

While each of the essays is extremely well-researched and written, Uma Suthersanen's essay titled "Technology, Time, and Market Forces: The Stakeholders in the Kazaa Era" is a must-read for anyone who lives in the digital twenty-first century world (even those who inexplicably lack interest in issues relating to IPR). Suthersanen's essay provides the reader with fascinating background about the hysteria exhibited by copyright holders in the face of new technologies, tracing that hysteria from the printing press to the phonograph, to the problems facing copyright holders and content users in the post-Napster, file sharing world of today. She provides comprehensive analyses of both sides of the digital debate and asks whether file sharing might actually be a good thing. Her conclusion regarding pirated technologies is especially edifying.

The book's editor, Meir Perez Pugatch, asks in the introduction to the book, "Is there any point at all in collecting essays that represent different aspects and perspectives of contemporary IP issues?" (6). When the quality of essays and the breadth of coverage equal those that Pugatch has selected for this book, the answer is most definitely yes. In my present position teaching U.S. copyright and trademark law, I look forward to directing students to this valuable resource.

In closing, I find the copyright designation provided by the publisher at the opening of the book to be a bit incongruous given the nature and scope of the essays within, especially those relating to copyright and information control. Certainly there are fair uses that do not require "prior permission" of the publisher despite the publisher's prohibition against reproduction of "any part" of the book.

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Human Rights and Capitalism: A Multidisciplinary Perspective on Globalization

Janet Dine and Andrew Fagan (Editors)

Northampton, Massachusetts: Edward Elgar, 2006 (372 pages)

This edited volume on human rights and capitalism is one of the most intriguing books I have read recently. I enjoyed the depth, variety, and the ongoing intellectual challenge offered by the topics covered here. Fourteen authors/coauthors contribute thirteen essays that target advanced and academic audiences with interests and background in fields such as economics, history, law, philosophy, and political science. The volume is divided into three parts: four essays on theoretical and philosophical debates, six essays on specific issues related to the relation among globalization, trade, and human rights, and two essays on human rights and capitalism in South America. The book tackles the very intricate interdependence among human rights, capitalism, and globalization concerning a variety of topics. This review covers a sample of the essays, hoping this will inspire readers to investigate the whole volume.

Michael Freeman presents an impressive historical narrative of the complex relations between the socially constructed concepts of rights, property, and capitalism in his essay, “Beyond Capitalism and Socialism.” He discusses the precapitalist link between natural rights, property, and government duties from different philosophical perspectives; the rise of capitalism and its associated philosophies that undermined the appeal of religious moralizing philosophies; and the gradual secularization of political theory. Freeman concludes by recognizing the complexity of the process and the need to continue the debate on the relations among rights, property, and justice, especially after understanding the history behind these concepts. By far, Freeman’s essay is the most advanced, and it requires a solid background in medieval and modern histories, philosophies, and theologies.

Janet Dine discusses the high price of the triumph of capitalism in her essay, “Using Companies to Oppress the Poor.” She argues that transnational corporations (TNCs), in their pursuit of maximizing the profits of shareholders, harm the interests of the poor and vulnerable working people in developing countries. She contrasts shareholders’ rights as owners of “capital” against owners of the “company,” and proposes that companies should consider shareholders as “outsiders” having contractual rights against the company rather than “insiders” with membership rights.

She also contrasts American conservatives’ notion of property as an absolute right against the European notion of property as a privilege that confers reciprocal obligations, where the state plays a vital role in constructing a fair society, rather than a safety net of last resort. Thereby, the vision of companies can be changed and broadened to include the objectives of both the company and the society (e.g., consumers, workers, suppliers, and the environment). Dine highlights the role of financial control in making companies deliver human rights through the direct costs of violating regulations and the indirect costs of bad reputation publicized by nongovernment organizations (NGOs) and public interest groups. She also emphasizes the need to change corporate culture through changes in their codes of conduct and directed self-regulation from a narrow contractual concept to a more inclusive one. Dine expresses a bias against the so-called ultra conservative positions on property and the environment—for example, criticizing Newt Gingrich’s Contract with America for threatening to undermine seemingly every existing federal law—however, she does not cite any specific evidence to support her criticism.

In his essay, “Buying Rights: Consuming Ethically and Human Rights,” Andrew Fagan defends ethical shopping as an objectively valid moral good because shopping is a fundamental and unavoidable aspect of most people’s lives. Ethical shopping is a primarily “other-regarding” ethic because the poor, especially the working poor in least-developed countries, suffer. Fagan also highlights affluent countries’ dominance of the global economy and international treaties that favor affluent countries at the expense of poor countries. Therefore, ethical shopping by citizens of rich countries matters as a valid tool to reduce poverty and to promote human rights globally, especially with the lack of political will among nations capable of effecting international treaties to reduce global poverty. Consumers can exercise their power to make companies change by buying the

products of ethical companies (including TNCs) and frustrating the unethical ones based on published ethical scores.

Gbenga Bamonde presents a refreshing perspective from a developing country on how to manage globalization properly such that all nations can share the benefits of globalization, in his essay, "Managing Globalization: UK Initiatives and a Nigerian Perspective." He cites the marginalization of developing countries as one of the greatest challenges that globalization poses. Bamonde recommends specific proposals, such as repatriating funds illegally siphoned by corrupt leaders from poor countries into financial institutions in developed countries and using these funds for needed economic and social development, improving the quality of foreign aid to serve the actual developmental needs of these countries, reducing foreign debt burdens and repealing the unfair conditionality clauses that accompany foreign debt to developing countries, repealing the WTO's terms that harm the interests of developing countries, and promoting effective participation of developing countries in trade negotiations.

Fernne Brennan, in "Time for a Change: Reforming WTO Trading Rules to Take Account of Reparations," argues for reparation to Africans and people of African descent who suffered under the transatlantic slave trade in the past and still suffer from subsequent prejudice, racism, and xenophobia. These forms of injustice, he urges, should be remedied by reparation to the communities harmed through WTO special treatment clauses that effectively promote economic development in and secure a share in the growth of international trade for the least developed countries, especially in sub-Saharan Africa and the Caribbean. Brennan uses the sugar industry and exporting sector in Guyana as a case study of the ongoing economic and social disenfranchisement of the poor of black Africa and the Caribbean.

Tom Sorell discusses TNCs' responsibilities for the protection and promotion of human rights in their operations, especially in developing countries, in his essay, "The UN Norms," a reference to the 2003 document, "UN Norms on the Responsibilities of Transnational Corporations." He discusses the arguments for and against these norms and points to the different responsibilities of the TNCs and the states with regard to human rights obligations. He observes that the state is the primary duty-bearer of human rights but notes the "soft law" effect of TNCs' human rights obligations due to the lack of international treaties to support or enforce them. Sorell highlights the significance of moral obligation and reputation costs in making TNCs adhere to the norms, due to the fear of bad publicity induced by nongovernment organizations (NGOs) and media, on one side, and due to a desire to gain good reputation and publicity, on the other side. He also provides a needed critique of TNCs' presence in some countries where human rights are violated and emphasizes the positive role of avant-grade corporations and the long-term effect of such commendable behavior in setting the standards and acting as role models to other corporations.

Sabine Michalowski discusses the intricate link among capitalism, human rights, and international contracts in her essay "Repayment of Sovereign Debts from a Legal Perspective: The Example of Argentina." She focuses on Argentina's foreign debt that

was incurred under the military regime (1976–1983) without the constitutionally required approval from the Argentinean Congress for such debt, and the current Argentinean government’s rationale for the unconstitutionality of such debt. Michalowski explains the opposite sides of the debate: the value-neutral legalistic approach to fulfill contractual obligations adopted by the creditors versus the moralist and political approach to the interpretation and application of legal principles adopted by the current Argentine government. This essay highlights the need for ongoing alignment of international exchanges and contracts to accommodate the growing and unprecedented wave of globalization.

The book in general tends to evaluate capitalism and globalization against normative standards that underscore their shortcomings. I wish the editors had assigned another part (or essay) to highlight the achievements of globalization and capitalism—for example, the effect of globalization on reducing poverty globally, especially in the last two decades or so; the impressive record of capitalism and globalization with respect to heavily populated developing countries, such as China, India, and recently Bangladesh that have successfully engaged with the global economy; the role of international immigration to developed countries and positive effect of remittances on the economies of developing countries; the growing role and influence of international NGOs and civil society organizations in protecting the interests of the poor, workers, the environment, and the public good in general; and recent initiatives to forgive foreign debt and increase foreign aid to the least developed countries. A more objective critique should also compare the records of capitalist against noncapitalist (e.g., socialist) and precapitalist, preglobalization countries, or systems. Such coverage would have set up a balanced critique of the mixed, yet overall positive records of the effects of capitalism and globalization on human rights in many developing countries.

Given the above reservations, the editors, overall, did a commendable job compiling proper multidisciplinary perspectives and topics in this volume, with some bias toward the legal perspectives on globalization and human rights. Finally, I hope the samples offered above inspire scholars and academics, especially those interested in international relations, international law, and international development fields, to read this volume.

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The Bourgeois Virtues: Ethics for an Age of Commerce

Deirdre McCloskey

Chicago: University of Chicago Press, 2006 (616 pages)

Bourgeois *virtues*? For many this sounds like an oxymoron. In recent years, a strange unity has been building against the market, with critics on the left continuing allegations of inequality and injustice and some conservatives joining them in the accusation that the market undermines values by fostering consumerism and eroding communities.