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A Letter to Scientists and Inventors

on the Science of Justice, and their Right of
Perpetual Property in their Discoveries and
Inventions

Lysander Spooner

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eries and inventions as doubtless mankind at large—nor even the most far-seeing of them—have ever conceived of.

You, above all other men, (I repeat) have the power and the inducements to carry this law all over the world, and establish its authority in opposition to all the adverse laws and governments that now exist.

In subsequent letters, and other separate publications, *if scientists and inventors shall favor the enterprise*, I purpose to show that it is perfectly feasible and easy to establish, *all over the world*, their right of *perpetual* property in their discoveries and inventions. In fact, unless scientists and inventors can maintain their own rights of property, and establish justice in the place of such transparent conspiracies and villanies as all the principal governments of the world now are, it is plain that, instead of claiming to be the great lights and benefactors of mankind, they ought to write themselves down as imbeciles, cowards, and slaves.

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IX.

It is plainly to be seen, by those who choose to see, that science and invention are bringing, and are destined to bring, all the peoples of the earth together, and show them their power to promote each others' welfare, and their duty to live together in peace.

The only obstacle this great movement has now to meet, is that presented by ignorant, hostile, and tyrannical governments. It is plain that if all mankind are to live together in peace, and contribute their utmost to each other's welfare, they must get rid of their existing governments, and all live under one and the same, and only one and the same, law. That one law is the law of justice. This is the one only law the world needs, or can endure. Whatever other laws (so called) are either more, less, or other than justice itself, are necessarily unjust, and are therefore to be resisted and abolished.

Whenever, in any case whatever, this one law of justice is repudiated, violence and fraud are necessarily licensed in its stead.

But this one law of justice is a natural principle, and not any thing that any human power can make, unmake, or modify. Being a natural principle, it is a subject of science, and is to be learned like all other sciences. It is also the same in all places, and in all times; and will remain the same in all places, and among all peoples, so long as the world shall stand.

The want of this one law is the only obstacle, not only in the way of your carrying your present discoveries and inventions all over the world, but also to such a multiplication of discov-

hundred times its present population. And the increase of population will naturally go on, as men increase their means of subsistence, and cease to starve and destroy each other. And this increase of population will, *of itself*, naturally bring a corresponding increase of scientific discoveries and mechanical inventions. Who, then, can set any limit to the future progress of mankind in knowledge and wealth?

Under the stimulus of this principle of property, mankind will soon become a very different, an almost wholly different, race of beings from what they now are. They will learn—what so few of them seem now to understand—not only that they have brains, but also what their brains were designed for, and are capable of. When these lessons shall have been learned, the knowledge that will be accumulated in consequence will become the great wealth of the world.

I.

To Scientists and Inventors:

You are the great producers and diffusers of knowledge and wealth. Your scientific discoveries and mechanical inventions are the great, almost the only, instrumentalities by which the world at large is enlightened or enriched. You, Scientists, explore Nature for her facts and laws, which, violated through ignorance or design, bring upon mankind want, disease, misery, and death; but which, known and accepted as guides, bring to them not only great material wealth, but also life, health, and strength of both body and mind. And you, Inventors, devise and explain to us the application of mechanical forces, by which men's powers of providing for, and satisfying, their wants and desires, are multiplied a thousand, ten thousand, a hundred thousand fold.

Your discoveries and inventions, the value of which no man can measure, are not, like our material wealth, consumed, or worn out, by use, nor do they decay by time. They are not, like our material wealth, local and limited in their nature; but each and all of them can be diffused all over the globe, and be utilized by all peoples, not only without conflict, but with mutual and universal benefit.

For the want of your discoveries and inventions, mankind, through many thousands of years, have remained savage, barbarous, or, if in any degree civilized, still poverty-stricken, short-lived, feeble, ignorant, superstitious, enslaved in both body and mind. And such is the condition of more than a thousand millions of the world's people to-day. And such it will remain for thousands of years to come, unless they can

have the benefit of such discoveries and inventions as you are making, and offering to them; and such as they would accept and utilize, if their governments did not deprive them of all power to do so.

In spite of all the obstacles which these governments have constantly placed in their way, these discoveries and inventions have, of late years, and in some portions of the world, made progress. And nobody knows so well as yourselves, how much greater this progress would be, if all men of scientific and inventive minds, all over the world, had all the inducements and means that they might have, and ought to have, for prosecuting their investigations and experiments.

Your own rights and interests, and the rights and interests of mankind at large, are identical in this matter. It is your own right, and for your own interest, that you should have all the inducements and means that you honestly can have, for prosecuting your investigations and experiments, and producing all the discoveries and inventions that you are capable of. It is also the right, and for the interests, of mankind at large, that you should have all those inducements and means, because it is only through the greatest number of discoveries and inventions, that mankind are to be most highly enlightened and enriched.

What, then, are these inducements and means, which you need, and have a right to, and which it is the right, and for the interests, of mankind at large, that you should have? They are these:

1. The same right of *perpetual* property in the products of your brains, that all other men are justly entitled to have in the products of their hands.
2. The same protection, by both civil and criminal law, for the products of your brain labor, that other men are justly entitled to have for the products of their hand labor.

VIII.

A few words, now, as to the prospective increase of scientific discoveries and mechanical inventions, if their authors' right of perpetual property in them should be established.

As fast as mankind at large shall become enlightened and enriched by science and invention, and by a knowledge of justice as a science, the oppressions and wars—by which, in all past time, a few men have plundered, starved, enslaved, and butchered so large a portion of their fellow men, and made all progress in knowledge and wealth impossible—will necessarily cease; because the many being enlightened and enriched, the few will then be no longer able to deceive, conspire against, and overpower them, as they hitherto have done. Mankind will, therefore, not only live out their days, and enjoy the fruits of their labor, but they will also have much greater health and strength of both body and mind, and be capable of much greater physical and mental labor than they are now. Each successive generation will also have the benefit of all the scientific discoveries and mechanical inventions, that shall have preceded them, and they will, of course, produce a correspondingly greater number of such discoveries and inventions themselves.

Experience shows that each new discovery and invention generally gives rise to several, oftentimes to many, others. Thus discoveries and inventions will forever go on increasing in geometrical ratio.

But even this is not all. The earth, when cultivated with the aid of such science, implements, and machinery as men are capable of producing, can probably be made to sustain a

eries and inventions, would be worth millions of times more, both to them and to us, than the present petty commerce in material things.

Still further. The sooner this vast foreign field is opened to our scientists and inventors, the sooner they will be enabled and stimulated to the production of the greatest possible amount of discoveries and inventions for use at home.

And since this foreign field is not at all likely to be soon opened for our scientists and inventors, unless they open it themselves, it would be as impolitic, as it would be dishonest, to deprive all past scientists and inventors, and their heirs, of all motive and all power to carry their discoveries and inventions into the destitute countries, that are perishing for the want of them.

3. The same right of perpetual property in your discoveries and inventions, in all the other countries of the world, as in your own.

4. It is the right, and for the interests, of all past discoverers and inventors, and of their heirs, to recover their natural right of perpetual property in their discoveries and inventions, which has hitherto been denied or withheld by the ignorant and tyrannical governments that have heretofore existed, and now exist, in the world.

5. It is also the right, *and for the interests, of mankind at large*, that the right of perpetual property, in their discoveries and inventions, should be restored to all past discoverers and inventors, *and to their heirs*, so far as they can now be ascertained.

6. It is your right to have all the money you need, and honestly can have—that is, all the money that freedom in banking would give you—not only for making your discoveries and inventions, but also for carrying them all over the world, and putting them into actual operation.

7. It is your right, and for your interests, as well as their own, that all mankind, all over the world, should have all the money they need, and honestly can have—that is, all the money that freedom in banking would give them—to enable them to utilize your discoveries and inventions as fast as they are made, and to distribute to consumers all the wealth that your discoveries and inventions will enable them to create.

How are all these propositions to be realized? In other words, *how are they all to be established as law*, in all the different countries of the world?

The general answer to this question is, that these propositions are all to be established as law, all over the world, by showing their truth and justice to all peoples; and also by showing, not only their adaptation, but their necessity, for promoting the highest enlightenment, and the greatest enrichment, of all the peoples of the earth.

But a more particular answer is needed. And it will now be given, by showing not only the truth and justice of the several propositions themselves, and their adaptation and necessity to produce all that is now claimed for them, *but also by showing that scientists and inventors have it in their own power, while promoting their own highest interests, to accomplish the whole work.*

in operation in, these destitute countries, unless it be the owners of the discoveries and inventions themselves?

The peoples of these destitute countries have, therefore, substantially the same motives for paying for the use of all these past discoveries and inventions, as they have for paying for those that are to be made in the future. That motive is to get the practical use of the discoveries and inventions, and to get it at the earliest possible time. Of what importance is the small amount they will have to pay for the use of them, compared with the benefits to be derived from them?¹

But, furthermore. The sooner these past discoveries and inventions are carried into the destitute portions of the world, and the better the use of them is paid for there, the sooner the peoples of those countries will be enabled and stimulated to produce discoveries and inventions themselves; and their discoveries and inventions will come back to us, and add to our wealth, in the same way, and, with an immaterial difference, to the same degree, as if made by ourselves.

Now, these vast countries, containing a thousand millions of people, contribute, almost literally, *nothing* to our wealth, or we to theirs. They are constantly so near to starvation themselves, that they have scarcely anything they can give in exchange for anything we have to offer to them. They do indeed spare us a little tea, rice, indigo, opium, jute, etc., etc. But if they were to give us one really useful invention, it would be worth more to us than all these articles together. And if they were enlightened and enriched—as they would be by our carrying our discoveries and inventions to them, and putting them in practical operation—they would then become scientists and inventors themselves; and the commerce between us, in discov-

¹ The probability is, I think, that if the right of property in all scientific discoveries and mechanical inventions, past and future, were made perpetual, all over the world, the discoverers and inventors themselves, and their heirs and assigns, would get not more than one per cent. of all the wealth created by means of them.

A scientist or inventor who should seek to curry favor for his own discovery or invention, by consenting to the confiscation of all other men's discoveries and inventions, would justly be regarded as the criminal confederate of the robbers and tyrants who now confiscate the discoveries and inventions of all other men, whose labors and products are as worthy of protection as his own.

But perhaps these remarks are unnecessary. It is certainly to be hoped, and, I think, reasonably to be expected, that there can be few so foolish, or so unjust, as to consent to the robbery of all past scientists and inventors, as a condition of having their own rights acknowledged.

The study of science tends to make men not only truthful and just, but also far-seeing; and to lift them above all temptation to practice the meannesses and crimes of those who now rule the world by laws designed to rob one class of men for the benefit of another. And scientists and inventors have now such power, and such inducements, as men never had before, to crush out all the petty, temporary, local, selfish, and criminal schemes that now occupy existing governments; and to establish the reign of justice in their stead.

But we are taking too narrow a view of this subject.

It is not true that mankind at large—or more than one third, or perhaps even a fourth, of all mankind—are in *practical possession* of the scientific discoveries and mechanical inventions that have been made, and are now in use, in the most enlightened parts of the world—say, Western Europe and the United States. What practical knowledge of these discoveries and inventions have the seven or eight hundred millions of Asia, the two hundred millions of Africa, or the fifty or one hundred millions scattered elsewhere on the globe? *Or what practical knowledge will they ever have of them, unless the discoveries and inventions themselves are carried to them, and put in use among them, by persons from outside of these destitute countries? And who has any sufficient motive to carry them into, and put them*

II.

Before proceeding to the consideration of the preceding propositions, it is your right, and for your interests, to have this one question decided, viz.: Whether your scientific discoveries and mechanical inventions, by which, incomparably beyond all other men, you are enlightening and enriching mankind, are, *in their nature*, an equally legitimate property, and entitled to the same legal protection, as are the products of men's manual labor? Or whether that mere pittance of protection, which is allowed to them in a few countries, and not at all in others, is all the reward to which your labors are entitled?

When this question shall be rightly answered, all the other questions must necessarily be rightly answered, too. *And this question is really and finally answered by the single fact that knowledge is property.*

That knowledge is wealth—and wealth, too, of the greatest value—no man of sense will deny. Why, then, is it not property? And subject to all the laws of property?

Knowledge is property. It is a property that is really acquired only by labor of mind, or body, or both; oftentimes only by great labor of both body and mind. It is also a property that is extensively bought and sold, like other property, in the market.

It is true that a vast amount of knowledge—knowledge, too, of great intrinsic value—is so common, from having been acquired by each one's own experience and observation, that it bears no price in the market; but that does not affect the principle, that all knowledge, that will bring a price in free and open

market, is as legitimate a subject of bargain and sale as is any material commodity whatever.

Even so common and simple a knowledge as that of the alphabet has its market value, and is rightfully bought and sold. The young girl, who knows the alphabet, is rightfully paid for imparting that knowledge to those younger, or less enlightened than herself.

On the other hand, the highest kinds of knowledge—or, at least, what passes for such in this ignorant world—is constantly and openly bought and sold, oftentimes at enormous prices.

Thus legislators, judges, lawyers, editors, teachers of all kinds, physicians, priests, and soldiers, are continually selling their knowledge—and, perhaps, quite as frequently their ignorance and falsehoods—for money.

Legislators are continually selling such knowledge—or, rather, such ignorance and falsehoods—as these, viz.: That they themselves are rightfully invested with absolute and irresponsible dominion over the property, liberty, and lives of their fellow men; that their discretion, in the exercise of this power, can rightfully be restrained by no natural principles of justice; that their commands are authoritative and final, and the only imperative rule of action for all whom they call their subjects; that resistance to their laws, as they call them, is the greatest of crimes, and may rightfully, and must necessarily, be punished with confiscation, imprisonment, and death. In all ages, the mass of mankind have been compelled to pay, with their property, liberty, and, in vast numbers of cases, with their lives, for such knowledge—or, rather, for such monstrosities, absurdities, and falsehoods—as these.

Under the name of knowledge, judges, lawyers, and editors are constantly affirming, repeating, and reiterating these monstrosities, absurdities, and falsehoods of the legislators; and are taking their pay for so doing, as if they were really selling the most valuable commodities.

undertake the work of vindicating and establishing their own natural rights of property in their discoveries and inventions.

But the scientists and inventors themselves will see at once that they cannot consistently advocate their own rights to the products of their own labor, *in the future*, unless they acknowledge and maintain the same rights for all past scientists and inventors, *and their heirs*, so far as they can now be ascertained. Every admission on their part, that all past scientists and inventors, *or their heirs*, may rightfully be robbed of their property, would be a practical confession that all *future* scientists and inventors may also be rightfully robbed of theirs. No *future* scientist or inventor, therefore, can consistently claim any rights of property for himself, except such as he is willing to accord to all past scientists and inventors.

But, secondly, it would be very bad policy for either present or future scientists or inventors to make any compromise with their enemies, or to attempt to secure any rights, or purchase any favors, for themselves, by repudiating the rights of any past scientists or inventors, *or their heirs*. In order to establish their own rights, they will need all the influence, *and all the financial capital*, they can enlist in the enterprise. And the pecuniary value of past discoveries and inventions is so immense, that its power can hardly be overrated.

Estimate—if that be possible—what would be the actual market value of all the scientific discoveries and mechanical inventions now extant (whose paternity can now be established), *if the right of property in them was made perpetual, all over the world!*

Can any present or future scientist or inventor be so idiotic as to imagine that he is to gain anything for his particular discovery or invention, by denying, or conceding away, the rights of the real owners of all this vast property in past discoveries and inventions? Or that he can vindicate or establish his own rights more easily, without enlisting the aid of all this capital, than he can by making common cause with it?

strong enough to practice them with impunity. But inasmuch as there are a great many such men in the world, and inasmuch as they are now, and always have been, the ruling powers of the world—that is, the chief governors of the world—and inasmuch as they are the class who will most powerfully oppose the rights of all scientists and inventors, both past and future, it becomes necessary to show to others, if not to themselves, that this policy is as shortsighted as it is dishonest.

It has always been the policy of these bands of robbers, who have called themselves governments—in fact, it has in reality been the sole objects of their organizations, as governments—to rob all the producers of wealth, whether intellectual or manual laborers, of all the products of their labor, as fast as they were produced; leaving nothing in the hands of the producers that would enable them to produce more, or that would even enable them to produce their daily food, except as the servants, and by the permission, of these tyrants. And this is the reason—and not the want of scientific and inventive faculties—why, after so many thousands of years, there is so little of either science or invention in the world to-day; and why there is so little of any thing, for the mass of mankind, except poverty, ignorance, and slavery.

It is only within a very recent time—say a single century, or a little more—that any governments have secured to either scientists or inventors any really valuable rewards for their labors. And even within that time, they have only offered such mere temporary, and even trivial, rewards, as were thought sufficient to inspire their hopes, and induce them to produce something valuable, *of which they could be robbed*. And as soon almost as they have produced anything valuable, they have been robbed of it. Such is to-day the state of the laws under those few governments that alone profess to secure to scientists and inventors any rewards at all for their discoveries and inventions. And this state of things is likely to continue, and is almost certain to continue, until scientists and inventors themselves

Surely it does not lie in the mouths of these legislators, judges, lawyers and editors, who live and flourish by selling such falsehoods as these, to say that the scientific discoveries and mechanical inventions, which are every day demonstrating their power to enlighten, enrich, and liberate all mankind, are not legitimate property, that may rightfully be bought and sold.

The knowledge of the soldier—such as it is—is in great demand. To him who knows how to kill the greatest number of men, in the shortest time, and for the most frivolous or unjust causes, his knowledge is his fortune. Legislators are so constantly dependent upon it for their very existence as legislators, that they pay enormous sums for it—but always out of other people's money.

Physicians, in all ages, have been freely selling their knowledge—or, more commonly, their ignorance and falsehoods; and the purchasers have been paying for them with their property, their health, and their lives.

Does it lie in the mouths of these physicians to deny that scientific truths and mechanical inventions are legitimate subjects of property?

Priests have for ages been selling, under the name of knowledge, absurd dogmas and creeds, which they described as sure to carry the believer in them to a future world of eternal and indescribable happiness, and as equally sure to carry all unbelievers in them to a future world of eternal and indescribable woe. And they, in conspiracy with legislators who needed their aid, have compelled the mass of mankind to pay for this so-called knowledge, under the alternatives of imprisonment, torture, and death. But they have never demonstrated the truth of their dogmas. No one of their number has ever gone to the future world, and brought back the information that their so-called knowledge was anything other than ignorance and falsehood.

Does it lie in the mouths of these priests to say that scientific discoveries and mechanical inventions, whose truth and utility are being constantly demonstrated before all the world, are not legitimate subjects of property? or, consequently, of free bargain and sale?

Will the people themselves, whose ancestors, for thousands of years, have been swindled out of their common sense, their property, health, liberty, and lives, by these venders of ignorance and falsehood, under the name of knowledge—and who are now being swindled in the same way themselves—will they deny that such veritable realities as scientific discoveries and mechanical inventions—discoveries and inventions that have demonstrated their power to fill the earth with knowledge, and health, and wealth, and liberty—are legitimate subjects of property, that may freely and rightfully be bought and sold? Will they choose to pay—as they and their ancestors hitherto have done—with their property, health, liberty, and lives, for such ignorance, falsehood, oppression, robbery, and ruin, as have hitherto been dealt out to them, rather than for such health, wealth, truth, justice, and liberty as scientists and inventors offer them?

And, finally, will not scientists and inventors themselves, while establishing their own rights to their own property, give themselves to the work of establishing justice, *as a science*, in place of the absurdities, the falsehoods, the chicanery, the usurpations, and the arbitrary, irresponsible power of the ambitious, rapacious, and unprincipled men, by whom the world is now ruled, and who make mankind their dupes and their prey?

If they will but do this, the work will soon be accomplished.

VII.

The fifth proposition to be established is this, viz.: That it is the right, *and for the interests, of mankind at large*, that the right of perpetual property, in their discoveries and inventions, should be restored to all past discoverers and inventors, and to their heirs, so far as they can now be ascertained.

The truth of this proposition rests, in the first place, upon this basis, viz.: That it is only when all men are protected in their natural right of property in the products of their labor, that all men are stimulated to the production of the greatest amount of wealth they are capable of producing, and each and every man is consequently enabled to give the greatest amount of wealth in exchange for the wealth produced by others. It is, therefore, the right, and for the interests, of every man, who produces any kind of wealth *for sale*, that all other men, who are to buy his wealth, should be enabled to produce as much as possible themselves, and thus be enabled to give as much as possible in exchange for his.

Every man, who believes in men's natural right of property in the products of their labor, will acknowledge the truth of this principle, *as applicable to the future*. But perhaps some will be so unwise, as well as dishonest, as to dispute the principle *in its application to the past*; and will say that the world having once got possession of a vast amount of intellectual property for nothing, it would now be foolish to give it back to its true owners.

There is some difficulty in reasoning with men who do not believe that honesty is the best policy in all cases whatsoever; men who believe in theft and robbery, whenever they are

And they have now the same right to demand the recognition and protection of their rights, that other men have to demand the recognition and protection of their rights to their material property.

Where the discoverers and inventors have died, their descendants have the same natural right of inheritance in their discoveries and inventions, as other men's descendants have in the material property of their ancestors.

That the immense value of their discoveries and inventions should now unite all scientists and inventors, (whose patents have expired,) and their heirs, in the effort to recover their rights to them, is too plain to need argument.

III.

Assuming it now to be settled that your discoveries and inventions are, *in their nature*, a legitimate property, the first of the propositions before mentioned to be established is this, viz.: That, in truth and justice, scientists and inventors have the same right of *perpetual* property in the products of their brain labor, that other men have in the products of their hand labor.

This proposition is established by the simple facts that knowledge is property, and is, in its nature, durable, vendible, and transferable; for all property, in things durable, vendible, and transferable, is, in its very nature, perpetual, and a legitimate subject of devise and inheritance. And no formal will or testament is necessary to convey a man's property, at his decease, to his so-called natural heirs—such as his wife and children—or, in the absence of such, to his nearest blood relations. The facts that, during his life, his moral duty and natural affection prompt him to acquire wealth, and expend it for the support and happiness of these so-called natural heirs, rather than for others whom he does not know, or, knowing, does not love, furnishes a sufficient proof, or at least a sufficient presumption, that, at his death, he desires them to possess the property he leaves behind him; and nothing but the clearest proof to the contrary is allowed to defeat that presumption. And for a government to confiscate, after his death, this property, which he had produced or accumulated for their support or benefit, would be as gross and cruel an act of tyranny and robbery, as it would be to confiscate it during his lifetime. And the common sentiments of mankind have concurred in this opinion. And this principle is plainly

as applicable to intellectual, as to material, property. And the fact that this principle has heretofore been wholly, or partially, disregarded in its application to intellectual property, is only a proof of the ignorance, or villainy, of the governments that have ruled the world.

But let us look further into this right of perpetual property.

When a man digs into the earth, and finds, and takes possession of, a diamond, he thereby acquires a supreme right of property in it, against all the world; and this right of property becomes perpetual in his heirs and assigns.

So, also, when a man dives into the sea, and brings up a pearl, he thereby acquires a supreme right of property in it, against all the world; and this right of property becomes perpetual in his heirs and assigns.

This right of perpetual property is the reward that nature offers to those who take upon themselves the labor of discovering her secret wealth, and making it available for man's use.

By the same rule, when the scientist, in his laboratory, discovers that, in nature, there exists a substance, or a law, that was before unknown, but that may be useful to mankind, he thereby acquires a supreme right of property in that knowledge, against all the world; and he may either use it himself, or sell it, or lend it to others for use, the same as he might rightfully do with any material property. This is the reward that nature offers him for his labor.

And this right of property is as much a perpetual one, as is the right of property in the case of the diamond, or the pearl.

And to deprive him of this right of property after a given number of years, is as much an act of pure usurpation and robbery, as it would be to take from the diamond digger and the pearl diver, the products of their labor, after a given number of years.

So, too, the inventor, who acquires a knowledge of mechanical forces, and then applies and combines them in a manner before unknown, and so as to produce a machine that will per-

VI.

The fourth proposition to be established is this, viz: That it is the right, and for the interests, of all past discoverers and inventors (where their patents have expired), and of their heirs, to *recover* their natural right of perpetual property in their discoveries and inventions, which has hitherto been denied or withheld by the ignorant and tyrannical governments that have hitherto existed, and now exist, in the world.

This proposition, too, like the preceding ones, is too nearly self-evident to require much argument.

Plainly, scientists and inventors have never voluntarily parted with their natural right of property in their discoveries and inventions. They have never forfeited their right to them by crime. Those who have had the benefit of them, and are now using them, have never bought them, or paid for them, or made any kind of contract with the owners for the use of them. The only reason why the authors of them (or their heirs or assigns) are not now in the full enjoyment of their right of property in them, is that governments, in their ignorance or villainy, have refused either to acknowledge or protect the right at all, or to protect it beyond a limited time; and have thus practically licensed all trespassers to make free plunder of what was the rightful private property of the discoverers and inventors.

To this free plunder of their property, the discoverers and inventors have been obliged to submit, for the time being. But their true and natural right of property has not been lost, or affected, thereby. They have the same true and natural right of property in their discoveries and inventions that they ever had.

V.

The third proposition to be established is this: That scientists and inventors should have the same right of perpetual property in their discoveries and inventions, in all the other countries of the world, as in their own.

This proposition, like the preceding one, is too nearly self-evident to need much argument in its support.

The natural, and only real, right of property is the same throughout the world; and it is only the ignorance and tyranny of the different governments of the world, that make the practical right of property different in different countries.

When justice, *as a science*, shall be established, as the one only law, in all the countries in the world, the right of property in scientific discoveries and mechanical inventions, as well as in material things, will be one and the same all over the world.

form the labor of a hundred, a thousand, or ten thousand men, thereby acquires a supreme right of property in his invention, and may rightfully hold it against all the world. He may either use it himself, or sell it, or lend it to others for use, at his pleasure. This right of property is, in its nature, a perpetual one in himself, his heirs, and assigns; and to deprive him of it, after a given number of years, is as much an act of usurpation and robbery, as it would be to rob the diamond digger, or the pearl diver, of his property, after a given number of years.

It is for the highest interests of all mankind, that this right of perpetual property, in the scientist and inventor, should be acknowledged and maintained.

It is for the highest interests of all mankind, that each and every man should have a right of perpetual property in the products of his own labor; because it is this right alone that can stimulate every man to the highest exercise of his wealth-producing faculties of both body and mind. And the more a man produces for himself, the more he produces for all other men; for in that division of labor which science and invention give rise to, each man usually consumes but a very small portion of the particular wealth he produces. The surplus he gives to other men in exchange for the various kinds of wealth they produce respectively. The more, therefore, each one produces, the more all finally receive for their own consumption.

How many diamonds would ever have been digged from the earth, or how many pearls would ever have been taken from the sea, if they had all been confiscated in a few years after they had been obtained? How much gold, or silver, or copper, or iron, or any other metal, would ever have been taken out of the earth, for the benefit of mankind, if they had all been confiscated in a few years after they had been mined? How many farms would have ever been reclaimed from the forest, and brought under cultivation, and made to produce food for man, if they had all been confiscated in a few years after they had been made productive? How many comfortable dwellings

would ever have been built, if they had all been confiscated soon after they had been made fit for habitation? How many factories would ever have been built, and filled with machinery, for the production of a thousand, or ten thousand, different kinds of wealth, if they had all been confiscated soon after they were fitted for the uses for which they were designed.

The same arguments, both of justice and expediency, which are applicable in favor of the right of perpetual property in material things, are applicable in favor of the same right of perpetual property in all the scientific discoveries and mechanical inventions that the human mind is capable of producing. And it is because no such—nor indeed any other special—right of property has, until recently, been acknowledged, that the world has heretofore been, and, for the most part, still is, so nearly destitute of all the sciences and inventions by which it would otherwise have been enlightened and enriched.

Even in those small portions of the earth in which *some* encouragement has, of late years, been given to science and invention, we doubtless have very little, almost no, conception of what would be the increased number of discoveries and inventions, if the right of perpetual property in them were acknowledged and protected, in the same manner as is the right of property in material things.

IV.

The second proposition to be established is this, viz.: That scientists and inventors are justly entitled to have the same protection, by both civil and criminal law, for the products of their brain labor, that other men are justly entitled to have for the products of their hand labor.

The truth and justice of this proposition are too nearly self-evident to need much argument in their support.

If a man's scientific discoveries and mechanical inventions are as truly his property as are his houses or lands, then it is plain that any trespass upon them is as clearly a crime as is a trespass upon his houses or lands. And there is the same practical necessity for punishing criminally trespasses against a man's intellectual property, as there is for punishing criminally trespasses against his material property.

What security could any man have for the quiet possession of his house or his farm, if every other man, who coveted them, but had no color of right to them, could be permitted to take possession of, and use them, and make it necessary for the owner to carry on an expensive and protracted civil suit against each one of these trespassers? It is plain that it would cost him more to defend his house and farm than they were worth; and that his right of property in them would be practically destroyed. This argument is just as strong in favor of punishing criminally trespasses upon intellectual property, as it is for punishing criminally trespasses upon material property.