

The Last Gasp of Copyright Dies Within Me

Editor's Pick. Written by Wendy McElroy.

A few weeks ago, my position on intellectual property (IP) shifted. I abandoned the possibility that copyright by contract could function within a libertarian framework.

I have argued for decades that IP cannot be derived from natural rights. Most IP advocates claim IP is a product of your labor in the same sense as a chair you build; if you do not need a contract to claim the chair as property, then neither do you need one to own an idea.

But I hoped the free market could provide the protection of contract for some forms of IP. Albeit, this protection would almost certainly erode over time as the idea spread. I have now concluded that such a contractual arrangement would be *contradictory, politically disastrous and incompatible with a libertarian legal system*. Giving an example of each belief provides a sense of where my thoughts on IP are driving.

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