



DATE DOWNLOADED: Thu Dec 29 16:21:45 2022

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Citations:

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Cynthia Condit, *The Book of Trespass: Crossing the Lines That Divide Us*, 114 LAW LIBR. J. 74 (2022).

ALWD 7th ed.

Cynthia Condit, *The Book of Trespass: Crossing the Lines That Divide Us*, 114 Law Libr. J. 74 (2022).

APA 7th ed.

Condit, C. (2022). *The Book of Trespass: Crossing the Lines That Divide Us*. *Law Library Journal*, 114(1), 74-76.

Chicago 17th ed.

Cynthia Condit, "The Book of Trespass: Crossing the Lines That Divide Us," *Law Library Journal* 114, no. 1 (2022): 74-76

McGill Guide 9th ed.

Cynthia Condit, "The Book of Trespass: Crossing the Lines That Divide Us" (2022) 114:1 *Law Libr J* 74.

AGLC 4th ed.

Cynthia Condit, 'The Book of Trespass: Crossing the Lines That Divide Us' (2022) 114 *Law Library Journal* 74.

MLA 8th ed.

Condit, Cynthia. "The Book of Trespass: Crossing the Lines That Divide Us." *Law Library Journal*, vol. 114, no. 1, 2022, p. 74-76. HeinOnline.

OSCOLA 4th ed.

Cynthia Condit, 'The Book of Trespass: Crossing the Lines That Divide Us' (2022) 114 *Law Libr J* 74

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doctrine of fair use, a topic near and dear to the hearts of law librarians. Under the transformative use doctrine, many fan-created works may be considered fair use. One of Greenberg's refrains is the tension between the right of the author of an original work to control its copyright versus the right of fans to express themselves by creating derivative works that arguably offer some creative value of their own.

¶9 Greenberg emphasizes the significant discretion that copyright holders have in enforcing their intellectual property rights against fan creators. A copyright infringement suit against a fan creator could generate bad publicity for the copyright holder and risk alienating a fan base. The desire to engage with fans rather than sue them is one practical reason Greenberg posits relatively few infringement lawsuits are filed against fan creators.

¶10 Greenberg addresses issues specific to certain types of fan-created works, some moving beyond the world of copyright. Cosplay, he notes, tends to raise a less significant copyright concern due to the ephemeral nature of wearing a costume, the high cost of litigation and, again, the risk of bad publicity. Conventions have created guidelines, however, to address inappropriate conduct, particularly nonconsensual touching and assault against cosplayers. The book also briefly touches on issues of trademark law, right of publicity law, and obscenity law that have the potential to impact fan-created works.

¶11 Greenberg attempts to appeal to multiple audiences, including law students, practitioners, acafans, and fan creators. Writing for such a broad spectrum of readers is a challenge for any author. Fortunately, Greenberg's clear and direct prose is accessible to nonlawyers and informative to generalists and IP experts alike. However, the book's accessibility does suffer slightly from the inclusion of some overly lengthy excerpts from statutes and terms of service, whose technical language may be more difficult for nonlawyers to interpret and could have been more selectively edited or paraphrased. I would be a bad Trekkie if I did not offer one final and extremely pedantic point of criticism: at one point (p.199), the book refers to Mr. Spock as "Dr. Spock," confusing the Vulcan with the well-known pediatrician. However, Greenberg's passion for fandom as a self-proclaimed acafan makes this book a joy to read.

¶12 This book is highly recommended for academic law libraries, particularly those with a focus on intellectual property titles. Professors of intellectual property and media law may even consider adopting it for an upper-level seminar. Midsized to large law firms and boutique IP firms will also find this book useful, as it includes many practical tips for counseling and litigation strategy.

Hayes, Nick. *The Book of Trespass: Crossing the Lines That Divide Us*. London: Bloomsbury, 2020. 443p. \$51.66.

*Reviewed by Cynthia Condit\**

¶13 In *The Book of Trespass: Crossing the Lines That Divide Us*, Nick Hayes has written a thought-provoking polemic about the inequities of land ownership in England.

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He traces the centuries-in-the-making evolution of the law of trespass and the concept of property that has left 92 percent of the land and 97 percent of the waterways in England closed to public use. For comparative purposes, this is roughly equivalent to restricting public access in the United States to only the state of Alabama.<sup>2</sup>

¶14 Hayes, a passionate advocate for land reform and conservation, argues that the current English framework of land ownership is an “illusion that property works for everyone” (pp.364–65). The core of social inequality, according to Hayes, lies in the governance of the land by a select few, which reflects the values of only a miniscule minority of England’s citizens. Greater access to, and better use of, the land, he contends, would benefit everyone.

¶15 Chapter by chapter, each named for a creature, Hayes documents an intentional trespass onto a property, provides the history of the property, and reflects on the laws of enclosure and their impact on the “right to roam” in that context. The chapter entitled “Sheep,” for instance, examines the boundaries of public space in relationship to church and religion. “Spider” addresses the persistent erosion of women’s property rights and autonomy after William the Conqueror enshrined the primacy of the first-born male. In “Cockroach,” Hayes considers national border boundaries and recounts his experience at the Calais Jungle, a migrant and refugee camp.

¶16 The topics covered are myriad and wide-ranging—fox hunting, legislation, Gypsies and vagabonds, witches, protestors, peerage and grouse hunting, migrants, militarization of borders, nationalism, the Commons, hidden ownership, the cult of exclusion, and truths hiding in plain sight, to name a few. Yet the book works as a cohesive whole. Each topic flows deftly into the next, in an easy narrative voice bordering on storytelling. You can imagine yourself sitting around one of the campfires Hayes has built, listening to him bring the history, events, and people to life. The language is vivid and descriptive. For some it might border on excessive, but it paints an effective picture of the beauty and allure of the land.

¶17 Occasionally, however, the book gets a bit bogged down. Like the author’s illicit travels throughout the English countryside, this reading journey is more of a meander than a race to the finish line. The final two chapters (“Toad” and “Stag”), for example, focus on the English waterways and are not as fully fleshed out as prior chapters. The book may have been better served without them, perhaps leaving waterways for another book. Moreover, although Hayes acknowledges that there may be downsides to opening up the land, he does not expand on them, although he notes that with rights also comes responsibility.

¶18 If you are a logophile, you’ll enjoy how Hayes digs into the roots and origins of words and phrases. For example, I learned that when someone “crossed the line” (having strayed beyond the limits of acceptable action), their deeds (or words) were deemed to be “beyond the pale,” the old Saxon word for fence (p.18).

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2. Based on total acreage of the United States, Alabama contains approximately 8 percent of the total U.S acreage. This calculation does not reflect waterways, however.

¶19 Fun stuff to look forward to: the book is interspersed with several woodcut prints created by the author and a “can you see the cat” puzzle at the end. Additionally, be on the lookout for a little secret that Hayes discloses that quite neatly ties things together. More practically, the book also includes a comprehensive list of resources, notes, and an index.

¶20 *The Book of Trespass* is both engaging and enraging. It will likely raise strong emotions, propel interesting debate, and raise questions. You may even find that you see fences and walls in a totally different light. I recommend this title for the academic law library where it could be used in any number of law classes, from property to environmental law to immigration law, to spark lively discussion. An enjoyable and informative read for everyone.

Joyner, Zanada, and Cas Laskowski, eds. *Introduction to Law Librarianship*. Tucson: Daniel F. Cracchiolo Law Library, 2021. 371p. \$0 (e-book). <https://lawlibrarianship.pressbooks.com/> [<https://perma.cc/3KTD-5WFA>]

*Reviewed by Amy A. Wharton\**

¶21 In publishing *Introduction to Law Librarianship*, editors Zanada Joyner and Cas Laskowski team up with a group of knowledgeable and insightful authors to weaken a barrier to entry into the field of law librarianship: a born-digital textbook on law librarianship is now freely available to anyone on the planet with internet access. In its foreword, Teresa M. Miguel-Stearns underscores the significance of this achievement: “This textbook will allow us to reach beyond our borders to support the growth of the profession around the world” (p.xvii).<sup>3</sup>

¶22 Though its status as the first open access e-textbook on law librarianship is enough to qualify *Introduction to Law Librarianship* as groundbreaking, novelty infuses every feature of this ambitious work. As an e-textbook, it employs pedagogical devices that distinguish educational materials from other readings. Each chapter opens with a bulleted list of “Key Concepts.” Further in, one or more “Concept in Action” boxes present story narratives that help students personalize how a concept might play out in a real-life situation. Each chapter closes with a “Dive Deeper” box that offers a brief bibliography of additional readings.

¶23 The book is arranged in five parts. The first, “Universal Topics,” includes several chapters on topics not covered in previous textbooks on law librarianship. For example, Susan David deMaine’s chapter on accessibility introduces the concept of universal design for “those who think deeply about access and abilities” (p.20). “Critical Legal Studies,” by Jennifer Allison, offers suggestions for applying critical principles to law librarianship to eliminate “aspects of the library that reflect and further marginalization and oppression” (p.34). Paul J. McLaughlin’s “Advocating for the Law Library Profession,” Brian R. Huffman’s “Access to Justice,” and a forthcoming chapter on

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3. The e-book offers a PDF download version, which includes page numbers.