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ARTICLE REVIEW

Engendering Sedition: Ethel Rosenberg, Daranee

Charnchoengsilpakul and the Courage of Refusal

Haberkorn, T. (2016). Engendering sedition: Ethel Rosenberg, Daranee Charnchoengsilpakul and the courage of refusal. *Positions* 24 (3), pp. 621-652. doi 10.1215/10679847-3618188

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This article examines the cases of two women tried who bravely and seditiously challenged their respective countries' laws and social and cultural norms. At first glance there are few obvious similarities between the lives of political activists the American Ethel Rosenberg and from Thailand Daranee Charnchoengsilpakul. Separated by decades, by national legal systems and by geography, the history of these women's acts of sedition might seem noteworthy for what makes them each distinct. Yet Haberkorn draws them together in such a compelling way we are provoked to think again. Notably, in both cases there was a "disjuncture among the alleged crimes, the paucity of the evidence presented, and the severity of the punishment" (p. 621). Haberkorn argues that both Ethel and Daranee were on trial for "far more than the

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charges listed in their indictments: they were on trial for disloyalty to the nation” (pp. 621-622).

Ethel was accused of violating the US Espionage Act of 1917 and conspiring with her husband Julius and others to sell atomic secrets to the Soviet Union. Daranee was charged with allegedly insulting the Thai royal family and convicted in 2009 under Article 112 of the Thai Criminal Code, which criminalizes *lèse majesté*, or speech and action judged to defame, insult, or threaten the king, queen, heir-apparent, or regent. Ethel was executed, along with her husband Julius, in 1953. Daranee was arrested in 2008, sentenced to 18 years in prison and although Daranee was released in 2016 the cancer that had gone under-treated while she was in prison progressed too far, and she died in May, 2020.

Sedition here is defined by Craig Reynolds in his *Seditious Histories: Contesting Thai and Southeast Asian Pasts* as “a threat to the regime of the day or injurious to the reputation of powerful individuals” (p vii). That is the jumping off point from which Haberkorn conducts a provocative parsing of sedition in three registers: law, the challenging of the justice systems through refusal to plead for clemency, and the performance of gender. Drawing on a rich and varied array of sources in Thai and English Haberkorn argues that law was crucial, but in both cases the status of the law *qua* law is less important than the political and social conditions surrounding the use of the law (p. 622).

The courage of refusal in the title of the article refers to the second register.

Part of why there was such a profound punishment in both cases is that Ethel’s and Daranee’s acts were judged to be seditious in a second, less legally prescribed sense of practice. In different ways both Ethel and Daraneechose not to [plead for clemency]. In staying faithful to themselves and their beliefs about how the justice system works in a democracy, they launched profound challenges to the court. This defiant and courageous refusal can be read as seditious. (p. 622)

But the cruelty the women faced owes its force to the third register, namely, the performance of gender. Haberkorn notes that “While there is no written law criminalizing dissident gender practice, or what comes to be seen as such, both Ethel and Daranee unnerved their critics through the particular ways in which they inhabited womanhood” (p.622).

While Ethel Rosenberg’s case shook the US and caused an outpouring of writings, Daranee’s trial and imprisonment were met by near-silence. Daranee was vilified for her transgressive behaviors such as using strong language in criticizing the monarchy. She was, and still is, barely human in the eyes of some and sadly that does not seem to have changed with her passing. Even from quarters where her views might be thought close to others, her treatment did not merit much attention, whether from fear of speaking up on behalf of someone charged with violating Article 112 or because she did not fit within the mold of acceptable activism is hard to say. What is brutally clear is that Thai laws on defamation make it impossible to write or comment on the cases.

Haberkorn notes that she is concerned with a fourth register of sedition: the possibility of intellectual work that is seditious. “These cases confront us as scholars, and in referencing the political here I am not suggesting that we should write polemical tracts, but I am suggesting that we cannot turn away from the injustice about which we write” (p. 624). Injustices bind the stories of these women together. But in glaring contrast to the writing and speaking against the sentencing and execution of Ethel Rosenberg that was permissible in the US, in Thailand the harshest of penalties are meted out to those who commit or challenge defamation. Daranee has died and we are left not knowing when we will be able to write something else about her let alone openly challenge the law she purportedly broke.

Reference

Reynolds, C. (2006). *Seditious Histories: Contesting Thai and Southeast Asian Pasts*. Seattle: University of Washington Press.