

Goodale, Mark, & Sally Engle Merry, eds. (2007) *The Practice of Human Rights: Tracking Law between the Global and the Local*. New York: Cambridge Univ. Press.

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From Goods to a Good Life: Intellectual Property and Global Justice. By Madhavi Sunder. New Haven: Yale University Press, 2012. 256 pp. \$35.00.

Reviewed by Rajesh Sampath, Heller School for Social Policy and Management, Brandeis University

In *From Goods to a Good Life: Intellectual Property and Global Justice*, law professor Madhavi Sunder offers an original attempt to bridge the traditional study of law with broader questions in policy, sociology, and cultural theory. By tackling the issue of intellectual property law within larger social and philosophical theories of global justice, the author raises deep questions about how intellectual property does more than incentivize the production of innovative products in the global economy. Beyond assumptions of efficiency, self-interest, and the constraints of property law within international trade are larger concerns, which are at the forefront of contemporary research in the social sciences and humanities in relation to public policy. One such question is this: how do individuals participate in producing culture while advancing justice and well-being? In response to that, the author engages in critical reflections on the intellectual property legal process and how it can help illuminate the freedom and well-being of all by addressing issues of global justice, fairness, and equity in terms of socioeconomic distribution of wealth, including real opportunities for education and improved health. Drawing upon a diversity of intellectual resources, such as the capabilities approach pioneered by Amartya Sen and Martha Nussbaum and the critical theory tradition of which Jürgen Habermas is the dominant contemporary figure, the book's aim is to show an intrinsic link between the expansion of real human freedoms and opportunities to pursue a "good life" with the advantages and limits of intellectual property law: in facilitating participatory freedoms, autonomy, and equality based on what individuals truly value as opposed to being passive consumers of a global economy, which no one controls, law and cultural production share a common purpose.

The greatest strength of the book is that it is able to bring the technical field of international property law into dialog with larger

philosophical questions about global justice and sustainable development. It is clearly written, accessible to a large audience that spans law, policy, the humanities and the social sciences. Given the predominance of intellectual property law that shapes many facets of global economic production today, the author asks a deep question regarding global equalities and inequalities that are concealed with the traditional study of international law. Ultimately, because intellectual property law insinuates itself into dynamics of modern societies and economies and technological products are interwoven into the real abilities of what people can do, aspire, and value, the obvious question that arises from a global justice perspective is what people are *actually* able to accomplish under a vast system of intellectual property law and global trade. Given the magnitude of this question, the author should be commended for circumscribing her thesis and providing clear arguments based on her knowledge of intellectual property law and the dominant role it plays in today's world. She sets out to show that a narrow economic view of intellectual property (as a factor in measuring growth by gross domestic product) is not only inadequate for a true appreciation of the near ubiquitous impact of law on culture, it misses the chance of seeing how intellectual property can be leveraged for global justice issues to empower individuals to improve their well-being that go beyond the mere consumption of commodities and goods (3).

Although the arguments are forceful, one critique of this study is the paucity of research in terms of debates in sociology, cultural theory, and philosophical theories of global justice, the literature of which has mushroomed in the last two decades. The relation between human rights, capabilities, and development alone is massive, let alone the relation between capabilities and theories of global justice in the wake of achievements in moral and political philosophy that date back to the seminal event of Rawls' publication of *A Theory of Justice* (1971). But this should not cloud the overall achievement of Sunder's work, which takes a modest step toward bringing intellectual property law into dialog with this much larger academic landscape on global justice, theories of democracy, development, and the nature of human freedoms. For this reason alone, the work will be welcomed by scholars in all fields as a suitable contribution to multiple fields already in discussion and hence the self-evaluation of the work "as critique and as foundation" (22) is justified. Through both, the author attempts to expand a normative view of what intellectual property law should do: by linking what she terms as culture's "three central features . . . participation, livelihood, and shared meaning" with the "values of a free democratic society" (8), the scope of intellectual property law widens its ethical dimension. If there is one explicit addition to scholarship broadly speaking, it is this: *From Goods to a Good Life* attempts to

marshal the capabilities approach, which is the ethical bridge between theory and real-world justice, to reposition the goals, values, and functions of intellectual property law in general. It is now up to legal scholars and social theorists and philosophers alike to weigh the possibilities and potentialities of how intellectual property law relates to culture writ large and what that means for a shared sense of global justice.

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Criminalisation and Advanced Marginality: Critically Exploring the Work of Loïc Wacquant. Edited by Peter Squires and John Lea. Bristol, UK: The Policy Press, 2012. 272 pp. \$99.00 cloth.

Reviewed by Leonidas K. Cheliotis, University of Edinburgh School of Law

It was with eagerness that I began reading this edited collection. It is by no means the first collection of essays to critically explore Loïc Wacquant's important work on what he views as the inextricable link between the ascent of neoliberal socioeconomic policies and the expansion of the penal operations of the state. Indeed, the editors usefully summarize the thrust of various existing commentaries in their introduction. As its very title suggests, however, this book promises to break new ground by offering full-blown critiques not just of Wacquant's penological method and arguments, but of his related research in urban sociology as well. What is more, the front cover of the book also advertises a response to these critiques from Wacquant himself. Despite his well-known preparedness for intellectual combat, but also his extraordinary productivity, Wacquant has not previously published a written reply, at least not to commentaries in English on his penological output, which raises this book's appeal even further. Overall, the book makes a valuable twofold contribution. First, it contributes to Wacquant's own neoliberal penalty thesis, revealing and highlighting various ways, theoretical as well as substantive, in which it can be clarified, elaborated, or modified as necessary. In so doing, second, the book contributes more broadly to the political economies of punishment and urban marginalization as these may inform and advance one another. A few examples follow below.

Bringing new evidence from the United Kingdom to a line of critique that is by now relatively familiar, a number of chapters