

# Preface

---

This monograph has been a long time in the making. The process of creation in many respects mirrored the arguments of the work itself. To grapple with the underlying rationales for copyright protection, I began to investigate not just the traditional reasons for copyright protection, but why it is that there is any form of regulation over what human beings produce. The scope of the work has required research over numerous fields that are not the usual prescribed hunting ground for a legal academic, but it has, I hope, resulted in a work that brings new perspectives to the growing modern-day interest in creativity. The argument of the monograph is that whilst creativity has been central to the development of the State, creativity has become side-lined and is not held in high regard by the State, and that this imperils the future of the State. Despite the centrality of creativity, it is quite incredible how legal regulation has shifted away from creativity as a concept, to be replaced with other concepts which mimic creative processes – and it is a story that deserves to be told.

As an academic in a university, I see the same issues present within the UK university system, and the production of this monograph has seen the position of the State mirrored within the university. The administrative pressures present within universities leading to the reduction of our zones of creative discourse, the pressures of REF and other exercises that seek to administratively legitimise our existence, merely lead to the inhibition and destruction of the creative academic process. I hope that some of the lessons to be drawn from this work could be applied to the university context, to remember that universities need to be able to have academic freedom to be able to form a creative future both for staff and for students.

I would like to thank many academic members of staff who have read this draft or discussed various ideas and concepts during its inception. Some of the most important and initial discussions were held with Dr Paul Street (formerly of the University of Exeter) whose outstanding knowledge of philosophy introduced me to numerous philosophical works of the sort of which a State-educated person such as myself would likely remain ignorant. I am indebted to discussions with numerous people at the British and Irish Law, Education and Technology Association ('BILETA'), and the Society of Legal Scholars ('SLS'). Funding of work from the Arts and Humanities Research Council, the Economic and Social Research Council, BILETA, the private

company RIVENTA and others have contributed to my overall understanding through research projects that have led to the continued development of the monograph. My thanks also to colleagues who have read drafts and elements of this work and made comments, such as Professor Andrea Lista, Professor Liz Trinder, Dr Annika Jones, and Dr Radek Stech (founder of the Sustainable Finance, Law and Stakeholders (SFLS) network). My thanks to the University of Exeter for providing me with a period of study leave during the production of this monograph. Thanks to John-Paul MacDonald of Edward Elgar for early discussions for this monograph proposal, and my subsequent Edward Elgar contact Iram Satti, managing editor Jane Bayliss, assistant editor Stephanie Hartley, as well as the anonymous reviewers of the proposal for their comments. Special thanks are also due to Rose Campbell and Catherine Cumming of Edward Elgar for proofreading and typesetting of the final work. Finally, my thanks to the University of Bristol who provided my initial academic scholarship, for without that financial support my academic career, and ultimately this monograph, would not have been possible.

Dr James Griffin  
University of Exeter, August 2018

