

Book Review

Postcolonial Copyright Law: Lessons on Community and Coloniality from Thailand

Mespiti Poolsavasdi

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Mespiti Poolsavasdi's debut monograph, *Postcolonial Copyright Law: Lessons on Community and Coloniality from Thailand* ("Postcolonial Copyright"), charts a new territory for Thai legal studies by weaving together insights from cultural studies, post-colonial studies and Thai studies¹ into the emerging field of cultural legal studies in Thailand. The result is a rich and delicate tapestry of what Mespiti named Postcolonial Copyright Law. Despite its focus on both cultural and legal aspects of copyright, *Postcolonial Copyright* remains at its core a serious deliberation on the recurring puzzle that has both excited and paralysed Thai legal academia in the past decades: how to understand the everyday existence of Western legal form in the local lived experience in the Thai nation state?² *Postcolonial Copyright* explores this broad

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¹ A short history of Thai studies as area studies can be found in Charles F. Keyes, "Thai Studies in the United States" (2019) 29(1) *Journal of Social Sciences*, Chiang Mai University 19–63; Thongchai Winichakul, "Asian Studies Across Academies" (2017) 73(4) *The Journal of Asian Studies* 879–97 <<https://doi.org/10.1017/S0021911814001065>>. For the relationship between Southeast Asia studies, including Thai studies, with comparative law see Eugénie Mérieau, "Area Studies and the Decolonisation of Comparative Law: Insights from Alternative Southeast Asian Constitutional Modernities" (2020) 31(3–4) *International Quarterly for Asian Studies* 153–70.

² The literature on this topic is vast, see Preedee Kasemsup, "Reception of Law in Thailand—A Buddhist Society" in Masaji Chiba (ed), *Asian Indigenous Law in Interaction with Received Law* (KPI 1986); กิตติศักดิ์ ปรกิติ, การปฏิรูปกฎหมายไทยภายใต้อิทธิพลยุโรป (พิมพ์ครั้งที่ 4, วิทยุชน 2557) [Kittisak Prokati, *The Reformation of the Thai Legal System under European Influences* (4th edn, Winyuchon 2013)] (Thai); Andrew Harding, "The Legal Transplants Debate: Getting Beyond the Impasse?" in Vito Breda

question topically through its critical studies of copyright in Thailand. It traverses the long twentieth century from 1901, when copyright law was inaugurated, to the present, when its meaning and uses are contoured by the community of “Thai cinema.” Rather than rehearsing the modern history of Thai law through the lens of “reception of Western law,” “modernisation under Western influence” or “legal transplant,” *Postcolonial Copyright* redescribes Thai copyright law through the cultural lens of modernity/coloniality. Supplementing this cultural-legal history, the book also engages a wide range of sources from conventional legal sources to empirical data from interviews. Most interestingly, it draws on cultural artefacts such as novels and movies, as well as art-based practices, notably filmmaking, to shed new light on copyright law.

The cultural lens of modernity/coloniality is one of the most exciting gifts *Postcolonial Copyright* gives to Thai legal studies. It is also the backbone of the book, applied explicitly and implicitly in all chapters. This cultural lens is not Mespiti’s original creation but has been a hallmark approach in the field of Thai studies, specifically in Thongchai Winichakul’s scholarship.³ In his study of King Chulalongkorn’s state-led modernisation, Thongchai persuasively argues for the use of the term “siwilai” (a Thai transliteration of the English term “civilise”) first as a name for the broad reforms covering “etiquette to material progress, including new roads, new bureaucracy, courts, and judicial system, law codes, dress codes, and white teeth.”⁴ Secondly, *siwilai* can be used to refer to ways and activities of governing in which Siamese elites eclectically adopt, discard, or distort elements of Western modernity in order to simultaneously modernise the Thai society, as well as co-opt and extend the global project of Western colonialism. Finally, the duality of modernity and coloniality in Siam, encompassed under the term *siwilai*, is further employed to express the identity of the Siamese state after its encounter with Western modernity. Thongchai

(ed), *Legal Transplants in East Asia and Oceania* (Cambridge University Press 2019) <<https://doi.org/10.1017/9781108605991.002>>; Andrew Harding and Rawin Leelapatana, “Constitution-Making in 21st-Century Thailand: The Continuing Search for A Perfect Constitutional Fit” (2019) 7(2) *Chinese Journal of Comparative Law* 266, 270 <<https://doi.org/10.1093/cjcl/cxz009>>; Munin Pongsapan, “The Reception of Foreign Private Law in Thailand: The Case Study of Specific Performance” (PhD thesis, University of Edinburgh 2013); Surutchada Reekie and Adam Reekie, “Comparing Comparative Law: Perspectives from Thailand” (2024) 73(2) *International and Comparative Law Quarterly*, 447–75 <<https://doi.org/10.1017/S0020589324000058>>; Kongsatja Suwanapech, “Colonial Encounters: The Formation of Modern Thai Legal Identity” (PhD thesis, University of Edinburgh 2025).

³ Thongchai Winichakul, “Coming to Terms with the West: Intellectual Strategies of Bifurcation and Post-Westernism in Siam” in Rachel V. Harrison and Michael Herzfeld (eds), *Ambiguous Allure of the West: Traces of the Colonial in Thailand* (Hongkong University Press 2010) <<https://doi.org/10.5790/hongkong/9789622091214.003.0007>>; Thongchai Winichakul, “The Quest for ‘Siwilai’: A Geographical Discourse of Civilizational Thinking in the Late Nineteenth and Early Twentieth-Century Siam” (2000) 59(3) *Journal of Asian Studies* 528 <<https://doi.org/10.1017/S0021911800014327>>; Tamara Loos, *Subject Siam: Family, Law, and Colonial Modernity in Thailand* (Cornell University Press 2006) <<https://doi.org/10.7591/9781501728259>>.

⁴ Thongchai, “The Quest for ‘Siwilai’ ” (n 3).

famously applied this approach to study the “Thai-style rule of law.”⁵ Recently, the *siwilai* approach has also been drawn upon to reframe the modern legal experience in Siam as a fluid negotiation in Kongsatja Suwanpech’s PhD thesis.⁶

Postcolonial Copyright joins this growing conversation between Thai studies and Thai legal studies by proposing its own cultural lens of modernity/coloniality. This lens is used both to analyse the making of copyright law in Thailand, and to illustrate the identity of the Thai copyright regime as modern/colonial.⁷ Apart from applying to the state’s practice of law-making, *Postcolonial Copyright* further contends that the same lens can be extended to explore the practice of law-making performed by other communities outside the state, notably the community of Thai cinema, who are involved in creating and shaping copyright as much as the state.⁸ Here, *Postcolonial Copyright* draws on Roger Cotterell’s socio-legal notion of laws-and-communities, in which laws, plural, are seen as parts and parcels of transnational and localised communities composed of a multitude of social relations. The book argues for the disassociation between the state and nation, proposing that the latter should be understood as a community, an imagined community, among other local and transnational communities. Laws, therefore, should be understood as dynamic, pluralistic, and multiplicitous as both products and relations of various communities, where state and a nation are considered parts of those communities. Joining Cotterell’s

⁵ ธงชัย วินิจจะกุล, นิติรัฐอภิสิทธิ์และราชานิติธรรม ประวัติศาสตร์ภูมิปัญญาของ Rule by Law แบบไทย (Thongchai Winichakul, *Legal-Privileged-State and Royalist Rule of Law: The Intellectual History of Thai-Style Rule by Law* (Thammasat University 2020)) (Thai).

⁶ Kongsatja (n 2).

⁷ For the identity of Thai law, see Paul Du Plessis and Kongsatja Suwanpech, “Law and Identity: The Case of the ‘Common Law’ of Scotland with Comparative Insights from Thailand” (2021) 1 Thai Legal Studies 47–75 <<https://doi.org/10.54157/tls.246988>>; Rawin Leelapatana and Suprawee Asanasak, “Constitutional Struggles and Polarised Identities in Thailand: The Constitutional Court and the Gravitational Pull of Thai-Ness Upon Liberal Constitutionalism” (2022) 50(2) Federal Law Review 156–73 <<https://doi.org/10.1177/0067205X221087476>>. Scholars working on statelessness in Thailand also addressed the question of identity of the Thai state understood through its law on statelessness. See Janepicha Cheva-Isarakul, “Toward a Neoliberal Regime of Belonging?: Rethinking Contemporary Statelessness Governance in Thailand” (2025) International Migration Review <<https://doi.org/10.1177/01979183251390567>>.

⁸ The theme of law’s pluralities and their relations to communities are common themes in law and society studies in Thailand. See Nuthamon Kongcharoen, “Community Forest Management in Northern Thailand: Perspectives on Thai Legal Culture” (PhD thesis, University of Victoria 2012); Songkrant Pongboonjun, “Creating Rights from the Bottom Up: Public Interest Environmental Lawyers in Thailand” (PhD thesis, University of Victoria 2023); Bongkot Napaumporn, “Forgotten Stateless Vietnamese in Thailand” in Sriprapha Petcharamesree and Mark P. Capaldi (eds), *Migration in Southeast Asia* (Springer 2023) 57–74 <https://doi.org/10.1007/978-3-031-25748-3_4>; Malavika Reddy, “Identity Paper/Work/s and the Unmaking of Legal Status in Mae Sot, Thailand” (2015) 2(2) Asian Journal of Law and Society, 251–66 <<https://doi.org/10.1017/als.2015.16>>; Janepicha (n 7); สุธัชชัย งามชื่นสุวรรณ, “โครงการวิจัยการศึกษากลไกทางกฎหมายเพื่อการกลับคืนสู่สังคมของกองกำลังติดอาวุธในจังหวัดชายแดนใต้ผ่านการศึกษาเปรียบเทียบกับกลไกของอาละห์และมินดาเนา” (สำนักงานคณะกรรมการส่งเสริมวิทยาศาสตร์ วิจัย และนวัตกรรม 2562) [Sutthichai Ngamchuensuwan, “Research Project on the Study of Legal Mechanisms for the Reintegration of Armed Groups in the Southern Border Provinces Through A Comparative Study With the Mechanisms of Aceh and Mindanao” (Thailand Science Research and Innovation 2018)] (Thai) <https://elibrary.tsri.or.th/project_content.asp?PJID=SRI6111309>.

idea of laws with Thongchai's *siwilai* through their shared commitments to pluralism and to thinking about law beyond the boundary of a nation-state, *Postcolonial Copyright* took the insights from Thai studies to these expanding and proliferating spaces of laws found outside the activities of the state.

The triangular relations between state, law, and an imagined community of the Thai nation in the history of copyright law in twentieth-century Thailand are the shared themes of Chapters 1, 3, and 4. In these chapters, the cultural lens of modernity/coloniality is explicitly employed to scrutinise the role of the Thai state and its making of the nation through and with copyright law. These chapters relocate the history of copyright law in Thailand from the traditionalist historiography⁹ to “the juncture between the threat of Western colonialism and the development of Siam into a modern absolutist state” (p. 26). From this juncture, the lens of modernity/coloniality is used to unpack copyright law as a product of the Thai state in quest of creating a modern nation state under the condition set up Western colonialism. This quest reoccurred under different names from *siwilai* in the late early 1900s, development or *kanphattana* in Cold War Thailand, and globalisation from the 2000s onward.

Chapter 1 redescribes the emergence of various legal statutes of copyright through three encounters between Siamese legal elites and the different forces of Western colonialism. The first encounter is located at the juncture between, on the one hand, King Chulalongkorn's expansion of a bureaucratised state through education and training (modernity), and, on the other hand, the expanding yet unregulated print capitalism (coloniality). Through this encounter, the Author's Ownership Act 1901 emerged not quite as a legal protection of creative works but to establish the state's monopoly over education and training of new bureaucrats. The second encounter arises from King Vajiravudh and his ambitious nation-building (modernity) to place Thailand in the club of “civilised states” (coloniality).¹⁰ Through this encounter, the Amended Author's Ownership Act 1914 was implemented to encourage authors to write about the Thai nation along the line of the state-promoted official nationalism.¹¹ The final encounter turns to the conditions prompting Siam to join the Berne Convention in 1931. On the surface, joining international conventions was justified as elevating Siamese law to the international standard (modernity). However, as the chapter shockingly reveals, the international treaties signed between the 1920s and 1930s that ostensibly liberated Siam from foreign extraterritoriality forced Siam to ensure adequate copyright protection for foreigners and, preferably, by accepting the

⁹ For the definition of traditionalist historiography, see Kongsatja (n 2) 6, where the traditionalist historiography “highlights the continuous lineage of Buddhist kingship and justice, gained prominence after World War II, with royalist factions hoping to undermine the 1932 revolution and reinstate traditional authority.”

¹⁰ For a critique of international law as another form of colonialism, see Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2005) <<https://doi.org/10.1017/CBO9780511614262>>.

¹¹ On official nationalism, see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (revised edn, Verso 2006).

mechanism of the Berne Convention (coloniality). Siam, therefore, joined the convention partly because of the mandate of the treaties that claimed to end foreign extraterritoriality. The accession to the Convention was, therefore, not driven by the state's concern over a protection of creative works.

Chapter 3 similarly employs the lens of modernity/coloniality to trace the transformation of Thai copyright law during the Cold War development era. Despite the popularity of Hollywood movies, urbanisation, and the rise of consumerism, the Cold War Thailand, known as the era of *kanphattana*, “bears an ominous resemblance to the quest for siwilai” (p. 94). The state-led development programs of the era was “a Thai-ised one in that it did not necessarily conform to the Western models.”¹² While the Thai developmental state predominantly pursued material progress, the Cold War ideological divide and the actual hot wars around Thailand's neighbours also foster a new cultural identity of the Thai nation, as materially developed yet culturally traditional. This new identity grounded the implementation of Thai Copyright Act of 1978 by the small community of legal drafters and bureaucrats without much participation from the public. Chapter 4 follows the continuation of the developmental project to the new era of globalisation, marked, on the one hand, by market liberalisation and trade globalisation, and, on the other hand, the new cultural identity of Thailand as *Thai-sakon*. The latter means being Thai yet universal. The duality of the globalisation age, again, fits rightly to the lens of modernity/coloniality as Thai-sakon/globalisation. Through this duality, the discourse of “the war on piracy” emerged, armed with the harmonised-IP regime such as TRIPS (globalisation) and the Thai government's initiative on Creative Economy (Thai-sakon). Like other copyright law, IP protection was utilised by the state to get rid of pirated movies, computer software and other creative products, in order to represent itself as a clean creative society with no corruption or idea theft. Building this image of the society, rather than strengthen the protection of creative works, was important to attract new foreign investments.¹³

Through the lens of modernity/coloniality, Chapters 1, 3, and 4 of *Postcolonial Copyright* unfold the history of Thai copyright law along two parallel lines: modernisation of law by the Thai state, and continuation of colonial expansion

¹² For a critique of the postwar developmental era as yet another form of colonialism, especially in the global south, see Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press 2011) <<https://doi.org/10.1017/CBO9781139048200>>; Luis Eslava, “Development, International Law, and the Cold War: A Long History of Disembedding” in Matthew Craven, Sundhya Pahuja, and Gerry Simpson (eds), *The Cambridge History of International Law (Vol. XI): International Law During the Cold War (1945–1990)* (2023) <<https://ssrn.com/abstract=4397577>>.

¹³ The enhancement of the IP regime to attract foreign investment and increase economic growth was hardly surprising, since the majority of the government's policies were implemented to those ends. See Kullada Kesboonchoo Mead, “Globalization and ASEAN Regionalism” in Rudolf Hrbek (ed), *ASEAN and the EU in the International Environment* (Nomos 2000).

through globalisation of trade and international law.¹⁴ By maintaining these two parallel developments of law and situating itself at the coupling of modernity and coloniality in Thailand, *Postcolonial Copyright* suggests that the making of copyright law in Thailand was less driven by concern for the protection of creative works. In fact, every legal change and reform was an active response from a particular community of ruling elites and high-level bureaucrats, who operated within the larger project to build a modern nation-state in the colonial and globalised world. The legal doctrine of ownership laid within copyright law was mobilised by the state as the right to exclude others, such as the small printing presses during King Chulalongkorn's regime, authors whose works did not comply with official nationalism during King Vajiravudh, or those corrupted individuals who stole others' creative ideas under Thailand's Creative Economy. Through these exclusions, the state, with the help of the dogmatic origin of copyright law as a proprietary protection of the original owner of a creative work, monopolises the meanings of being Thai and the identities of the Thai nation. Paradoxically, the Thai state's making and implementation of copyright laws kills creativity.¹⁵ *Postcolonial Copyright* does not try to save the legal doctrine of ownership but, instead, ask readers to imagine copyright law and the idea of ownership otherwise. Chapters 2, 5, and 6 draw from a range of artistic and cultural practices, from novel writing to filmmaking, to illustrate a more nuanced way in which copyright in Thailand could be represented.¹⁶ These chapters provide a cultural critique of the legal notion

¹⁴ The latter argument echoes the themes in the field of Third World Approaches to International Law. See Antony Anghie, "Rethinking International Law: A TWAIL Retrospective" (2023) 34(1) *European Journal of International Law* 7 <<https://doi.org/10.1093/ejil/chad005>>. Some scholars have been pursuing these themes in the context of Thailand. See Papawadee Tanodomdej, "Book Review: Owart Suthiwartnarueput, 'From Extraterritoriality to Equality: Thailand's Foreign Relations 1855–1939'" (2024) 4(1) *Thai Legal Studies* 127–31 <<https://doi.org/10.54157/tls.274729>>; Phattharaphong Saengkrai, "Sources of Hope for Anti-Imperial International Law" *Centre of International Law* (12 November 2025) <<https://cil.nus.edu.sg/blogs/sources-of-hope-for-anti-imperial-international-law-by-phattharaphong-saengkrai/>>; Prabhakar Singh, "Of International Law, Semi-Colonial Thailand, and Imperial Ghosts" (2019) 9(1) *Asian Journal of International Law* 46–74 <<https://doi.org/10.1017/S204425131800005X>>; Ntina Tzouvala, "And the Laws Are Rude . . . Crude and Uncertain: Extraterritoriality and the Emergence of Territorialised Statehood in Siam" in Daniel Margolies, Umut Özsu, Maia Pal, and Ntina Tzouvala (eds), *The Extraterritoriality of Law: History, Theory, Politics* (Routledge 2019) <<https://doi.org/10.4324/9781351231992-9>>.

¹⁵ In the discussion of the film *100 Times Reproduction of Democracy* in the introduction chapter, *Postcolonial Copyright* alludes to a linkage between the killing of creativity by copyright and the killing of democracy by the Thai state.

¹⁶ For the use of art-based practices in legal research and pedagogy, see Sara Ramshaw, "Law and Humanities: A Field Without a Canon" (2019) 9(1) *Law, Culture and the Humanities* 77 <<https://dx.doi.org/10.2139/ssrn.3481494>>. In Thailand, the use of popular culture in legal research can also be found in จิราภรณ์ อัจฉริยะประสิทธิ์ และไพบุณย์ ชูวัฒนกิจ, " 'ความจริง' ในกระบวนการยุติธรรมทางอาญาไทย: มุมมองทางกฎหมายในวรรณกรรมเรื่อง รากบุญ ของ ช่อมณี" (2560) 10(2) *วารสารนิติสังคมศาสตร์ มหาวิทยาลัยเชียงใหม่* [Jiraporn Adcharyaprasita and Paiboon Chuwattanakij, "The 'Truth' in the Thai Criminal Justice System: Legal Perspectives on the Literature in Chomanee's Rak Boon" (2017) 10(2) *CMU Journal of Law and Social Sciences*] (Thai) 23–46; วรรณฯ ตั้งทอง, "การลงโทษของ 'เทพเจ้าแห่งความยุติธรรม'" (บทความเสนอในการประชุมวิชาการสาขานิติศาสตร์ระดับชาติครั้งที่ 1 หัวข้อ ระบบกฎหมายไทย: ปฏิรูป/เปลี่ยน

of proprietary ownership embedded in the copyright law regime.¹⁷ These chapters also investigate the art-related communities outside the state, as these communities, like the state, practice copyright in the condition of modernity/coloniality.

Chapter 2 proposes, from the specific and *provincialised* historical conditions of Thailand, the notion of authorship as understood by poets and writers in Siam.¹⁸ Unlike in Europe,¹⁹ the Siamese notion of authorship before the early 1900s did not concern the author's ownership of a creative work, but perceived the act of authoring as "weaving self in the flow of tradition." Thus, Siamese poets, wished for the literary works, not the author's names, to stand against time. This notion was transformed with the introduction of Western literary works and writing styles. The chapter scrutinises the experimentation of authoring-translating in Khru Liam's realist novel, such as *The Divine Nymphs* (1915), to show the new cultural hybridity of Siam and the West. This hybridity suggests a notion of an author that could not be contained within the Western nor Siamese notion of authorship. Chapter 5 questions the government's discourse on wars against piracy as part of the government's creative economy initiative. Focusing on the short docufictions of Nawapol Thamrongrattanarit's *The Master* (2014) and *Sorry* (2012), Chapter 5 shows that these two films redescribe copyright violation in Thailand with greater nuance and complexity than the simplistic narrative of committing piracy and IP-violation as corruption or idea theft.

Chapter 6 moves from cultural artifacts to examine the film-making communities in Thailand, including not only film directors, investors, distributors, transnational film festivals, but also cinema-goers and the public at large. Looking at both the international network behind the auteur branding of Apichatpong Weerasethakul, the internationally acclaimed Thai director, and the multivalent

ผ่าน/ปฏิสังขรณ์, คณะนิติศาสตร์ มหาวิทยาลัยเชียงใหม่, โรงแรมแคนทารีฮิลล์ จังหวัดเชียงใหม่, 8 มิถุนายน 2018) [Wanna Tamthong, "Punishment of God of Justice" (paper presented at the 1st National Conference on Law, *Thai Legal System: Reform/Transition/Restoration*, Faculty of Law, Chiang Mai University, Kantary Hills Hotel, Chiang Mai, 8 June 2018)] (Thai) <<https://www.law.cmu.ac.th/lasc/conference/wp-content/uploads/sites/2/2017/09/15วรรณ-แก่-2.pdf>>.

¹⁷ A critique of the legal notion of ownership, especially on its form as the inviolable space of the self and right to exclude others, could also be found in feminist critiques of law. See Jenifer Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford University Press 2011) <<https://doi.org/10.1093/acprof:oso/9780195147964.001.0001>>; Suprawee Earn Asanasak, "Rape Contested: Female Subjects in the Legal Formation of Rape in Thailand" (2025) *Asian Journal of Law and Society* <<https://doi.org/10.1017/als.2025.10021>>.

¹⁸ For a provincialised history, see Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (2nd edn, Princeton University Press 2007) <<https://doi.org/10.1515/9781400828654>>.

¹⁹ Mespiti follows Martha Woodmansee's *The Genius and the Copyright* (1984) and Mark Rose's *The Author as Proprietor* (1988) that the legal model of proprietary protection in copyright law stems from a specific and provincialised history in Europe. The eighteenth-century Europe both originated the notion of authorship—that "every author should have the property of his own work reserved to him after death, as well as living"—and the notion of ownership that an individual owns his person, labour, and thus the work produced from mixing his labour with nature. These two concepts, produced through a specific historical condition of post-enlightenment Europe, laid the foundations for the protection of authorship as a property of a creative work.

branding behind Nawapol Thamrongrattanarit's films, Chapter 6 challenges the simplistic author-user distinction in the copyright regime. The distinction is based on assumptions that the author has an absolute ownership of a film that will be used passively by users. For instance, Nawapol's cult classic, *Mary is Happy, Mary is Happy* (2013), built its "original" style by citing and perhaps "copying" Wong Kar Wai's aesthetics. His hit rom-com *Heart Attack* (2015) also encourages the audience to engage critically with the film rather than merely being passive viewers. The chapter further examines the unexpected popularity of the *Thai-ban* film genre, which features dialect-speaking films about the lives of people in the northeastern (Isan) region. The genre challenges the financing aspect of filmmaking that is usually tied to the narrative of striking a balance between profits and the director's creativity. This balancing act, again, stems from the fixed notion of the director as the sole owner of his or her creativity and the passive user's inability to contribute to the marketing, financing, and making of the film. The triumph of the *Thai-ban* genre offers an alternative model of financing and filmmaking that overcame that narrative. Ultimately, Chapter 6 advocates for a new notion of copyright. Instead of its traditional notion as the author's exclusive creative right and space, copyright should become a mediating tool "in the dynamics among various actors who form a web of productive relationships known as Thai cinema" (p. 177).

After exploring various films and filmmaking practices, *Postcolonial Copyright* successfully sheds new light on the possibilities of reiterating copyright law beyond its legal notion of proprietary protection. Chapter 7 and 8 then move on to offer not quite a legal reform, but an unfamiliar line of escape that is 'not to escape everything all at once but to start over and over in the middle of things' (p. 14). Here, the book asks readers to rethink "legal reform" not just as another legal blueprint, promising to transcend lived reality.²⁰ Instead, a legal reform should begin as theoretical work that enhances our understanding of law as it is rooted in the lived reality of both the Thai modern/colonial state and the vibrant society where people live not only with laws but also with prime time soap operas, online pirated Hollywood movies, illegal live streaming concerts on Tiktok, and Viu or Netflix accounts shared with strangers.²¹ From, and only from, that understanding, *Postcolonial Copyright* proposes a daunting line of escape to reimagine both copyright and lives without the legal doctrine of ownership understood as a right to exclude. In the place of ownership, chapter 7 and 8 argue for the notion of "trust" and for law to give a name, or legal expression, "to trusting relationships, thereby reducing the risks of trusting through the guarantee of

²⁰ For the problems with progressive reform and the politics of the transcendental, see Rey Chow, *A Face Drawn in Sand: Humanistic Inquiry and Foucault in the Present* (Columbia University Press 2021) <<https://doi.org/10.7312/chow18836>>.

²¹ From this reading, *Postcolonial Copyright* seems to be aligned with what Ratna Kapur called the politics of seeking: "The politics of my critical project resides in the process of seeking; that is, the foregrounding of a modality wherein our engagement with the human right project and its proven limits provoke our reflective rather than reflexive response." See Ratna Kapur, *Gender, Alterity, and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing 2018) <<https://doi.org/10.4337/9781788112536>>.

rights and duties.” This legal expression of trust should be a better legal tool to recognise the need of communities, both state and non-state, to build their own relations based on the positive trusting relations rather than the absolute right of the original owner to exclude.

Doubtlessly, this book will become a classic, but not because of its “original contribution” to the enduring question of Western law in Thai society. It will be so because what shines through the depth of this book is the labour and cultivation of the author who has taken on the ethical responsibility²² to read, write, and imagine—with care and courage—about “what it means to be a Thai scholar in this day and age” (acknowledgement page). While the book apparently focuses on copyright law and Thailand, it also offers a line of escape, as well as a companion, to legal scholars who are willing to take up the office of Thai legal scholars and let their scholarship be guided not just by intellectual curiosity or passion but by their ethical responsibilities to their communities, places, and times.

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²² Mespiti defines “ethical” in fn 97, p 146: “The notion of the ‘ethical’ as used here refers to the distinction between ethics and morality found in Deleuze’s work. In particular, Deleuze explains that:”

The difference is that morality presents us with a set of constraining rules of a special sort, ones that judge actions and intentions by considering them in relation to transcendent values (this is good, that’s bad . . .); ethics is a set of optional rules that assess what we do, what we say, in relation to the ways of existing involved.

See Gilles Deleuze, *Negotiations* (Martin Joughin tr, Columbia University Press 1997) 100.

* **Indexing Thai names.** “Although family names are used in Thailand, Thai people are normally known by their given names, which come first, as in English names. The name is often alphabetized under the first name, but practice varies.” The Chicago Manual of Style (18th edn, University of Chicago Press 2024) §15.93.