the lack of a better word, an “apprehensive heart (thought)” or sense of deference which tells us where limits of appropriate behavior are drawn, there certainly is potential for anger when those lines are crossed. However, in a husband/wife or male/female intimate relationship, the line and the scenarios constructed are quite different for men and women respectively. The paradigm scenarios for a husband’s anger range from situations in which the wife fails to fulfill her caretaking duty to situations of betrayal, including adultery. Very often, betrayal itself comes with the baggage of loss of dignity. For example, a man with an unfaithful wife is a man with a pair of “buffalo horns” on his head. In these cases, the intensity of emotion is especially high.

Take for example the folk epic, *Khun Chang Khun Phaen*, a
story best known for its typical Thai image of a Thai alpha male—a womanizer, handsome warrior, royalist, and upholder of Buddhism—and his major wife, Wanthong, whose name is now synonymous with “slut.” One of the most violent scenes is that of Khun Phaen killing one of his many wives, Buakhli. After she tries to poison him while she is pregnant with his child, Khun Phaen stabs her in the chest until her blood pours out of her body like “that of a buffalo.” Then he forces the knife down, cutting her open from chest to womb, until he finds the fetus. After cutting the umbilical cord, he takes the fetus out from her body, ritualizes it and makes it his “whispering ghost” (ญ้ําบาย), to help warn him when a danger is near. (All of this, of course, is in klon paet, a metrical form in classical Thai literature.) This gruesome murder is justified by the loss of Khun Phaen’s dignity as a “man” and the need to salvage it. No mercy is justified in this case. The betrayal has only one punishment.

In very much the same vein is an episode in which Khun Phaen discovers that his major wife, Wanthong, has been told that he is dead and been forced to marry his arch rival, Khun Chang. Though at that time Khun Phaen is with another one of his wives, a Laotian beauty, his anger feels like “blood pouring from his eyes.” He invades Wanthong’s new home. Finding that she has locked herself in the bedroom, he tells her that he mistook her for a ruby when in fact she is no more than a cheap stone, not a swan but a crow in dirty, stinking, rotten mud. He then threatens to pull Wanthong’s mother by the hair and to whip her to his heart’s content as she is guilty of encouraging her daughter to remarry.

The story of Wanthong ends with her being executed. When she is asked by the king to decide between Khun Phaen and Khun Chang, her fatal mistake is to hesitate. On the one hand, Khun Chang has always been faithful to her; on the other, Khun Phaen, though a womanizer, is the love of her life. As she is unable to make up her mind, the king reproaches her, branding her sexually greedy, a slut, and then orders her to be executed by decapitation, adding that her blood should be caught on a banana leaf and fed to dogs lest it should touch and defile the ground of his kingdom. Hence, it is not only at the individual level but also at a state level that a woman’s “outlawed” sexuality warrants a retributive emotion.
In situations when a woman is betrayed by her husband, the standard set of emotions or the paradigm scenario are not the same as for a man’s anger. The standard for a woman is noi jai and ngon. When Wanthong finds the young Khun Phaen having sex with her own nanny-cum-chaperone, right after having had sex with Wanthong herself, her emotion is softened by Khun Phaen describing her as being noi jai and ngon. Though the two are variants of anger, the moral cognition of these two emotions is reduced to being almost trivial. This can be seen by the way this emotion is expected to be soothed—by Khun Phaen kissing and holding her, telling her he only loves and values her, and that he had been with the nanny for so short a while that “the betelnut was not yet finely chewed.” In other words, by giving special attention to her constant need for reassurance and by giving a boost to her sense of self importance, noi jai will lose its intensity.

Today noi jai and ngon are still set in similar situations that fit the same paradigm scenarios of a close, personal and often intimate relationship. The formal object of both is a slight believed to have been committed by the other in that relationship. However, as noi jai, literally translated as “small heart”, is a jai or heart that is too small to understand a bigger issue or picture, it has the implication of the first person’s wrong sense of priority, and self-centeredness. Though noi jai is not an emotion exclusive to women, it has a feminine characteristic and flavor to it. Part of the flavor, I believe, comes from the fact that more often than not noi jai is an emotion seen as typical or appropriate for a person on a lower level of the ladder of power relations. For example, a retired father may be noi jai with his children for not coming to see him; his emotion is that of a person who demands to be shown what he deems as his due importance. However, I believe this emotion also reflects that he has lost his original power as the head of the family. In the typical scenario, he mourns his old age and the fact that nobody cares for him any more. The only way to get his children to do what he wants is by inviting them to pity him. In other words, the power to command is lost. Equally important, I believe, is that noi jai is seen as a feminine emotion due to the fact that it is an irrational and excessive demand for attention. The self-centeredness and lack of rationality of noi jai betray its femininity as defined in Thai culture.
Take, for example, *Kitjanukit*, a book written 140 years ago by Chaophraya Thiphakorawong, a minister of foreign affairs in the reign of King Rama IV. The minister was defending Thai polygamy at the time when Western imperialism was threatening Siam with monogamy, a truly Western "civilized" way of life. After refuting the accusation that polygamy is uncivilized, he argued that to have many wives was in fact man's kindness to his wives. He argued that, as men have more active sexual desire than women, having many wives reduces the likelihood that a man will force himself on a wife against her will. The Chaophraya went on to claim that female polyandry would never work because a woman's sexuality was not her own, because the children of such a woman could never know who their real father was, and because that would lead to all sorts of Oedipal scenarios. Most importantly, a man with many wives may love some and despise others but would never harm or kill them, yet a woman demands constant attention and is easily swayed by a new love and thus would be prepared to kill a husband who fell from favor.

If *noi jai* has a feminine characteristic or flavor to it, then *ngon* goes one step further, as it is associated with a visual image of a feminine mannerism. *Ngon* is often associated with its rhyming partner *khon* (khou), a sideways glance followed by a quick movement of the eye and a shift of the face to signify contempt, as if the person was not worth looking at. Traditionally, the underlying emotional response, *ngon* is expressed by the so-called "fingernail dance," a refusal to talk, or tears. However, the reason for the emotional response is not different in kind to that of *noi jai*. Typically the main goal is to demand attention to one's importance. If this is not given, the call for attention may escalate through self-deprecating remarks, self-injury, and even suicide. Over the second weekend in June 2005, there were at least three cases of women committing or attempting suicide reported in the Bangkok popular press. Two of the cases were described as having been motivated by the emotion of *noi jai*. In one case, where the woman was in the scenarios of regular domestic violence and neglect, her brother still cited as the main motivation for her suicide that she was *noi jai* with her husband for often leaving her and the baby at home alone. In the second case, the press simply assumed
**noi jai** was at work as there was little hard evidence on the motivation.26

**Woman’s anger: a resistance against injustice**

If **noi jai** and **ngon** are essentially socially constructed within specific paradigm scenarios, then, if there is a situation which fits these scenarios yet produces a different emotional response, say—that of indignation or outrage, the emotion itself can be regarded as a resistance or subversion. In other words, the emotion reveals a refusal to perceive or judge the situation in the light of the standards set by the paradigm scenario. The scenario with its associated values and gender hierarchical structure is being challenged.

Take for example a Supreme Court case involving Mrs. Walaiporn Sriswad who shot dead her husband of seven years and the father of her child after having had several arguments over his intention to undergo a wedding ceremony with one of his many mistresses. The defendant, who had always considered that his other women were not a valid reason for divorcing him, asked him not to undergo the wedding ceremony. When he refused, she was heard to threaten him and a few days later she shot him, after having asked a security guard about the term of imprisonment for murder.

The situation seems to fit that of the traditional scenarios of **noi jai**. However, the husband’s insistence on having a ceremony with another woman seems to have invoked a different emotional response to that which would have been expected. Was her anger a subversion of the traditional scenario? Though we do need to hear her story, and not just the summary version of the court’s record, the least that should be done is to ask whether the thought content of her emotion was that of justified anger. In other words, in execution of its responsibility to dispense justice, the court should have given weight to that cognition and probed into it. Of course, that is not easily done as branding the action as **noi jai** and **ngon** may reduce justified anger to irrationality and self-centeredness. Self doubt and guilt are not unusual in women who have always been told that they are being “silly.” Hence, very often women can be
confused with their own emotion, and can easily be put in their place by being described as noi jai and ngon. Perhaps a “narrative” of the life of the female defendant is needed. This is to be discussed at another time.

However, as a member of an oppressed class, a female killer in a crime of passion is entitled to a different framework of understanding. Her passion may be typical noi jai or may be a rebellion against the patriarchal hierarchy controlling her emotional self. This, of course, is not to say that killing is condoned. However, if the court’s assigned responsibility is to see that justice is being served, a rebellion against injustice expressed through emotion is worth consideration. Currently, the court restricts itself to answering the specific question whether the defendant intentionally killed the victim or whether, from the perspective of an “ordinary person,” the defendant should have lost her self control. Perhaps, the court should shoulder the responsibility to understand “the rotten social background” of women as a class and give due importance to its deliberation. Of course, from here on, big and small questions, both philosophical and practical, will follow. For example, if emotion is cognition and socially constructed, does it imply that the doctrine of provocation based on the concept of “the loss of self-control” should be abolished? Should a male defendant’s emotions be given special consideration as well since they are also socially constructed? Another time, another place, perhaps.

Notes

1 Black Case No. 148/2545, Red Case No. 7792/2545 between the prosecuting officer, the Attorney General’s Office vs. Mr. Pipat Lueprasitkul.
4 Please see the discussion of the differences between “justification” and “excuses” in law in Joshua Dressler, ‘Rethinking heat of passion: a defense in search of rationale,’ Journal of Criminal Law and Criminology 73, 2, 1982, pp. 421–70.
Black Case No. 148/2545, Red Case No. 7792/2545 between the prosecuting officer, the Attorney General’s Office Vs. Mr. Pipat Lueprasitkul, p. 15.

This version of cognitive theory can be traced back to the Roman Stoics who believed that emotion was a judgment, though always an erroneous judgment, about the importance of the external world to oneself, professing a weakness or false sense of dependency on the uncontrollable external world. See for example, Martha Nussbaum, *The Therapy of Desire* (New Jersey: Princeton University Press, 1996), pp. 280ff.

For James, emotion is a sensation or a set of sensations in which “a wave of bodily disturbances of some kind accompanies the perception of interesting sights or sounds, or the passage of the exciting train of ideas.” See William James, ‘What is an emotion,’ in Stephen Leighton, ed., *Philosophy and the Emotions: A Reader* (Mississauga: Broadview Press, 2003), p. 21.


Nussbaum, *Upheavals*, p. 27.


I am using the word “can” to depict a “weak” version of social constructionism of emotion. The strong version, for example, like that of Naomi Scheman, contends that emotion is very much like a chess game, The game is defined and has come into existence by the rules. Hence, without these conventions or rules, there is no chess game, nor is there emotion. See Naomi Scheman, ‘Individualism and the object of psychology,’ in Sandra Hardin and M. B. Hintikka, eds., *Discovering Reality* (Dordrecht: Reidel, 1983).


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The Thai way of paying respect, usually to the elder, or the superior to one. You usually wai someone’s feet to indicate the highest degree of respect. In traditional Thai culture, one usually wais the feet of three kinds of people: the King or members of the Royal family; one’s parents; and people held in extremely high respect.

Traiphum or the Three Worlds is a Buddhist cosmology believed to have been written more than six hundred years ago in the Sukhothai period. It describes heaven, earth, and hell as a reward and punishment for those with good and bad karma. See F. E. Reynolds and M. B. Reynolds, *Three Worlds According to King
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18 Sunthorn Phu, Supphasit son ying, in Ruam nithan supphasit lae bot be klom khong sunthon phu (Collected tales, sayings, and lullabies of Sunthorn Phu) (Bangkok: Krom Silapakon), p. 633.

19 Kreng Jai is one of the most complex terms in Thai culture as it involves various complex rules about appropriate behavior. For example, a subordinate, worse still a much younger subordinate, should not call a superior on the phone. He or she should always go to see the superior in person. Please see M.R. Akin Rapipat, 'Kreng jai,' in Suwanna Satha-Anand, and Nuangnoi Boonyanate, eds., Kham: ruang roi khwam khit khwam chua thai (Words: traces of Thai ideas and beliefs) (Bangkok: Chulalongkorn University Press, 1992), pp. 299-305.


21 In the end, most of the responsibility for sex is thrown on the nanny’s shoulders, even though before that we see the main cause of her consent is Khun Phaen’s use of black magic to hypnotize her.

22 The book was first published in 1867, and reprinted in 1971 by a former Minister of Education as a gift to “cultivate and educate the nation’s sons and daughters ... and make them conscious of a sense of Thainess.” See Chaophraya Thiphakorawong, Kitjanukit (Bangkok: Khurusapha, 1971), p. n.

23 This reason was still cited in our time, among other things, as a reason for opposing the law allowing a woman to use her own maiden name after being married.


25 Thai Rath, 13 June 2005.

26 The second case was headlined as “Mamasan poisoned by love, drank poison,” as the woman who attempted suicide was an agent for local beauties and models. The scenario was that she was supposed to have a boyfriend but he had not come to see her for a while. It was assumed by the newspaper that she was noi jai and so attempted the suicide (Khom Chat Luck, 11 June 2005).


28 The term used by Richard Delgado describing socially disadvantaged class in Richard Delgado, ‘Rotten social background: should the criminal law recognize a defense of severe environmental deprivation?’ in Jeffrey G. Murphy, ed., Punishment and Rehabilitation (Belmont: Wadsworth, 1995).