

discussions of Viverios de Castro's notion of controlled equivocation, they provide crucial insight into the challenges of understanding across the cultural and epistemological divides inherent in different languages.

Finally, chapter 7 asks the extent to which official multilingualism has created enforceable rights in legal processes. In her consideration, Leung ponders the tensions between legal ideas of fairness and language rights. Such tensions arise, for example, with juror selection in language-specific trials; should the jury consist of a defendant's "peers" who speak a minority language or should the jury be representative of a given jurisdiction? Leung also identifies other tensions such as those that occur with the use of interpreters and the exercise of interpretive powers held by judges. Many of these tensions highlight how the universalism assumed by law comes into conflict with the needs of minority language speakers. In this way, the chapter speaks to *interculturalidad* as conceptualized by Robert Aman in his article, "Colonial Differences in Intercultural Education: On Interculturality in the Andes and the Decolonization of Intercultural Dialogue" (2017). The chapter thus points to a need to look deeper into the colonial nature of law and the incongruence of legal values with other cultural traditions of justice or fairness. To further illuminate the tensions inherent in language right discussions, a decolonial perspective is necessary.

In her concluding chapter, Leung summarizes the complexity of discussing official multilingualism on a global scale because of the sheer multitude of ways it has been enacted and enforced. She resists judging the value of multilingualism, noting instead the true nature of official multilingualism is power and nation-state survival. Leung succinctly states that "both symbolic jurisprudence and shallow equality are properties of a policy of strategic pluralism" where official language use is not "inherently just or unjust" but is instead one among other "viable strategies for the survival of a polity" (249). While it may be argued that monolingualism is unjust, the point here is that official status alone does not ensure linguistic survival or enforceable linguistic rights.

In this light, it is important to think of official multilingualism as an always unfinished enterprise. While Leung does speak to the symbolic importance that official status can have, many factors determine the role of a language in a given society. For language movements that have achieved official status and are frustrated with the lack of substantial legal support or protection, Leung offers a clear analysis of the mechanisms they are working with, and sometimes against. While primarily a legal analysis, the focus on ideological forces makes this book important for those in the humanities interested in the sociology of language, sociolinguistics, and language planning for revitalization movements.

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***Intellectual and Cultural Property: Between Market and Community***

By Fiona Macmillan. New York: Routledge, 2021. 232 pp. \$160 (hardcover). ISBN: 9781138388062

Fiona Macmillan's book, *Intellectual and Cultural Property: Between Market and Community*, interrogates and challenges many of the dualisms or binaries that have

shaped modern legal thinking, familiar pairs such as heritage/property, tangible/intangible, and nature/culture. The aim of the book is to rethink intellectual property and cultural heritage by considering the liberatory potential of the concept of community (xii).

Macmillan argues for a new conceptual framework that provides a political and legal counterweight to the power of intellectual property (5). Indeed, the metaphors for intellectual property that emerge from the book oscillate between a “predatory system” and an “unstoppable machine” against which no lever seems to function. The book often departs from those invested in harmonizing and privatizing law and moves toward those who discuss the foundation of law. Underpinning the critique developed in the book one can see traces not only of intellectual property scholars such as Kathy Bowrey and Rosemary Coombe, but also of constitutional and political theorists like Emiliios Christodoulidis, Roberto Esposito, Jean Luc Nancy, and the late Peter Fitzpatrick. In confronting distinctions, Cartesian dualisms and binary concepts, Macmillan is aware of the minefield of semantics and terminology, as well as the path of Western colonialism and imperialism. The book moves away from examining historical perspectives on law, towards interrogating its political and economic function. However, Macmillan returns to history to re-examine the political question of the distinction between intellectual property and cultural heritage (artfully employing irony and wit – devices often neglected in academic writing).

One of the most striking effects of this approach is that it opens up new questions and interesting ways of reading history, while offering ways to reimagine the future of intellectual property as a political and legal project. There are numerous histories of intellectual and cultural property, and many focus on the period covered by the book (from the Venetian privileges to the TRIPS agreement). What sets Macmillan’s book apart is its take on the problematic notion of ‘the West’, but it makes other interesting contributions as well, such as its genealogy of Western jurisprudence that draws a direct connection to Roman law, its criticism of the emergence of a fetish concept (the nation-state), and its problematization of the notion of heritage as conceived by the West.

I have mentioned that one outstanding aspect of the book is its wit. (Clio, the muse of history, is said to have had a sense of humour.) But can you imagine a book on intellectual property that begins with one of Saki’s short stories and takes it from there? Macmillan begins with *The Background*, a story in which one Henri Deplis has *The Fall of Icarus* tattooed on his back. When the artist dies before Deplis can pay him, the tattoo – considered to be a masterpiece – and its provenance become the subject of a diplomatic controversy, and the body of the protagonist becomes the centre of an international dispute. Deplis’s body is the subject of claims and counterclaims that affect his freedom of movement – it becomes, writes Macmillan, not only someone else’s property but also a site of contested state heritage.

Of many interesting chapters, the one connecting with Saki’s sense of alienation – Chapter 5, “The Western Monumental Occidental Tragedy” – stands out. One is reminded of the well-known Marxist dictum that history repeats itself first as tragedy and then as farce – or should it be the other way round? The strength of Macmillan’s work lies in her ability to flesh out and look critically at some of the underlying assumptions that shape our understanding of intellectual property and cultural heritage. We might think in terms of a transcendental illusion inherent in the reflexivity of beliefs and the discourse of the

West. Referring to the way that discourses emerge, an interesting set of terms is scattered throughout the book. Macmillan alludes to the Western mania for decontextualization (113, 132), the Western obsession with distinctions (73, 127, 146), and Western penetration (150, 152), to trace the various metamorphoses of a discourse that evolved to expand and impose – that is, to patronize – and not to listen (116). Macmillan observes that concepts were cooked up (63) and became part of a rhetorical moving feast (69) before they were exhausted. Obsession is a key element here (3, 32, 34, 73–4, 126–7, 136, 140, 147).

The point is made that what defines the West is not only a geographical concept but a way of being; a performative attitude that is connected to language (and hence to discourse) and its way of seeing (and talking about) the world. Trapped between the discourse that constitutes it and the discourse that constitutes society, the Western subject is tragically fragmented. This fragmentation is realized with the forward slash, the main protagonist of Macmillan's book and a mark of punctuation that has been manipulated and worshipped according to geopolitical needs. It is, Macmillan says, a "steamroller" that has shaped (flattened) the way the law has ended up defining the concepts of inside/outside, tangible/intangible, center/periphery, private/public, heritage/property (157–8). What Macmillan's book shows is how unstable and nuanced these concepts are and how they might be reimagined. In other words, Macmillan shows how law's political register still has the capacity for transformation (208). For example, when concepts like 'heritage' are recognized as social processes and not just products, the slash is debunked (158). Macmillan sees the fragility of legal imagination as problematic since the regime for protection of cultural property and cultural heritage is unable to defend itself from the predatory impulses of the intellectual property system (52). Macmillan criticizes "a tendency to imagine the public domain as a largely passive victim of the aggressive presence of intellectual property" (42). The main problem, she suggests, is that the public domain has been defined by the concept of property (42). This is apparent when the mantra of 'the commons' is identified as a bid for territory, for how then is non-colonized, non-imperialist, non-Western space to be cared for in such a way that it does not end up being occupied, co-opted, or 'managed' (182)?

The main strategic purpose behind Macmillan's book is to rethink the concepts of community and cultural rights, which Macmillan believes could yet reverse the current trends of privatization, de-politicization and individualization that characterize our world. Her belief is based on the experience of arts festivals and raises the possibility of re-appropriating these spaces of being-in-common (174–6). As "possible strategies for realizing a concept of community cultural property as part of the architecture of a regulated cultural common" (203), the book also proposes looking to the stewardship model and the idea of cultural property as *res universitatis* ('things belonging to a society'), as well as to the potential uses of the existing legal concept of geographical indications (206–8).

Macmillan says that "in seeking to develop the concept of a regulated cultural commons, we do not have to re-invent the wheel" (205). However, when she refers back to Roman law, its "openness," and the Roman law concept of *res divini juris* ('things of divine jurisdiction') (205), she calls attention to an enigmatic issue that haunts the book: the place of religion and belief (115). If the book is about the West's problematic conception of intellectual property and cultural heritage, what to do with a notion of law and speech that has

a distinctly Christian heritage? As paradoxical as it seems, was not the functional openness of Roman law the strategic key for the universalisation of the West? Was it not also part of the operational trap that the book denounces, and works insistently against?

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***The Lives and Deaths of Shelter Animals***

By Katja M. Guenther. Stanford: Stanford University Press, 2020. 312 pp. \$28.00 (paper). ISBN 9781503612853

In societies like the United States that otherwise prefer animals out of sight, cats and dogs generally receive protection only when a human guardian “owns” them. In her insightful new work, *The Lives and Deaths of Shelter Animals*, Katja Guenther highlights the forms of power companion animals face and resist, belying any notion that they are the few animals largely respected and well-treated in the United States. Via a “feminist multispecies ethnography” (20) of a companion animal shelter in Los Angeles where she volunteered, Guenther depicts one instantiation of an institution that manages, polices, cares for, governs, and kills millions of cats and dogs each year. Guenther asks how and why animal shelters exert power over humans and animals, how human social inequalities are bound up with shelter animals, how both humans and animals respond and resist, and how these power dynamics concretely affect the lives of impounded animals. The result is a work that a wide array of audiences will benefit from reading, including scholars in animal studies, sociology, critical race theory, gender studies, and urban politics, as well as animal rescue practitioners.

Guenther suggests that animal shelters like the pseudonymous Pacific Animal Welfare Center (PAW) are entangled with a variety of social issues including socio-economic inequality, white, middle-class norms for animal care, gendered care and kinship norms, policing, neoliberal privatization, housing and urban policy, and biopolitics. They also combine three faces of the contemporary state—anthroparchy (practices that deny animal personhood and affirm animal property), welfare, and carcerality. Shelters shape and are shaped by these aspects of the state through their triple function of *helping*, *policing*, and *killing*.

Shelters like PAW try to *help* humans and animals by providing sustenance, housing, and health services to animals, reuniting companion animals and guardians, and facilitating new guardian-animal relationships. The shelter most readily identifies its “helping” face as its primary mission. However, shelter practice blurs the line between helping, policing, and killing. Killing and policing often occur in the name of care, when, for example, animals display putative signs of illness whose contagiousness is exacerbated by a captive environment, or when animal control decides a (often low-income) household has “too many” animals.

PAW also *policies* animals and humans, controlling space both within and without the shelter and regulating interspecies kinship. In fact, Guenther demonstrates the tight historical relationship between policing and animal control agencies, which were originally