

**Nothing New Left to Say:  
Plagiarism, Originality, and the Discipline of Philosophy**

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*Brook J. Sadler, University of South Florida*

What is plagiarism and why is it wrong, if it is? I won't be suckered into the carnival game of trying to *define* plagiarism; many have tried their hand at it only to come away empty-handed and ten-dollars down. Instead, I will assume that we know it well enough when we see it. But *that we see it* is, I will be arguing, a possibility that emerges only in the context of certain textual practices and discursive structures, which depend upon particular concepts of authorship and originality. Thus, understanding plagiarism is not a matter of defining it, but of locating it within the modern discourses of power/knowledge. And whether plagiarism is *wrong* depends upon which of these practices we consider, and perhaps also, on the future we envision for them. Plagiarism is a concept with a genealogy, traceable to the modern era. So I'll begin with a brief look at Kant. But, I will suggest, plagiarism may not be a concept with a future, given one possible trajectory of our textual and educational practices. The possibility I will be at pains to articulate is, by comparison to commonplace attitudes on the part of academics, a radical one: Our understanding of authorship and originality, which makes possible our identification of and objection to plagiarism, must give way in the face of new discursive practices and technologies which are reshaping the academy in general, and may reshape philosophy in particular. Having articulated this radical possibility, I'll retreat to what I can only call, with some rhetorical embarrassment, a conservative position: Plagiarism remains a threat to successful pedagogy and a simple ethical violation for the deception and unfairness it perpetrates. (Throughout my discussion, I limit my focus to plagiarism in the academic context.)

**The Modern Author**

In 1785 Kant published a short essay titled, "On the Wrongfulness of Unauthorized Publication of Books." He writes:

Here everything comes down to the concept of a book or of a writing in general, as a work of an author, and to the concept of a publisher in general [. . .]: in other words, whether a book is a commodity that the author, either directly or by means of someone else can trade with the public, so that he can alienate it with or without the reservation of certain rights, or whether it is, instead, a mere *use of his powers (opera)*, which he can indeed *grant* to others (*concedere*), but can never *alienate (alienare)*[. . .].<sup>1</sup>

In a sense, Kant splits the difference between these two possibilities, a split that we might think of as characteristically (even obsessively, maddeningly, consistently) Kantian: The book, or the writing, Kant says, is, on the one hand, speech—it is *action*—and as such can only have its existence in a *person*. Viewed under this aspect, the book is a manifestation of the *noumenal* or intelligible self, and writing (both the activity and the product of that activity) is the bearer of a rational agency that cannot be alienated and ought not be violated. Any misrepresentation or co-optation of an author’s writing constitutes an infringement of his person, of his very autonomy. On the other hand, the book, as a material artifact, as a copy, is a mere work, a *thing*, which, like any material property, can be alienated, in this case to a publisher, and various rights pertaining to it can be contracted. Viewed under this aspect, a book or writing exists in the world of sensible phenomena, where it can be physically reproduced and appropriated to many ends.<sup>2</sup>

Kant’s argument against unauthorized publication depends upon this duality; for, he argues, authors can legitimately release their work to a publisher to be copied and distributed, but in so doing, publishers may only serve as “the mute instrument for delivering the author’s speech to the public.”<sup>3</sup> The idea that the publisher is a “mute instrument” for the writer’s speech means that the publisher must be *authorized*—both in the sense that the publisher is given an authority that is not given to just anyone and in the sense that the publisher transmits the writer’s speech, hence functions as a representative of the author, or, as Kant says, conducts affairs “in the name of the author.”<sup>4</sup>

Here’s the basic shape of the argument.

1. Books constitute public speech.
2. Speech is attributable only to authors, i.e., to rational agents who speak.
3. Publishers serve as a medium for the speech of an author, hence they must be *authorized*.
4. Insofar as an *unauthorized* person publishes the same work of an author, he interferes with the activity and profitability of the authorized publisher.
5. Thus, the authorized publisher has a legitimate claim against unauthorized publishers.<sup>5</sup>

6. And, therefore, an unauthorized publisher must cede any profits that accrue to him and must compensate authors or their authorized publishers for any losses that arise from his activity.
7. Moreover, if authorization were not exclusive, others could presume an allowance to publish an author's work, which would directly undercut (contradict) the arrangement by which an author has given permission to a publisher to speak for him.
8. Thus, authors may not simultaneously authorize more than one publisher for the same work.

Although Kant does not directly discuss plagiarism, several aspects of his thinking remain integral to our conception of authorship, and its nemesis plagiarism, today. I will briefly review some of them.

### Profit and Publication

Among the ideas we've inherited from Kant<sup>6</sup> is the charge that unauthorized publication is wrong because it interferes with the *profitability* of authorized publication.<sup>7</sup> The wrongfulness in question here is framed by the demands of the marketplace, and even today it is difficult to succeed in pressing a copyright case or a plagiarism case if it cannot be demonstrated that the author or publisher has suffered a financial loss as a result of the infringement.<sup>8</sup> This is one reason why complaints about the proliferation of student plagiarism can seem like whining; nothing much is at stake (financially speaking), and not much comes of it except an instructor's impotent outrage. Students' grades may be penalized, but when grades are artificially inflated anyway and students often have the option of dropping or re-taking courses they have failed, such penalties have little bite.<sup>9</sup> In this light, we can see the proliferation of plagiarism among students as a predictable side-effect of the current climate in which the mission and management of higher education is cast in economic terms. On a business model of the university, in which its *raison d'être* is measured by its economic contribution, institutional legitimacy is assessed by the percentage of graduates who find jobs, and student success is articulated quantitatively—as the percentage of matriculating students who remain paying customers for a full four years—it is no wonder that plagiarism seems a rational strategy for students and a negligible concern to administrators.<sup>10</sup>

Recall that for Kant unauthorized publication is wrong in two ways. First, because it interferes with profitability for authorized publishers, it wrongs them. The book or writing is regarded here as a commodity, but writing that does not have a commercial function, as student essays do not, would seem to be untouched by this argument. The book is also regarded as the speech of the author, and so unauthorized publication also constitutes a distinct wrong to the

author, for it uses his name to address the public without his permission. However, once again, student essays can hardly be said to address the public. Most often, they only address a single person, the professor, and only in a limited fashion. The student is seldom asked to express simply what she thinks about whatever she likes, as if she were speaking (writing) freely; rather, she is charged with speaking (writing) in highly constrained ways. It would seem a stretch to claim that a student's essay addresses a public such that the incorporation in her essay of the words of other authors without their permission violates their autonomy, by undermining their ability to determine for themselves who delivers their speech to the public. Thus, it would seem that Kant's prohibition on *unauthorized publication* is not easily extended to the contemporary academic complaint about student plagiarism. Yet, the central view of authorship expressed by Kant is the necessary counterpart to plagiarism.

### The Autonomous and Original Author

Kant's own view of the author may constitute a metaphysically perplexing extreme, insofar as it suggests that the text, *qua* speech of a rational agent, is an extension of his *noumenal* self. But the modern idea that writing emanates from, manifests, or represents the unique personality of an author is what underwrites, so to speak, the modern notion of plagiarism. We must believe in the notion of original writing, seemingly freed of influences, in order to think plagiarism a distinctive, identifiable violation, especially when financial effects are absent. And the violation points in two directions. It points toward the original author, whose very person is co-opted or misrepresented through the unacknowledged taking of her words, and it points toward the plagiarizer, who misrepresents her own person by writing in someone else's voice, making a puppet of herself as she enacts an original author's speech. Thus, the modern complaint against plagiarism is doubly invested in the idea that the text is an enactment of the person, and that as such, it must be original.

What is this sense of originality? Perhaps it is quite minimal. A text is original to an author insofar as it originates with the author; the author is the producer of the text. But if producing the text means simply the production of the inscriptions that comprise the text, the notion of originality is too weak to generate the possibility of plagiarism since anyone can produce unique inscriptions by copying directly from another's text.<sup>11</sup> Perhaps we should say, then, that for a text to be original to an author, the author must not only produce its inscriptions, but do so without consulting or copying other texts. This notion of originality would mean that writers who research and quote other texts would not themselves be producing original texts, which would mean that it is impossible to plagiarize by copying *their* work. It would also imply that scholarship, viewed as a process of synthesizing the ideas and writings of others is not sufficiently original, and hence is not

authorship—an implication that would be anathema to many academics. Clearly, this is not the sense of originality that underwrites our concern with plagiarism.

Perhaps, then, a text is original to an author if it is she who produces it and if she clearly distinguishes her creative contribution to the text from those components of it that are borrowed from other sources. That sounds promising, except for the fact that it is impossible. Writers today labor under the influence of previous writers.<sup>12</sup> Although this has to some extent always been true, the extent of that influence becomes greater the longer is the literate past and the more literate is the present culture. If it were granted that all writing is replete with influences, fragments, allusions, appropriations, and borrowings—or more radical yet, if it were granted that all intelligible, meaningful writing is dependent upon the publicity of a shared language that makes possible the most fundamental grammatical and semantic units, as well as the more specific contextual norms, for constructing texts—then it would be impossible for an author to distinguish her own contribution from the pervasive and ineliminable “influences” of others.<sup>13</sup> On this view, no writing could properly be attributed to the originality of the author, and hence no notion of plagiarism could be set against it. So we must not think of a writer as producing something especially novel or inventive, something utterly free of *influence*, in order to count as an *author*. Nor do we need to see authors as inventing a language out of materials uniquely their own—what, at the extreme, would seem to run afoul of Wittgenstein’s private language argument—in order to think their work original to them. And it is only this sense of originality that we need to establish the wrongfulness of plagiarism.

So we return again to the same question: What is this sense of originality? What sense of originality functions to generate the possibility of plagiarism? Perhaps we should say that the relevant sense of originality involves the author’s good-faith effort to be creative while carefully documenting the influences upon which she deliberately, consciously, or intentionally draws in producing her text. Sounds promising, but consider how much anxiety this standard would produce for the would-be author! For example, think of the student who earnestly asks whether she must use quotation marks around, and provide citations for, every occurrence of “epistemology” or “categorical imperative” in her paper. After all, these are not terms she has encountered in everyday discourse but only within specific texts; she recognizes them as not her own, as borrowings, and wants to avoid being called *thief*, being called *plagiarist*. Or what about a phrase such as “the discursive practices of modernity”? I, for one, never once talked about “discursive practices” before I read Foucault. So, then, do I owe him a footnote each time I use his terms or invoke his central ideas? Imagine the dread a conscientious writer would face with such a stringent demand for citation. You *know* you didn’t invent the philosophical terminology you employ all the time, even if you can’t recall exactly when or where you first encountered it. Or what about a style or form of

argument one has learned from one text and applied to an entirely different context or topic? You use none of the same words or sentences and it is not at all clear that the “idea” belongs to someone else, yet you are perfectly aware that your own argument is a parallel or variant of what you read elsewhere. Imagine the stultifying effect on one’s writing were this to be our standard.

What I’ve been trying to do for the last few paragraphs is to define the concept of the autonomous, original author against which the charge of plagiarism can be generated. I have focused on the idea of originality in the text, but it should not be forgotten that originality in the text is coupled with the notion of the originality, or authenticity if you will, of the author. Remember Kant: the text is the free action of the autonomous agent; it is attributable and imputable to the agent because it is the product of his will.<sup>14</sup> When we search for a suitable definition of originality in the text, against which the possibility of plagiarism can be generated, we are turned back from the text to the author himself.

It turns out to be difficult to define the relevant sense of originality. The difficulty arises because there is a mismatch between, on the one side, the concept of authorship and originality that make plagiarism possible and, on the other side, the actual textual practices that we identify as original or as plagiarized. In other words, the idea of plagiarism is a response to the modern conception of the free, individual, creative author whose work manifests his unique person—an idea that leads us naturally to think of the author as a figure of creative genius altogether free of influence. But our actual textual practices belie this: Influence is pervasive, and even when it can be traced, we do not expect nor require comprehensive acknowledgement of sources. How much we can borrow in our own writing, and in what ways, and when citations are required, and when they are not are flexible practices for which we cannot give fully articulated or consistent principles.

The possibility of plagiarism presupposes that a text is one or both of two things, as Kant’s essay argues. A text is intellectual property. Understood as property, co-optation of the text is a violation of rights, including contractual rights specific to the particular property or text. Understood as intellectual, co-optation of the text is a violation of the author, of the person whose intellect it expresses. But it is only in this latter sense that the majority of cases of student plagiarism can be seen as a violation.

In fact—what may seem curious to our ears—Kant suggests that when abridgments or revisions to an author’s work are very significant “it would even be a wrong to pass it off any longer in the name of the author of the original.”<sup>15</sup> In other words, even if one indubitably starts with another’s work, but transforms it significantly, it would be wrong to attribute the work to the author. Again, Kant is thinking of the context of publication, when the work is presented to the public. But perhaps we should see (allegedly) plagiarizing students in this way: They begin with other sources, change out certain phrases and words, splice together sentences, patch-in paragraphs from here and

there, and claim the resultant writing as their own, since it must be attributable to somebody, and they know very well it is not exactly that of the original authors whose works they altered and incorporated. Thus, Kant's view might lead us to a surprising turnabout: the plagiarizing student demonstrates respect for the original author and her speech. Now, I don't think this is exactly what's going on with plagiarizing students. But it's worth observing how important it seems to be to us in academia that writing always be credited to the original author, even when it has been transformed, altered, woven into a new work, for a new purpose, with a very limited public in view (the professor) and no profits at stake. In other words, we are, arguably, even more stringent about the sense of the violation of the author, of the *person* whose writing has been co-opted, than even Kant was.

Or, perhaps our concern with student plagiarism does not reflect our vigilance regarding violations of original authors, but rather our conviction that students must themselves be original authors when they write papers for our courses. In other words, the primary wrong in student plagiarism is that the offending student misrepresents herself as an author when she is not. I've already observed that whether a student is guilty of such an offense will depend upon our understanding of the specific textual practices in play—just how much originality and creativity are required and just how much and what sorts of citation or acknowledgment of influences are required.<sup>16</sup> And this, in turn, is a question of what we expect of students. In an age of individualism, it is not surprising that we expect every student to be an author, but it is a very high expectation to set, and it is not obvious that an effective or realistic pedagogy requires students to be authors. Now, as I said at the outset, I do believe that student plagiarism is wrong, and I maintain that this wrong is primarily a matter of the student's deceit or misrepresentation of her self or her work. I'll return to this conservative point later.

So far, I've tried to sketch the modern view of authorship that makes plagiarism possible. According to this view, the author is an individual, autonomous person, relatively free of influence, whose writing is fundamentally creative, expressive of his unique personality or even genius, and whose work is presented to a public where the work becomes a commodity. Now I want to launch a radical challenge to this view, with the aim of destabilizing our conviction that the textual practices we call plagiarism in the academy are wrong. To see this, we need to overturn the modern concept of the author and of originality.

### **Anonymity, Collectivity, Synthesis**

If I had to limit myself to one word to express my point in what follows, it would be this: Wikipedia.

I submit that most of us in the professoriate find Wikipedia to be both an annoyance and a convenient resource. But it is also the emblem of a possible future that ought to be of signal importance to anyone interested in the future of writing, scholarship, and higher education. Although Wikipedia articles admit of citations, they do not typically have authors. They are not expressive of individual intellects, but are rather nodes in a network of discourses, and are created by anonymous contributors.<sup>17</sup> These nodes sometimes correlate with established topics of academic research, but sometimes they represent the curious tides of popular culture or the idiosyncrasies of small subcultures. The trivial and mundane are present alongside the most profound and intellectually rigorous topics of human inquiry. Individual authority and expertise are replaced by the internet's invisible hand, supposedly guiding the marketplace of ideas toward truth. The overall effect is leveling—esoterica and trivia become indistinguishable. Real connections in the history of ideas become indistinguishable from the arbitrary and ubiquitous hyperlinks embedded in the text. Semantic connections are replaced by merely syntactic similarities.<sup>18</sup> And public consensus is sufficient to stand for fact.

If modern authors produce intellectual *property*, the writers of the future may be working only in this sort of intellectual *commons*. Consider that the English version of Wikipedia was founded in 2001, when our first-year college students were eight years old. For all practical purposes, we can say that they have always known Wikipedia. Is it any wonder, then, that when students set out to write papers for our classes, they may have, however inchoate, a starkly different understanding of what it means to write and different expectations regarding the demand for citation and attribution?<sup>19</sup> And when we defend the conservative view of authorship with our vigilance against plagiarism, what are we really defending it against?

I'm not going to argue that Wikipedia's populism is preferable to the academy's elitism, or vice versa. In fact, I don't really want to argue anything specific to Wikipedia. As I said, I take Wikipedia to be an emblem of a possible future that stands to overturn the modern notions of authorship and originality that we defend against the plague of plagiarism. This possible future is one in which the production of text is the result of anonymous contribution.<sup>20</sup> The text is no longer a stable entity with a certain fixity, however open to interpretation and adaptation. The text itself becomes, in a way merely anticipated by deconstructionism in literary theory, a dynamic process.

In 1979, Foucault argued in "What Is an Author?" that the author is "an ideological figure by which one marks the manner in which we fear the proliferation of meaning."<sup>21</sup> Foucault acknowledges the received view of modernity according to which the author is "the genial creator of a work in which he deposits, with infinite wealth and generosity, an inexhaustible world of significations."<sup>22</sup> He then turns this on its head: The author's genius does not create an abundance of original ideas, rather, the modern concept of the author *functions* to control meaning, and hence

knowledge and power; authorship creates an illusion of fixity in the text, an illusion of the author's unique epistemic position with respect to the meanings of the text, which reinforces the illusion of the author's own fixity or identity. For example, the view of the text *qua* speech invoked by Kant gives the text a kind of inalterability—such that any changes to it depreciate its value and misrepresent the author—and at the same time creates a fixity of the person who has generated the text. To wit, Kant may have changed his views on certain subjects over the course of a long career, but we shall still say of any given work that it represents what “Kant” thinks, and centuries may pass during which Kant's ideas and words are disseminated, transformed, translated, appropriated, interpreted, revalued, and absorbed into a culture, but we shall still refer to “Kant” and his works as if they—the person and the texts that emanated from his person—possess a stasis and permanence that our acquaintance with persons and texts would belie. The modern concepts of *text* and *author* thus recapitulate the philosophical problem of personal identity. And the Foucauldian idea of the *author function* appears as a reaction that unmasks that problem: The author is not isomorphic with her proper name, or with the individual named, or with the texts attributed to her.<sup>23</sup> The existence of the author must then be construed as the way in which the author, or her name, functions in discourse. But, on the model of Wikipedia, the new notion of text as a dynamic process built from anonymous contributions obliterates the author and with it the author function recognized by Foucault: The feared proliferation of meaning is loosed like a hydra, and we are confronted with a significant shift in the textual and discursive practices that constitute knowledge/power.

This possible future replaces original authorship with the communal synthesis of disparate sources. Individual expertise, backed by institutional authority, as the font of knowledge is replaced by a notion of knowledge as a function of impact; knowledge production is determined by the extent of the text's dissemination, its adaptation to multiple purposes, its appearance across discourses, its transmutability with respect to different media, its accessibility to the public, in short, its utility, whether this utility is, broadly, economic, political, or technological. Perhaps we can go one step further. Think of the text as a new site of corporate capitalism: It's not just a question of what research gets funded or by whom, but of the text itself becoming a thing built collectively and molded by the forces of a competitive marketplace of *manufactured* ideas. Imagine a close analogue of an internet troll—a person hired by corporations to control media and “scholarship.” Imagine theories, ideologies, or research programs functioning as brand names, backed by corporate production.

But wait, it gets worse.

Think again of our first-year college students and their immersion in social media, YouTube, the blogosphere, tweeting, texting, and omnipresent video capability. It is not altogether implausible that in a socio-technological environment saturated with multi-media possibilities, text—that is, the

written word—may recede altogether. If it sounds unimaginable, just remember that once upon a time, philosophy (like poetry and history) was largely an oral tradition and literacy was scarce. Today's literacy may well be replaced by a new relationship to the communication of ideas and information. In this light, the philosophers' stodgy insistence on close readings of static texts may appear as slow, laborious, ineffectual, and irrelevant as if we were chiseling stone tablets.

I said earlier that plagiarism is a predictable side-effect of the implementation of an economic model of the academy and that it was not surprising that plagiarism was a negligible concern to administrators. Viewed not as a violation of the modern notion of authorship, but now as a shift in textual practices concomitant with a cultural shift in the production of knowledge and the academy's relationship to knowledge production, so-called plagiarism appears as an integral piece of the transformation of the academy. Our students are already steeped in a cultural milieu in which this stance toward knowledge production and this picture of writing are increasingly common. The radical possibility is that what we see as the proliferation of plagiarism is actually the vanguard of a new way of constructing text and knowledge that dispenses with the traditional, modern understanding of the original author. And when we penalize student plagiarism, we enact a desperate conservatism in the hope of maintaining an outmoded form of power and control over knowledge production. We are not (merely) gatekeepers functioning to exclude the masses who are untutored in the ways of academic writing and scholarship<sup>24</sup>; we are, rather, uncomprehending rubes unable to make the transition to a future that is already present. Our student plagiarizers are operating with a different picture of how a text is produced, what one is supposed to gain from engaging with it, and what is to be done with it.

Whoa. I almost talked myself into it. That's too heady for me. I've got to retreat, fast, to that conservative position I mentioned earlier, lay low, and hope the future doesn't arrive until I'm long gone. I love the written word and single authorship way too much.

As philosophers, we need to consider strategies for advancing our discipline as this imagined future inevitably unfolds. And there may be ways to enhance philosophy that it makes possible. Some feminist writers, for example, have emphasized the creative potential of the future intellectual commons.<sup>25</sup> They envision a surge in the freedom and vitality of discourse when text is no longer individual property and when ego is removed from authorship. In this light, we might re-imagine current publication practices in the discipline as well as the relationship between publication and securing or retaining a teaching position in the field. We might reconsider the extent to which we rely on the production of single-authored text as the primary (sometimes exclusive) indicator of philosophical attainment, in comparison to, for instance, exceptional teaching, oral presentation, collaborative research, discussion forums, or public engagement. Further, we might question the

discipline's escalating insistence on specialization. When anyone can access specialized research online, it would seem that skills crucial to philosophical progress would include the generalist's ability to discern connections across sub-disciplinary areas and to synthesize philosophical theories and arguments. (For those skeptical of the idea of philosophical progress, I will add that regaining a place for philosophers who are not primarily specialists may make philosophy more interesting and meaningful, possibly more accessible, revitalizing the discipline from within and making it more inviting to those outside of it.)

If, on the other hand, we are to go to defend the modern idea of authorship, or even its postmodern, Foucauldian cousin, we are going to need to educate our students directly about the textual practices we are engaged in. We cannot assume they are familiar with text or authorship as we know them. It will not be enough to inform students about which practices constitute plagiarism, explaining to them the deceit or unfairness it may perpetrate against the professor and other students.<sup>26</sup> Plagiarizing students do not always intend to deceive or to cheat. And given their exposure to anonymous and collective "writing," it is not obvious that they are culpable for not understanding what plagiarism is; for, they don't necessarily understand what writing or authorship are. So we need to do more than moralize about plagiarism. We need to distinguish what we do, as researchers and writers who aim at honest insight, at discovering and disclosing truth, and at engaging the public in reasoning from what is going on "out there" in that sordid place people like to call "the real world." We need to educate our students and administrators about the difference between the lecturing professor or scholar, on the one hand, and the pundits-for-hire they see on TV, the news-casting mouthpieces, and political frontmen who do not share our ends.<sup>27</sup>

## Notes

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<sup>1</sup> Immanuel Kant, "On the Wrongfulness of Unauthorized Publication of Books," printed in *Practical Philosophy*, trans. and ed. by Mary J. Gregor (Cambridge UP, 1996) 30.

<sup>2</sup> As Gilbert Laroche remarks of Kant's approach to authorship, the Kantian scheme "polarizes the intellectual and functional domains." Laroche, "From Kant to Foucault: What Remains of the Author in Postmodernism," in *Perspectives on Plagiarism*, eds. Lise Buranen and Alice M. Roy (State U of New York P, 1999) 121-130.

<sup>3</sup> Kant, "On the Wrongfulness of Unauthorized Publication of Books," 30. Kant claims that when a writer is also his own publisher, the two "affairs" are still distinct (33).

<sup>4</sup> Kant, "On the Wrongfulness of Unauthorized Publication of Books," 32.

<sup>5</sup> Kant did not fully articulate his view of right until twelve years after the publication of "On the Wrongfulness of Unauthorized Publication of Books," when he published the "Doctrine of Right" in 1797. There, he advances a view of right that bolsters this argument. Mary Gregor suggests that the text may have been an "attempt to substantiate" claims in the earlier essay.

<sup>6</sup> There are, of course, other modern sources of contemporary copyright and intellectual property law and of ideas of authorship.

<sup>7</sup> Note that Kant's discussion of unauthorized publication extends to consideration of cases where an author's writing is significantly revised, altered, or presented without the name of the author. Kant allows that this is wrong, except when the change to the text is so great as to no longer represent the author's own speech, in which case it "would be wrong to pass it off in the name of the author" ("On the Wrongfulness of Unauthorized Publication of Books," 35). Many appropriations of work would fall into this category.

<sup>8</sup> Richard A. Posner discusses the distinction between copyright infringement and plagiarism in his *The Little Book of Plagiarism* (New York: Pantheon, 2007). He asks whether plagiarism should be a crime or a tort and concludes: "It should not. The harms it causes are too slight to warrant cranking up the costly and clumsy machinery of the criminal law. And plagiarists rarely have sufficient assets to make suing them worthwhile, even if such harm as plagiarism does in a particular case could be monetized, which usually it could not be" (38).

<sup>9</sup> In fact, penalties for plagiarism can bite back: As Posner observes, "Curiously, most litigation over plagiarism is instituted by rather than against students expelled or otherwise disciplined for committing plagiarism. The ingenious legal theories spun by the student litigants run the gamut from breach of contract to denial of due process of law (if the school is a public institution)" (*The Little Book of Plagiarism*, 39).

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<sup>10</sup> On assessing for-profit colleges by vocational results, see “The Good for Nothing Degree” by Mary Ellen Flannery (*NEA Higher Education Advocate* 29.1 [September 2011]). The current “student success” initiative at the University of South Florida seeks to improve graduation rates and to decrease the number of students in any given course who receive grades of D or F or who withdraw from the course.

<sup>11</sup> My use of “inscriptions” here is pretty loose; it would include, for example, someone whose spoken words are recorded and then transcribed into text. But clearly, some medium by which the author’s speech is represented and reproducible is requisite to distinguish ordinary speech from authorship.

<sup>12</sup> Harold Bloom has, famously, made much of the Romantic writer’s anxiety over the influence of the past. The “central principle” of his argument includes the claim that the history of modern, Western poetry is “a history of anxiety and self-saving caricature, of distortion, of perverse, willful revisionism without which modern poetry as such could not exist.” Bloom’s view suggests that the writer’s anxiety over the influence of the past is a function of the demand for originality in writing as the authentic expression of the self. Harold Bloom, *The Anxiety of Influence: A Theory of Poetry*, 2<sup>nd</sup> edition (New York: Oxford UP, 1997 [1973]) 30.

<sup>13</sup> Here is Bloom, again: “The intensification [of the desire for originality] and the self-realization alike are accomplished only through language, and no poet since Adam and Satan speaks a language free of the one wrought by his predecessors” (Bloom, *The Anxiety of Influence*, 25).

<sup>14</sup> For Kant, the will is at a “crossroads” between the subjective principle of volition that arises from inclination and desire and the objective principle of volition, which is determination by practical reason. And, for Kant, it is only action that is determined by practical reason that is fully free. See *Groundwork for the Metaphysics of Morals*, trans. and ed. Thomas E. Hill, Jr. and Arnulf Zweig (Oxford UP, 2002 [1785]) 201. This central piece of Kant’s ethics, applied to the present discussion of a writer’s authorship, would suggest that some texts are less free than others; that some express the agent’s rationality and freedom, while others express his heteronomous nature as subject to desires and inclinations.

<sup>15</sup> Kant, “On the Wrongfulness of Unauthorized Publication of Books,” 35.

<sup>16</sup> Standards here differ widely. T. S. Eliot added footnotes to his poem “The Waste Land” in 1922, a new practice for poetry. He also famously said, “Immature poets imitate; mature poets steal; bad poets deface what they take, and good poets make it into something better, or at least something different.” See “Philip Massinger,” printed in *The Sacred Wood*, 1921. Available at: <http://www.bartleby.com/200/sw11.html>, accessed October 30, 2011.

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<sup>17</sup> To date, the English Wikipedia has approximately 3.8 million articles. Anyone can contribute to a Wikipedia article at any time, so it is not accurate to think of the contributors collaborating or as engaged in multiple authorship, since they may not share a common goal, never communicate with each other, may disagree substantially about the content of the article, etc. (See [http://en.wikipedia.org/wiki/Main\\_Page](http://en.wikipedia.org/wiki/Main_Page), accessed October 29, 2011). Also, the articles include hyperlinks, a fact which makes the demarcation of the article itself open to question and which prompts me to think of the article as a “node” in a network of discourses.

<sup>18</sup> Thank you to Richard Manning for this point.

<sup>19</sup> Writing in the early 1990s, Andrea Lunsford and Lisa Ede claimed, “After a lengthy research project and eight years of study, we feel confident in saying that the traditional model of solitary authorship is more myth than reality, that much or most of the writing produced in professional settings in America is done collaboratively, and that, in fact, much of what we call ‘creative’ writing is collaborative as well, though it almost always flies under the banner of single authorship.” What is remarkable today about Lunsford and Ede’s research is just how much farther from the traditional model we are today, when new media technologies make anonymity and collectivity, not just collaboration, a norm for “authorship” or “writing.” See their essay “Collaborative Authorship and the Teaching of Writing,” in *The Construction of Authorship: Textual Appropriation in Law and Literature*, edited by Martha Woodmansee and Peter Jaszi (Durham, NC: Duke UP, 1994) 418.

<sup>20</sup> In this vein, Gilbert Larochelle offers, “Postmodern utopia is that of anonymity. It surrenders the act of writing to common ownership.” See his, “From Kant to Foucault: What Remains of the Author in Postmodernism,” in *Perspectives on Plagiarism*, 128.

<sup>21</sup> Michel Foucault, “What Is an Author?” in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon, 1984) 119.

<sup>22</sup> Foucault, “What Is an Author?” 118.

<sup>23</sup> Foucault, “What Is an Author?” 106.

<sup>24</sup> This suggestion is made explicit by Rebecca Moore Howard, who argues that one common form of student plagiarism, which she calls “patchwriting,” is an essential part of all writing and learning and that educators who penalize it are maintaining an “intellectual elite.” See her *Standing in the Shadow of Giants: Plagiarism, Authors, Collaborators* (Stamford, CT: Ablex, 1999) 14. Others have observed difficulties assessing the different norms and expectations in the writing of international students. See Niall Hayes and Lucas Introna, “Cultural Values, Plagiarism, and Fairness: When Plagiarism Gets in the Way of Learning,” *Ethics and Behavior* 15.3 (2005): 213-231 and “Systems for the Production of Plagiarists?” *Journal of Academic Ethics* 3.1 (2005): 55-73.

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<sup>25</sup> See for example Debora Halbert's "Poaching and Plagiarizing: Property, Plagiarism, and Feminist Futures" in *Perspectives on Plagiarism*, 111-120. She envisions a feminist future in which the "relational aspect of all learning and creation" are emphasized.

<sup>26</sup> In "Ten Quick Arguments Against Plagiarism" (*Teaching Philosophy* 30.3 [September 2007]: 283-291), I have offered an outline of the main ethical arguments against plagiarism, which constitutes the position I have here labeled "conservative." A related discussion of the ethics of plagiarism is given by Neil Granitz and Dana Loewy, "Applying Ethical Theories: Interpreting and Responding to Student Plagiarism," *Journal of Business Ethics* 72.3 (May 2007): 293-306.

<sup>27</sup> I am grateful to Lauren Townsend for research assistance that aided in preparation of this paper. I am also grateful to Richard Manning, Maria Cizmic, and Cheryl Hall for related discussion of the work in progress.

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