

From a letter by Thomas Jefferson to Issac McPherson dated August 13, 1813.

It has been pretended by some, (and in England especially,) that inventors have a natural and exclusive right to their own inventions, and not merely for their own lives, but inheritable to their heirs.¹ But while it is a moot question whether the origin of any kind of property is derived from nature at all it would be singular to admit a natural and even a hereditary right to inventors... Stable ownership [of property] is the gift of social law, and is given late in the progress of society. It would be curious then, if an idea, the fugitive fermentation of an individual brain, could, of natural right, be claimed in exclusive and stable property. If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of everyone, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one possesses the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives lights without darkening mine. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density at any point, and like the air which we breathe, move, and have our physical being incapable of confinement or exclusive appropriation. Inventions then cannot, in nature be a subject of property. Society may give an exclusive right to the profits arising from them, as an encouragement to men to pursue ideas which may produce utility, but this may or may not be done, according to the will and convenience of the society, without claim or complaint from anybody.²

¹ The reference to England in this sentence is merely another example of Jefferson's well-known Anglophobia. Not only was this natural right theory never accepted in England, but what Jefferson was actually addressing was the rights of inventors in the United States and not in England.

² Letter from Thomas Jefferson to Isaac McPherson (Aug. 13, 1813), in 13 THE WRITINGS OF THOMAS JEFFERSON at 333-34 (A. A. Lipscomb ed., Washington 1903)(emphasis supplied)