

Introduction

Plagiarism, as an act or a concept, is not new, but it currently commands a larger share of attention than it has done in recent years. Media reports gleefully announce the discovery of plagiarism by public figures, writers, historians, politicians: Martin Luther King, Alex Haley, Joe Biden, Bruno Bettelheim, Freud, as well as names in the sciences less known to the general public. Even Martha Stewart has been chided for publishing recipes as her own that are alleged to bear striking resemblance to some published elsewhere. Academically, a survey of presentations on plagiarism at the Conference on College Composition and Communication (CCCC) shows the growing attention to plagiarism and intellectual property in the discipline of composition studies alone: in 1983 the CCCC program lists no presentations on plagiarism; in 1993, one; in 1994, three; and in 1995, twelve. The CCCC Intellectual Property Caucus was established in 1994 and has met at the convention each year since. In a larger academic arena, in the University of California Library articles database, comprising 6,700 journals, the number of articles with plagiarism in the title nearly doubled from 1990 to 1992, and almost doubled again from 1992 to 1994.

Furthermore, questions about plagiarism and intellectual property multiply as electronic communication explodes the simpler boundaries of earlier print media. Both instructional and noninstructional issues arise: Who owns material on the Net? How shall we cite e-mail? One contributor to this volume writes of a student who lifted an entire home page and turned it in as his “own” work. On an e-mail discussion list, someone reported the case of a colleague who provided, via e-mail, a course syllabus and materials created for a distance learning course supported by his university. If other people use those materials, are they plagiarizing? Are they flouting intellectual property laws or conventions? If so, whose property, the faculty member’s or the university’s? Beyond the legal answer to these questions, what are the personal and ethical issues that accompany them?

Plagiarism is perceived as a problem but it is often discussed in simplistic terms: “using someone else’s words without telling whose they are or

where you got them”; “stealing other people’s ideas or words.” This basic view of plagiarism comes directly from the Latin source of the word, which meant to kidnap a person, referring only to children or servants or slaves: people who could in some sense be owned. Two recent books on plagiarism, Thomas Mallon’s *Stolen Words* and Marcel LaFollette’s *Stealing into Print* capitalize on this definition. In contrast to two earlier, more comprehensive works on plagiarism mentioned by Mallon, Alexander Lindey’s *Plagiarism and Originality*, published in 1952, and Maurice Salzman’s *Plagiarism: The “Art” of Stealing Literary Material*, in 1931, Mallon himself chooses instead to provide extended treatment of just a few cases. His main concern is “plagiarism’s psychology and . . . punishment” (xiii). One reviewer notes that Mallon’s “chatty psychopathology” of plagiarism gives us the plagiarist as “an oddly plaintive psychopath” (Kendrick 14). As another reviewer points out, “Mallon’s position is clear: plagiarism is an offense that admits of no degree” (Webb 71). In contrast, our position, and that of our contributors, is that plagiarism is full of degrees, that is, replete with difference. In Mallon’s own words, he is “appalled; both at the act of plagiarism and at the lack of stern punishment when it is discovered.” Mallon says of literary plagiarism, “What novelists are really supposed to plagiarize, of course, is reality” (21). This view of literature, like the view of composition in current-traditional rhetoric, assumes a given reality to borrow or steal *from*, as opposed to a “reality” constructed through language, socially acquired and negotiated.

In *Stealing into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing*, Marcel LaFollette’s interest, evident in the title, is in plagiarism within the scientific communities. In a review by David Goodstein, from the California Institute of Technology, LaFollette is considered to be “more concerned with listing, enumerating, and cataloging than with producing new analysis or insight” (1,504). Another reviewer suggests that LaFollette raises important questions but does not provide “reasonable, or at least provocative, solutions” (Mervis 787).

We trace the intellectual genealogy of *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* to Andrea Lunsford and Lisa Ede’s *Singular Tests/Plural Authors* and through Susan Stewart’s *Crimes of Writing* and Woodmansee and Jaszi’s *Construction of Authorship*. Lunsford and Ede’s intent differs from both the moral indignation expressed by Mallon and the search for a cure traced by LaFollette, neither of whom questions the monolithic definition and existence of plagiarism or recognizes context-dependent features and differences. Lunsford and Ede, on the other hand, raise questions about plagiarism as they investigate the history and process of collaborative writing. In their third chapter they trace the history of plagiarism, showing the changes of attitude toward authorial ownership over several centuries.

In *Crimes of Writing*, Susan Stewart looks at, as her subtitle says, “Problems in the Containment of Representation.” In place of epigraph she provides

a picture, Thomas Eakins's *Nude Woman Seated Wearing a Mask*. For Stewart, this picture represents both the familiar figure of "blind justice" and, as well, the impossibility of "a seeing being seen" (vii). That is, the blindfolded model cannot see those seeing her, nor can the painters represent her seeing their seeing. Stewart uses this image to stand for, or imply, "a fundamental detachment—of writing from context, of speaking from voice" (viii). She reveals the determinants of interactions between the law and written and pictorial representations, or what she calls "a complicity in the rule of law and the system of representation" (ix).

Woodmansee and Jaszi, in *Construction of Authorship: Textual Appropriation in Law and Literature*, focus on specific authors, such as Helen Keller, Hegel, Wordsworth, Pope, and Dickens, as well as periods of authorial history and copyright theory and practices. This book is a publication of selected proceedings from a conference in the law and literature movement, sponsored by the Society for Critical Exchange, for the express purpose of reviving "interdisciplinary investigation of our ways of conceptualizing creative production" (13). The provenance of the movement traces back, as perhaps everyone considering these issues must, to Foucault's question, "What is an Author?" Woodmansee and Jaszi, and following them, the authors collected in this volume, show that laws and tribunals through which ownership of words and ideas is adjudicated "are only the final instance in a large and intricate system of institutions of authorship extending from grammatical and stylistic rules and conventions to pedagogies of literature and composition" (2). Woodmansee and Jaszi, along with Stewart and Lunsford and Ede, take us in a much different direction from that of Mallon and LaFollette, a post-modern divergence from the modern.

A search of the main electronic databases discloses a fascinating array of works on plagiarism and intellectual property, spread across history and geography, deeply embedded in the culture of the modern period. A few recent entries show words like "appropriation" and "intertextuality" in the titles, and some writers speculate about self-plagiarism, see plagiarism as a "riddle," acknowledge "conflicting views." Ron Scollon asserts the interaction of "Plagiarism and Ideology" as he looks at "Identity in Intercultural Discourse." Yet in textbooks and in university publications about academic integrity, plagiarism is often treated as a monolithic, uncomplicated concept or event, whose meaning is simply taken for granted. The assumption seems to be that we all know what we mean when we talk about it: it just *is*. In academia, in the sciences, and in writing handbooks and classroom instruction, the main emphasis is on prevention and punishment.

In this book, however, plagiarism speaks to us in many ways in many tongues, from many times and places, and the Protean shapes of intellectual property merge and diverge, remaining elusive. The goal of this book is to provide a wide range of perspectives on plagiarism and intellectual property from

this postmodern position. Currently “postmodern” is a term undergoing revision from an all-purpose use as a simple alternative to “modern” and “modernism”; “Postmodern” is now itself seen to be a changeful concept, inextricably linked with the contexts to which it is applied or which it is used to describe. With this collection of essays we draw on the very fragmentation and destabilization that have characterized “postmodern” as a definition of acts and events in aesthetics, politics, education, and science, and now characterize even the concept of postmodernism itself, in order to problematize notions of plagiarism and intellectual property, to purposely bring to light the inherent fragmentation and instability of terms that are often taken for granted, “givens” in discussion of creativity, cognition, law, and pedagogy. Plagiarism is not merely the flipside of postmodern authorial uncertainty: my words, you can’t have them. Although “intellectual property” is a technical term residing largely within copyright law, we use it as well in a broad sense having to do with the general possibility of ownership of ideas and language.

A postmodern perspective of plagiarism and intellectual property suggests that one cannot own ideas or words. All we can do is honor and recompense the encoding of those ideas, the use of those words, in the certainty that such honor and compensation are negotiated in contexts of time and place, class and power, within social and economic considerations. Whether ideas or words *could* be owned surely has not changed—only the contexts and with them the negotiations. Postmodern principles, concepts, and enactments foreground the problematics of such ownership.

This volume encompasses a broad base of approaches and interests, both theoretical and practical. The authors explore multiple definitions of plagiarism and intellectual property, resist traditional legalistic assumptions, look at plagiarism and intellectual property in a wide range of domains, contexts, and cultures. We offer this book to both teachers and theorists in many fields. It should be useful in teacher preparation courses and teaching-assistant development courses and workshops, in English as well as other disciplines. Because it emphasizes the discipline-specific nature of authorship and attribution, it will be appropriate for graduate courses, particularly in composition and rhetoric graduate degree programs but also in other disciplines, including legal research and writing. We hope that theorists and researchers in literary and literacy studies, law, and writing across the disciplines will find this book useful because of the variety of definitions provided, the care with which contributors establish definitions within the contexts of their research areas, the attention to historical and cultural venues, and the exploration of questions of authorship and authority in a more-or-less postmodern world.

During the question-and-answer session that followed our panel on plagiarism at the Conference on College Composition and Communication in 1994, one man commented that as he listened to our papers, he could see the issue of plagiarism becoming more and more intricate and multilayered. Like

many of those who attended the presentation, he was a teacher looking for guidance and some clear answers to take back to the classroom about how to cope with this problem we label plagiarism: how to teach students to avoid it, how to deal with it when we encounter it. But as he indicated, listening to our papers he realized that there was more to the difficulties teachers face in the classroom than simply needing to learn new techniques or strategies for coping with plagiarism; in fact, we need to examine our own assumptions to lay bare the misconceptions and fuzzy definitions that derive from a dearth of inquiry into the nature of the beast we want to tame. Before we can address “it,” we need to identify just what “it” is.

Although some in the audience did express frustration at our lack of directiveness—several people collared us in the corridor after our presentation and quietly asked, “But what can I *do* about it?”—we were gratified by that man’s recognition that although he too had come looking for answers, we left him only with more, and more complex, questions than he came in with, and that that was acceptable to him. In this volume, we extend the problematizing and complicating of the issue that we began in our session. With a few very small and local exceptions, we have compiled this collection not to offer solutions (much less quick fixes) to the many and varied questions relative to plagiarism and intellectual property that face not only classroom teachers but writers and thinkers in many endeavors; rather, we hope to identify some of the questions that need to be formulated and contemplated before we can decide what to “do about it.”

In compiling this volume, for practical purposes we have had to limit our scope somewhat, and consequently, we have not included discussions that encompass fields such as science and the arts. Although people in these fields must certainly also rely on concepts of plagiarism that they may discover are increasingly inadequate, for lack of space we were not able to represent these areas, much as we had hoped to do so. Nonetheless, the essays in this volume cover an array of issues ranging from legal and historical definitions of plagiarism and intellectual property to concerns about trademark infringements and civic responsibility in public discourse, residing in both academic and “real world” milieux.

Because of the broad scope, it was difficult to categorize the essays into discrete sections without underrepresenting the complexity of each one. There was a strong temptation merely to alphabetize them, but instead we identified two general headings, Definitions and Applications, with further subdivisions in each to reflect the main focus of each essay. Necessarily, however, our categories are arbitrary—many of the essays could as easily reside in several different sections as where they ended up.

Because many people in our litigious age erroneously assume that plagiarism is a legal term, the first chapter in the section on Definitions is “Copy

Wrong: Plagiarism and Copyright Law,” by Laurie Stearns. Stearns, an attorney and former editor, discusses the difficulty inherent in applying the metaphor of “property” to words and ideas, and offers an alternative in the law of contracts. Also in this section, Jan Swearingen and James Zebroski trace historical definitions of our modern notions of plagiarism: Swearingen looks at ancient classical underpinnings and their recent translation into modern practice in defining plagiarism in and out of the classroom, and Zebroski looks at some sociohistorical aspects of plagiarism and intellectual property, drawing on Marxism, Christianity, and recent computer culture for comparisons. The last chapter in this section provides a bridge from legal and historical definitions to the next section, which we have labeled Academic Definitions; in this chapter, Sue Carter Simmons looks at historical definitions of plagiarism in the academic world, reviewing composition handbooks, student publications, and other texts from the seventeenth through the nineteenth centuries to uncover the roots of our modern practices and attitudes in the academy.

The next section, Academic Definitions, is the largest one in the book, and not surprisingly so, for although questions about what constitutes plagiarism and intellectual property affect many different fields and concerns, people in the academic world often cope with these questions daily. As many honest and self-aware teachers have discovered, great discrepancies often exist between what we teach our students and what we do ourselves. Further, recent teaching practices, such as collaborative learning and writing, and the appearance of writing centers on many campuses have exposed a number of contradictory messages about what plagiarism and “one’s own words” really are, confusing both student and teacher alike. Alice Roy surveyed a number of college faculty from various disciplines around the country to discover not only how faculty members define plagiarism itself (What is it?) but also to ascertain their attitudes toward it (Why is it wrong or bad?). In her chapter, Lise Buranen, through surveys and interviews, looks at nonmainstream American students’ definitions of plagiarism, specifically those students from cultures whose first language is not English; she is especially concerned with the ways in which instructors may “mythologize” students’ beliefs. Similarly, drawing on his experiences teaching in Japan, as well as on surveys and interviews with both teachers and students there, L. M. Dryden examines Japanese systems of education and notions of the self and how they affect some Japanese understanding of Western ideas about plagiarism and intellectual property. In the last chapter in this section, Rebecca Moore Howard calls for a “New Abolitionism,” a “decriminalizing” of what she terms “patchwriting,” arguing that much of what we reprimand students for is, among other things, a normal part of the writing and learning process that we all go through, and that by calling it plagiarism and punishing students for it, we unwittingly perpetuate a hierarchical and wrongheaded view of the role of composition in the academy.

Literary theory clearly has much to offer in this conversation about plagiarism and intellectual property: postmodern theory, in raising questions about the very nature of authorship and author-ity, gives us much of the impetus even to ask the questions we do in this volume. In the section we have called Literary and Theoretical Definitions, Kevin Dettmar looks at some literary enactments of overt and unapologetic “plagiarism” in the work of James Joyce and Kathy Acker; and Debora Halbert considers the role of feminism and feminist futures in understanding what we currently believe about the “ownership” of ideas and language. Gilbert Larochelle traces the philosophical and theoretical views of Kant and Foucault in trying to find “what’s left of the author,” and Marilyn Randall discusses notions of postcolonial conquest in her essay on “Imperial Plagiarism.” Finally in this section, Robert André LaFleur examines the method of literary borrowing and compilation used in medieval Chinese historical writing and compares it to our modern notions of plagiarism and intellectual property.

The second half of the book is headed Applications—in other words, how do new ways of defining plagiarism and intellectual property translate into necessary alterations of our current practices, whether in the academic world or the “real world” (What *does* one call that part of the universe that exists outside the academy)?

The ever-increasing presence of writing centers on college campuses has been a major catalyst to questions about previously unexamined assumptions concerning the relationship between plagiarism and collaboration. Indeed, some highly skeptical faculty have gone so far as to label writing centers “plagiarism centers,” but even among those with less extreme views, a decided uneasiness often lingers about the role writing center tutors really play in “authoring” student papers. In the section Applications In the Writing Center, Irene Clark presents an overview of this intersection of plagiarism and the writing center. Carol Haviland and Joan Mullin discuss the parallels and contradictions inherent in the composing practices of faculty and those of most students: what the stakes are, where ideas come from, who the writers’ contacts for sources and material are, what feedback is received, and who gets acknowledged in the end. They describe startling inconsistencies between what teachers say to students and what they do themselves. Finally, Linda Shamon and Deborah Burns argue for embracing and “owning” the collaboration between writing center tutors and students rather than trying to deny or efface it.

In the next section, Applications in Academic Administration, Terri LeClercq looks at law schools’ policies, beliefs, and practices regarding plagiarism: one might expect that of all institutions, law schools would be clear about plagiarism, both in the messages to students about what it is and how to teach them to avoid it, but LeClercq’s investigation suggests that law schools have no particular advantage over other academic institutions, and the same

discrepancies exist that Haviland and Mullin (and others in this book) have found between the “rules” intended for students and those observed by practicing professionals in the field. In their respective essays, Henry Wilson and Edward M. White look at current administrative perspectives, suggesting what they ought to be, if not what they are. Wilson surveyed several composition programs around the country to ascertain their stated policy, if any, on plagiarism, and he analyzes these to determine how well these schools provide students with a rationale and/or instruction in avoiding plagiarism as it has been defined for them, especially where collaboration collides (officially) with plagiarism. White, speaking from his many years as a teacher of writing as well as from his experience in the study and administration of writing programs, considers the roles administration can play in supporting teachers often left to fend for themselves in coping with perceived instances of plagiarism; plagiarism, he argues, must be an educational and a curricular issue as well as a disciplinary one.

The following section looks at Applications in Instruction and Research. In her chapter, Candace Spigelman examines the intersection between collaboration and plagiarism in the context of the classroom. From case studies of students, Spigelman reveals the definitions, beliefs, and occasional misgivings and doubts that students have in trying to obey the rules of writing as they understand them. Also in this section, David Leight looks at composition and writing textbooks (from which many of the students described by Spigelman may have been taught) to see exactly what it is that these books tell and do not tell students and their instructors about plagiarism. Finally, Shirley Rose discusses citation practices as the obverse of plagiarism; in creating “disciplinary economies,” citation practices operate within a discourse community as a protection against plagiarism.

The last section considers Applications in the Marketplace. Shawn Clankie takes a linguist’s look at trademarks—a quite literal attempt to own and control language—to see the process by which product names make the shift from capitalized trademark to vernacular generic, and the extent to which companies will go to try to prevent that from happening. Joan Livingston-Webber explores the phenomenon and culture of “zines” and the overtly anti-copyright viewpoints of the young people who write and distribute these decidedly “nonmainstream” publications.