

Fitzpatrick does not address multidistrict litigation, an important alternative to class actions. Nor does he consider complex models of regulation involving amalgamations of federal and state laws, civil litigation, arbitration and small-claims courts, punitive damages, the Better Business Bureau and social-media networks that inform customers, internal grievance procedures, and boards that exercise oversight over corporate officers.

Fitzpatrick also seems overly optimistic about legislative or rulemaking reforms. Rulemakers disfavor large-scale, controversial amendments (Dodson 2017), and Congress has other things on its plate. Whether Fitzpatrick's Goldilocks class action is more than a fairy tale remains to be seen. Progressives are likely to bristle at the message that space for compromise is widest when one's back is to the wall, while conservative hostility to class actions remains deeply entrenched (Frank 2019).

Still, Fitzpatrick is right that there is room for partisan compromise, if only hardened positions can be softened. His book is a plausible emollient. Readers should find Fitzpatrick's sober analysis a welcome deviation from the usual partisan-fueled dialectic, and perhaps the book will induce more productive conversations among diverse segments of society. Those may then lead to the real battle: the extent of class-action reform.

## References

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*Biotech Juggernaut: Hope, Hype, and Hidden Agendas of Entrepreneurial.* By Tina Stevens and Stuart Newman. Chicago, IL. University of Chicago Press, 2019. 206 pp. \$42.95 paperback

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It is often said that “History is written by the victors,” a quote attributed to Winston Churchill (its origin is murky). This book is in some ways the opposite. The authors, Tina Stevens and Stuart Newman, view themselves to be besieged on all sides—indeed, perhaps “pummeled” might go better with the “juggernaut” in their title—by a biotechnology industry that has poisoned the “dream of responsible science” (3), of a piece with the “presumptively neutral science [that] had played a part in making possible the atomic devastation of human life and the dawn of the arms race” (6). The book tries to weave in its loom, among other things, the rise of *in vitro* fertilization, the death of Jesse Gelsinger in a very early attempt at gene therapy, the Supreme Court’s patent law decision in *Diamond v. Chakrabarty*, Congress’ Bayh-Dole Act, California’s prop 71 and the funding of the California Institution for Regenerative Medicine (CIRM), synthetic biology, mitochondrial replacement therapy, gene editing to suggest an enterprise that is rotten to its core. That authors’ central claim is that the biotechnology sector has transformed universities and the biological sciences more generally into the corrupted handmaidens of for-profit businesses that overpromise benefits, understate risks, and engage in a gamut of bad behaviors (including outright lies) to suppress those who would resist the forward march of their investments.

I am in a slightly awkward position as reviewer, for when they chastise the “scientists, or their commercial and bioethics avatars” (43) who discuss some of these technologies, I think they mean people like me!

So, let me start with the positive. The book covers a huge amount of ground in a mere 157 pages (with additional appendices). The authors are very good writers, and each chapter sets off a crescendo of critiques very much in the mode of Beethoven’s Fifth Symphony. With the grit of investigative reporters, they delve deep in some areas, especially regarding CIRM and its internal deliberations, where the book really shines. For one looking for an advocacy brief the book is very successful.

But it is in this “advocacy-mode” that the book also proves less satisfying. The book very much has a “viewpoint,” and if it is not yours it is hard to know what to make of it. It moves at such breakneck speed that it touches one nerve only to move on to the next without the kind of deeper analysis and engagement with opponents one might want.

Let me pick out a few examples to try to illustrate what I mean—the role of conflicts of interest in medicine and scientific research is central to the book, but the authors really do not take up the opportunity to engage with the excellent vast literature on the topic (e.g., Institute of Medicine 2009) or really tell us which

of the existing policies is causing the problem and practically what systems would make a difference. In discussing synthetic biology they have to concede that the work of the Presidential Commission for the Study of Bioethical Issues “was in some sense public,” but then go on to criticize that its “convenings were elite and inaccessible” (105). The Committee held public meetings in Washington, Philadelphia, and Atlanta to engage in “inclusive and deliberative engagement with a wide variety of sources, including scientists, engineers, faith-based and secular ethicists,” and the comments (oral and written) of 40 individuals and groups (Presidential Commission for the Study of Bioethical Issues 2010: 22). I think that Stevens and Newman sincerely believe that voices like theirs were not heard by the Commission, but it is hard to tell from what they have written how they would recommend altering the process the next time around—I would have loved to see them discuss various models of deliberative democracy and their pros and cons for science policy, for example.

Moreover, in the melee some of their claims, and their evidence base, become unclear. One example stands out: In their attack on CIRM the authors mention testimony to the California Senate’s Health Committee from Dr. Jennifer Schneider stating that “Dr. Schneider’s daughter Jessica Wang, after donating eggs three times, died at the age of 31 from non-familial colon cancer” (85) which they reproduce in Appendix D to the book. The loss of a child is a devastating event to be sure, and by giving that testimony pride of place as a freestanding Appendix, I imagined it would contain something particularly probative. But that testimony references to an article by Schneider in *Sterility and Fertility* where she states “it is unclear whether my daughter’s colon cancer had anything to do with her ovarian stimulation or whether it was simply an unfortunate chance event” and makes a call for more long-term follow-up of women who provide eggs and their health (Schneider, 2008: e5). I completely agree with her call, but I think the average reader who did not read further might easily have mistaken the book as making a very different claim—namely, that “this woman claimed providing eggs caused her daughter’s death.” I would have loved to see the authors delve deeper into what the existing studies on egg donors show and do not show, how to marshal resources and overcome political and other obstacles for more studies, and so on. But, perhaps due to the compendious nature of their coverage, they do not do so.

Perhaps the most surprising thing about this book is that given Stevens and Newman’s passion it ends almost where I expected it to begin (or at least middle). In its closing half-page they ask “Is it possible to avoid succumbing to bio-mesmerism or co-optation? We hope so and that is why we have written this

book” (156). But those readers as passionately committed as the authors to fight what the authors view as a terrible future that is emerging are not really given much of a sense of how to do it, instead more of a sense of just how hard it will be.

## References

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*The Constitution of Myanmar: A Contextual Analysis*. By Melissa Crouch. Oxford. Hart Publishing, 2019. 240 pp. \$24.26 hardcover

Reviewed by Maryam S. Khan, Institute of Development and Economic Alternatives (IDEAS)

*The Constitution of Myanmar* is a formidable addition to the Hart series on the “Constitutional Systems of the World.” Based on several years of rigorous empirical and archival research, the book offers the first comprehensive chronicling and analysis of the contestations underpinning the creation and implementation of Myanmar’s present Constitution of 2008. The insights from the case study, however, reverberate much beyond Myanmar’s borders. They make a significant contribution to the burgeoning scholarship on the role and logic of constitutions in postcolonial and nondemocratic settings. In an even broader sense, they carry important lessons for the way in which constitutions ought to be studied generally: as phenomena deeply embedded within their complex historical, social, and political context. As a legal scholar working on constitution-making in Pakistan, another postcolonial context that shares a colonial ancestry with Myanmar, I would argue that the backbone of the book’s sociolegal contribution is this “constitution in society” treatment of Myanmar’s Constitution.