Preface

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Creativity, Law and Entrepreneurship makes an important contribution to entrepreneurship research and to organization theory more broadly. Many scholars see entrepreneurship as a process involving imagining opportunities, and then taking action to create new ventures. The process of *creation* lies at the heart of most definitions of entrepreneurship, even though its definition varies and is to some degree contested.

Popular wisdom embraces two conflicting views of the law. In one vision, the law is the natural enemy of the creation of novel action and entities: it promotes consistency and constrains novel behavior. In the other vision, the law can promote the creation of socially valuable entities – whether creative art projects, scientific inventions or new organizations. This book plays an important role in helping build *conditional* theories of when and how the law shapes creative action, in contrast to both of the overly simplistic visions.

This volume highlights that the law plays a crucial role in creativity in society broadly, and specifically in the context of entrepreneurial processes. As revealed in this book, the law can play several affirmative proactive roles in encouraging creativity in society, as well as in shaping when valuable creative ideas become reality. The law shapes whether, and which, creative ideas see the light of day. It shapes what new organizational forms can arise. It influences conditions in which new individual organizations can be created and supported. It shapes which organizations are seen as legitimate and therefore more able to gain resources. It mediates emerging debates on society's interests in how innovation and creative ventures can best be resolved.

Legal scholarship on creativity, then, offers a crucial frontier for research on entrepreneurship and innovation more broadly. It provides a lens for looking at factors that promote creativity in general, new ventures, survival of new ventures, the distribution of the value gained from creative ventures and even our way of thinking about the creation of new forms of value. This volume helps advance thinking about how legal practices and doctrine can both help and harm valuable creativity. The several papers

on IP practice and doctrine, for example, help advance thinking on the links between external social structure and the actual execution of creative action. This familiar but vital issue has important implications beyond the specific domain of IP, including in the area of new for-profit and public venture creation.

It is easier to study existing organizations and social processes than to study emergent or nascent processes. Existing social entities can be observed. Data can be recorded and systematically assessed. Outcomes can be detected to allow theory about causal processes and about social welfare. Studying collective creativity offers a greater challenge both in general and in the specific context of entrepreneurial activities. The study of law and creativity offers a crucial frontier for research on entrepreneurship, then, both because of the key role of the law itself, and because it helps show the way to the study of creation in society more generally.