

Free Burma: Transnational Legal Action and Corporate Accountability.
By John G. Dale. Minneapolis: University of Minnesota Press,
2011. 296 pp. \$25.00 paper.

Reviewed by Lynette J. Chua, Faculty of Law, National University of Singapore

This is a timely book in light of contemporary developments in Burma,¹ with the release of Aung San Suu Kyi from house arrest and other political prisoners in 2010–2011, her party's victory in the April 2012 by-elections, and the reinvigoration of international relations with the United States and other democracies. Focused on the pro-democracy movement after it was violently quashed by the military regime in 1988, the book examines how activists deployed legal strategies to reshape Free Burma into a transnational social movement for human rights. It offers important lessons for scholars interested in the country itself or in law and society, especially at its intersection with social movements.

These lessons stem from Dale's two-part thesis. Using institutional ethnography to map out the processes through which Free Burma activists deployed legal strategies in three connected cases—the enactment of selective purchasing laws in 13 U.S. municipalities and Massachusetts to isolate by local governments corporations that did business with the military junta, the campaign to de-charter the California-based Unocal Oil Corporation for its use of forced labor to build a gas pipeline through Burma, and the lawsuit filed under the U.S. Alien Tort Claims Act by peasants in Burma against Unocal for human rights abuses—Dale argues that economic sanctions that demand for corporate accountability, such as the municipal- and state-selective purchasing legislation, are more effective toward Burma's democratic reform than “constructive engagement” by the U.S. federal government. This first argument raises broader questions concerning economic engagement with repressive states. Written before contemporary developments in Burma and the 2010 elections, activists and academics, the author included, worried about the military government's reactions to the election results. They also did not predict what appears, at press time for this review, to be a transition into the beginnings of a civilian and more democratic government. Dale's findings on Free Burma, therefore, complicate the question of how legal strategies matter to pro-democracy movements, and how the latter consequently influence democratic reform.

¹ The choice between using “Myanmar” and “Burma” can be a contentious and difficult one. I follow the author's convention of referring to the post-1990 military government as “Myanmar,” and the country and its civil society as “Burma.”

The issue takes us to the second prong of the thesis and its contributions to law and society. The significance of Free Burma and its legal strategies to the country's political transition depends on how we conceptualize movement outcomes and the role of law, particularly rights. These are familiar themes in law and society to which Dale's study speaks, by elevating the debate to a transnational context; in doing so, it contributes to an area of the scholarship that is growing, but remains relatively unexplored (see, e.g., Goodale & Merry 2007). When Free Burma activists shifted the targets of their "blame" and "claim" (Felstiner, Abel, & Sarat 1981) from the Myanmar government to U.S.-based corporations, Dale finds that they changed the meanings of human rights. As a result, the movement shifted from being a failed domestic endeavor to a successful transnational one, despite the latter's mixed results in formal legal institutions.

This is because, Dale argues, the legal strategies to achieve the aforementioned economic sanctions generated a transnational legal discourse that offers an alternative and a challenge to the authoritarian-democratic dichotomy between the top-down approach on globalization and the bottom-up approach focused on the role of social movements in shaping the former. In a transnational legal discourse, when actors—nation-states, governments, corporations, nongovernmental organizations, and activists—interact with one another as a result of participation in and responses to the legal strategies, they create a transnational legal space in which the meanings of law and human rights are contested. Dale's constitutive perspective, thus, regards the power of top-down institutional actors over legal meanings as unsettled, and pays attention to the agency of localized actors in countering such power by reclaiming the law and reshaping its meanings in their favor.

Overall, *Free Burma* is a theoretically rich and multilayered account, but the amount of theoretical discussion and unpacking of concepts in each chapter, including the case study chapters, sometimes overwhelms and obscures the study's central thesis. The shifting meanings of human rights were also not fully explicated, although the author explains in the conclusion that efforts to do so form part of an ongoing project. Nevertheless, as it stands, the book offers exciting challenges for law and society to engage and advance its debates in transnational contexts.

References

- Felstiner, William L. F., Richard L. Abel, & Austin Sarat (1981) "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .," 15 *Law & Society Rev.* 631–54.

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