

Law, Informal Rules, and the Problem of Creative Collaboration

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In this Article, we explore a new role for informal rules: the organization of collaborative creative production. We argue that informal rules play a significant and pervasive—but nonetheless overlooked—role organizing creative collaboration. While existing literature has focused on the role that informal rules play in creating incentives for the production of creative work, we demonstrate how such rules can be even more influential in facilitating and organizing collaboration in the creative space.

Unique features of creativity, especially high uncertainty and low verifiability, create organizational challenges that formal law cannot address. But certain informal rules can meet these challenges and facilitate organization where law fails to do so. We posit that such rules will function primarily through mechanisms of reputation and trust, and explain how they can sustain an organizational solution without a manager or hierarchical firm. Finally, we sketch out the potential interactions of formal law, informal law, and the organization of creative collaboration.