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Common as Air

Chapter 4 of *Common as Air*: FRAMING A COMMONWEALTH

“Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties..., it shall be the duty of legislatures..., in all future periods of this commonwealth, to cherish the interests of literature and the sciences...”

-- *The Constitution of the Commonwealth of Massachusetts* as drafted by John Adams (1780)

At the end of my first chapter I offered a brief sample of the various ways in which other cultures and other eras have imagined the ownership of art and ideas, running from the classical Chinese ideal of reverence toward the ancients up to Martin Luther’s typical Reformation creed: “Freely have I received, freely have I given, and I desire nothing in return.” My project in the chapters that follow is to move forward into the eighteenth century so as to describe how the generation of thinkers who founded the United States imaged what we now call “intellectual property.”

The first thing to note is that both the Enlightenment and the rise of a middle-class public sphere stand between the Reformation and the American Revolution. In the seventeenth century, the idea of divine origins begins to be replaced or at least augmented by the humanist idea that creativity builds on a bounty inherited from the past, or gathered from the community at hand. Sir Isaac Newton famously spoke of himself as having stood “on the shoulders of Giants.” The phrase comes from a letter that he wrote to Robert Hooke in 1675, the context being a debate with Hooke about who had priority in arriving at the theory of colors. Newton manages to combine humility with an assertion of his own achievement, writing: “What Des-Cartes did was a good step. You have added much several ways, & especially in taking the colors of thin plates into philosophical consideration. If I have seen further it is by standing on the shoulders of Giants.”

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