

BOOK REVIEW

LAW AND SOCIETY APPROACHES TO CYBERSPACE

Paul Schiff Berman

Burlington, VT: Ashgate Publishing Limited, 2007, 744 pp, £180, ISBN-9780754624936 (alk)

It is always difficult to review large compilations, particularly collections of previously published journal articles. When looking at such works, there are various questions that one must ask in order to provide a fair book review. Has the editor chosen the top works in the subject area? Are there evident omissions? Does the collection make a coherent piece of work? More importantly, does the collection offer value for money?

Berman's *Law and Society Approaches to Cyberspace* is an impressive compilation when it comes to the first three questions. The editor has chosen some of the best American essays with a socio-legal flavour written in the cyberlaw area. I specify "American", as it is clear that this is a work directed to the US legal market. There are a couple of articles that seem out of place in the collection (Hunter is Australian and Boyle Scottish), but the rest are definitely written by some of the top US-based scholars working in the field.

This brings me to the question of omissions. I have already commented on the obvious failure to include scholarship outside of the US, which is not a problem in itself as long as international audiences, such as the *SCRIPTed* readership, are aware that this is an America-centric work. There are no other glaring omissions, although I felt that Jennifer Mnookin's highly regarded "Virtual(ly) Law: The Emergence of Law in LambdaMOO" has not dated well, and could have been replaced or supplemented with many other excellent works on virtual worlds - much like Grimmelmann's "Virtual Worlds as Comparative Law", which is included in the collection - that are more up to date and relevant to the book.

As for making a coherent piece of work, the editor has also made some adequate choices. The topics flow well together and the Introduction sets out the themes of the collection and the *raison d'être* of the work quite well. This is a compilation that brings together a number of articles to form a coherent narrative.

This brings me to my fourth question, where, unfortunately, I have serious problems with the work. While the hardback tome is beautifully bound, and the publishing quality is high, I can see no justification for the staggering price tag of £180 GBP. With the exception of a new top-of-the-page header setting out the page numbers of the collection, the articles have been reproduced with the original type settings and page numbers. On the basis of production costs, it is difficult to fathom how it can be necessary to ask so much for this book, unless it is to compensate the authors and/or copyright owners for permission to publish.

In the age of Google Scholar, SSRN and open access, there is no reason to buy this book. Although the obvious target market for it would seem to be academic libraries, why would any library bother to purchase an expensive collection when all of the articles in it are available through legal databases that are already being paid for? Not only that, many of the articles are available online, as their authors are strong advocates of open access. The price makes no sense to me.

One might be tempted to compare this work with Berman's previous collection, edited with David Post and Patricia Bellia.¹ That casebook brought together not only articles, some of which have been replicated in "Law and Society Approaches to Cyberspace", but also provided an impressive collection of US case law pertaining to cyberspace. At £66 GBP, one would be best served to purchase the 2003 work, even if it is a bit out of date.

It is a pity that the publishers have priced this excellent collection so high, because - as I have mentioned already - the editor has done a very nice job of bringing together a number of important and relevant articles. I am unfamiliar with the American publishing scene, but on this side of the Atlantic at least, the book makes little commercial sense.

Andres Guadamuz

E-Commerce Law Lecturer, University of Edinburgh; Technical Editor, *SCRIPTed* –
A Journal of Law, Technology and Society

DOI: 10.2966/scrip.070210.412



© Andres Guadamuz 2010. This work is licensed under a [Creative Commons Licence](#). Please click on the link to read the terms and conditions.

¹ PL Bellia, PS Berman and DG Post, *Cyberlaw: Problems of Policy and Jurisprudence in the Information Age* (St Paul, MN: Thomson/West, 2003).