

# Rethinking Plagiarism in the Digital Age: Remixing as a Means for Economic Development?

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## ABSTRACT

The Copyright Maximalists would like all academics—faculty, staff, and administrators—to take on the role of intellectual property police, promoting a regime in which the reuse of others' information products (text, video, audio) is tightly constrained and limited to the point where all copying would require explicit permission, if not a pay-per-use structure. Such a regime is counter to effective writing practice and, we suspect, damaging to economic development as well. Writing in the digital age increasingly requires remixing, that is, the transformative reuse and redistribution of existing material for new contexts and audiences. Creation, innovation, and invention in the digital age demand that information be widely shared and widely reused; digital writing practices require “plagiarism” (in some sense). Although we respect the importance of crediting others for their work, we urge all academics to resist the policing of copyright—linked, we would argue, to the current plagiarism hysteria—and to focus instead on teaching an ethic of fair use.

## 1. INTRODUCTION

Composing in the digital age is different—electronic copying-and-pasting, downloading, and filesharing change the dynamic of writing. With the ubiquitous use of digital writing technologies, “plagiarism” makes sense. It is a common practice (common in print culture, too), and perhaps even a literacy skill. Larry Lessig (2004) understands that writing now requires “remixing”; he argues for flexible intellectual property regulations that allow innovators to create new products out of old. Remixing is how individual writers and communities build common values; it is how composers achieve persuasive, creative, and parodic effects.

Yet the issue is complicated. We believe in fair use and recognize that textual theft, fraud, and misappropriation are real problems. But plagiarism is a complex issue fraught with circumstantial

variations and allowable exceptions, yet the popular press and many academics don't always acknowledge the complexity of plagiarism.

Academics must resist public efforts to turn us into “plagiarism police.” If we slip into that role, we risk supporting the Copyright Maximalists (Boyle, 2005)—that is, media conglomerates and their agents, such as the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA), that promote restrictive copyright laws, strangle educational fair use, and limit copying and remixing (Landes & Posner, 2002; Landes & Posner, 2003; Posner, 2003). The copyright protectionists rely on post-Romantic, print-era, and academic notions of authorship and creativity, ones that focus on originality and individuality—an ideology useful to protecting their commercial interests. What this regime tries to erase is the fundamentally collaborative and social nature of writing and the reliance of the composing process on the reuse and recirculation of existing text.

The composition practice of remixing is not only necessary to writing in the digital age, but it is also necessary for innovation and, we suspect, for economic development. We thus need to find an ethical middle ground that fosters digital writing practices essential for building communities, cultures, coalitions, and economic partnerships.

## 2. COPYING HAS LONG BEEN A FACET OF RHETORICAL INVENTION

Our culture, particularly our academic culture, worries too much about the dangers of copying. Copying and imitating are common and effective strategies for learning. In fact, in the early history of rhetorical pedagogy (particularly as developed by Roman rhetoricians), copying was seen as an integral component of invention—that is, a strategy for creating content. Rhetorical strategies for invention included various methods for recovering or reusing existing text, particularly memory, imitation, and compilation—techniques that could prove useful to digital invention. We need to historically “remember” some of these lost inventional strategies.

Taking an historical perspective on rhetorical invention reveals that through much of the history of Western rhetoric education the practices of *memoria*, *imitatio*, and *compilatio* were integral not only to the canon of rhetorical invention but also to the education of the rhetor overall. This was especially true in the Roman era, and particularly in Quintilian’s rhetoric pedagogy as described in *Institutio oratoria*. Quintilian and also Cicero understood that *imitatio* was important to preserving cultural values. And this was true well into the era of medieval rhetoric. The writers of the Christian patristic era “borrowed” others’ work heavily—and that was a sign of respect for the authority of those existing texts. By our contemporary academic standards, St. Bernard of Chartres and St. Jerome were certainly plagiarists.

According to Murphy, Roman rhetorical training followed three major methods: “the teaching of rules (*praecepta*), the imitation of models (*imitatio*), and free composition on a theme (*declamatio*)” (Murphy, 1974, p. 59; 2001). Throughout classical rhetoric there was some debate about the value of one emphasis versus another: the Greek sophist Isocrates didn’t think very much of *praecepta*; on the other hand, Aristotle thought that knowledge of the art required it. (This debate lingers in our own discussions about the best methods for teaching writing.) *Imitatio* meant “deliberate modeling of an existing artifact or text.” The effort was aimed at “using preexisting texts to teach students how to create their own original texts” (Murphy, 1974, p. 54). There were various types of *imitatio*. One was *variatio*, or paraphrase. According to Lanham, the young Erasmus was “the all-time champion of *variatio*,” as he came up with 147 variations for the phrase “your letter pleased me very much” (Lanham, 2001, pp. 106–107). Another imitation tactic was *compilatio*, or collecting fragments from various sources and putting them together into a new whole—basically what we would today call “remixing” (Ebare, 2004; see, also, Logic, 2003).

If you were a student in the Roman system, you were expected to copy and memorize the wisdom of your elders and of the past—for example, in the form of maxims and fables. You were supposed to imitate good examples. You were supposed to collect sayings and pieces of texts and put them together in new configurations. To put it another way, the reuse of text was integral to invention—it was not the entirety of rhetorical invention, but it was certainly an important component of it. This process served an immediate generative purpose in helping you produce a particular speech or text at a particular moment, but it also served a larger purpose, aiding your intellectual development as a rhetor needing to speak wisely and effectively within your

culture. These practices were born out of respect for intellectual ancestry and wisdom and out of respect for the culture.

The focus of this approach, however, is not information or great ideas per se, it is the process of using them. E.D. Hirsch (1988), for instance, focuses on the what—what he perceives to be the particular bits of cultural text that one should have, like so many ornaments to hang on your mental Christmas tree. The rhetorical practice we are referring to focuses not on the what but on the how—on the process of invention, not on the particular pieces of knowledge (which can vary from context to context).

*Imitatio* was not only copying, and especially not at the upper levels of education. As articulated in Quintilian’s (1920–1922) pedagogy, *imitatio* is usually more than simply a transcription process. Students certainly do copying but they are also expected to provide transformative value through other rhetorical strategies (Mendelson, 2002, p. 209), such as:

- delivering the text into a new context;
- collecting the text with other texts to make a new compilation;
- adding additional text;
- taking a new stance toward the existing text;
- parodying the existing text;
- paraphrasing the existing text, and so on.

There are limits and constraints on copying—Murphy clearly disapproves when the rhetor moves too far into the realm of mechanical *imitatio*, for which reason he critiques an early 14th-century manuscript on the art of letter writing, the *Practica sive usus dictaminis* of Lawrence of Aquilegia. Lawrence seems to have offered an early version of the term paper service, only geared for letter writing. With his work, according to Murphy, “no command of artistic principles or rhetorical theory is necessary.” All you do is pick out the letter parts and plug them in. Murphy clearly disapproves.

The point here is that the so-called plagiarism crisis is not a new problem. There has always been a tension between *imitatio* and *inventio*: How much “borrowing” is too much? What degree of copying is allowable in the service of educational aims? When does *imitatio* serve *inventio*, when does it promote learning and discovery, and when is it merely stealing, taking credit for someone else’s work?

## 3. ALL WRITERS “PLAGIARIZE”

What is important to acknowledge is that, in some sense, we are all “plagiarists”—that is, we frequently copy and reuse others’ writing without attribution, but in ways that are oddly ethical. Copying without attribution is a normal part of composing practice, particularly among teachers and scholars (Logie, 2005).

A recent case illustrates the normalcy of plagiarism—but also the hysteria surrounding it. Have you ever copied boilerplate text, without attribution, from someone else’s syllabus to your own? In 2004, Chris Dussold, an assistant professor of finance at Southern Illinois University-Edwardsville, was fired for copying another professor’s teaching statement—“two pages of boilerplate” (although that may have been the excuse rather than the real reason he was fired; he was also being accused of sexual

harassment). Mr. Dussold then went out and “found teaching statements by professors from around the country that are identical or very similar” and that do not cite their sources (Bartlett, 2006).

Strictly speaking, we “plagiarize” all the time—but the circumstances are such that the plagiarism is justified, understood, overlooked, or accepted by tacit agreement. Examples of “normalized plagiarism” include:

- the use of boilerplate from another’s course syllabus—say, the plagiarism policy—without permission and/or without attributing the source;
- the use of a common syllabus template without acknowledging that the syllabus is not entirely “original”;
- the use of somebody else’s CV as a model, without acknowledgement (e.g., using the design, layout, typography, and categories, but plugging in different own content);
- the use of an existing Powerpoint slideshow template without crediting the designer;
- the cutting and pasting of bibliography entries from others’ bibliographies without crediting the compilers; and
- the recycling of one’s own work (e.g., reusing paragraphs from one presentation or article in another without explicitly saying so).

All of the above are examples of what we would call “allowable plagiarism”—forms of copying without attribution that are ethically acceptable within certain communities of practice. In fact, such examples are common, almost the rule rather than the exception. As Brian Martin (1994) discusses, other examples of “allowable plagiarism” include: ghostwriting and political speech writing; honorary authorship; the use of templates and formats (e.g., for web pages, for slideshow presentations); the use of organizational/administrative and professional writing under work-for-hire clause; and grant writing.

Martin (1994) points out that

In scientific research, the phenomenon of “honorary authorship” is commonplace. In typical cases, a supervisor or laboratory director, who has done little or none of the research, is listed as co-author of a research paper.

In short, copying others’ work, even without attribution, is often ethical—depending on the circumstances. As Rebecca Moore Howard (2001) says, “most of us have violated the plagiarism injunctions in one way or another, large or small, intentionally or inadvertently, at one time or another.”

#### **4. REMIXING IS KEY TO DIGITAL WRITING**

Today’s digital compositions often ask us to look differently at collaboration, at motivation for composing, at authorship, and at the design and delivery of documents. Digital compositions are often deep remixes that are evidence of a new digital ethics of appropriation, creation, pastiche, and file distribution. That is, digital compositions are often emblematic of what we would label “allowable plagiarism.”

However, our culture—and especially academic culture—still clings to an antiquated, romantic notion of writing and how

writing is done. In isolation. A solitary practice. The individual author at his or her craft. Surrounded by tools that primarily consist of pen and paper. We would argue, however, that most—if not all—writing takes place today in computer-mediated spaces. From inventing to drafting to presenting to publishing and other forms of production, most documents are digital creations that are frequently created and distributed digitally (Boisvert, 2003; Manovich, 2002; WIDE Research Center Collective, 2005). Further, many documents are digital creations that appropriate other digital work—photos, graphics, layouts, coding, scripting, audio files, video clips, and more. This ability to compose documents with multiple media, to publish this writing quickly, to distribute it to mass audiences, and to allow audiences to interact with this writing (and with other writers) challenges many of the traditional principles and practices of composition, which are based (implicitly) on a print view of writing.

Our current disciplinary paradigm favors and privileges print-based views of delivery, anchored to notions of the author as a working-in-isolation, romantic figure whose work is owned and controlled by that one author. Typically, work is delivered in a linear fashion: book-to-reader. What we’re seeing more and more of, and what today’s robust, rich, global networks are fostering are socially networked views of delivery, where authorship is often distributed and shared. Often the products of composing are multimedia pieces, collages of text, visuals, sounds, and more. Work and authorial agency are attributed in diverse and diffuse ways, some of which align with U.S. copyright law and some of which don’t. Typically, delivery and distribution of work are multi-point and rhizomatic. As Lev Manovich (2005) described it:

If a traditional twentieth century model of cultural communication described movement of information in one direction from a source to a receiver, now the reception point is just a temporary station on information’s path. If we compare information or media object with a train, then each receiver can be compared to a train station. Information arrives, gets remixed with other information, and then the new package travels to other destination where the process is repeated.

These processes and practices associated with digital remixing require an evolution in our more traditional approaches to authorship and textual authority and ownership. Imitation, appropriation, and copying are crucial postmodern production practices. Further, file-sharing spaces and digital writing dynamics are more than an economic “problem” for the recording and film industries, more than a matter of people wanting to share music for free or download movies illegally (DeVoss & Porter, in press; Lessig, 1999, 2002, 2004; Litman, 2001; Vaidhyathan, 2003, 2004). And, importantly, practices of digital appropriation and pastiche have direct impact on the ways in which we think about and value authorship and originality.

#### **5. REMIXING STIMULATES ECONOMIC DEVELOPMENT**

A key question for economic development is this: What policies and practices will promote innovation and the development of new products in an information economy? Copyright law (and, we feel, plagiarism policies, too) can have a critical effect on innovation. Depending on how we shape law and policy, we can stimulate or discourage economic development; we can favor existing technologies or we can promote the emergence of new technologies.

The Copyright Maximalists believe that “the more intellectual property rights we create, the more innovation” (Boyle, 2005). This maximalist position believes that a strong protectionist regime will create the incentives necessary for the development of digital knowledge. This position has come under considerable challenge, however, as Boyle and others have pointed out. (For example, Boyle points out that Europe’s Database Directive, which provides strong copyright protection over databases, has not helped Europe compete with the US information industry.) Although strong copyright protections can lead to short-term benefits for established industries, such protectionism does not encourage the emergence of new technologies, nor does it incentivize new development.

In fact, there is evidence that a culture of free sharing of copyrighted material can in fact boost economic development. Lessig (in Koman, 2005) notes that the free software movement in Brazil has helped that country increase its wealth and develop the potential of its technology industry. In terms of promoting its music, Brazil has developed a music archive, licensed under Creative Commons, that would increase access to Brazilian music—and also remixing of that music. By this means, Brazil hopes to “increase the ultimate benefit to Brazilian musicians,” whose work is currently not widely distributed or “heard outside Brazil.”

In its report on “Promoting Innovation and Economic Growth: The Special Problem of Digital Intellectual Property” (2004, March), the Committee for Economic Development took a serious look at the problem of digital piracy. While expressing concern about the problem of digital piracy, the main conclusion of the report was this:

The purpose of protection for intellectual property ... is to keep this virtuous cycle of innovation going—to keep new innovations flowing to those who improve upon them so that those innovations, in turn, can be used by still others. This process lies at the heart of long-term economic growth. This process, therefore, requires that intellectual property law and policy strike a fine balance between the rights of innovators (creators) and the right of subsequent imitators and users (disseminators) who turn those creations into new economic activity. (p. viii)

Essentially, the report argues that maintaining a “fine balance” between the rights of creators and the rights of “subsequent imitators” is the key to promoting a cycle of economic innovation. The report goes on to point out that in recent years this balance has been disturbed—in the direction of excessive protection for copyright holders—and that this imbalance is slowing the development of digital technology. While the Committee sees piracy as a problem that needs to be addressed, it is worried more that an excessive focus on piracy will lead to suppression of innovation.

The view of the Committee for Economic Development echoes the copyright views of the Supreme Court, in its majority finding in *Feist Publications, Inc. v. Rural Telephone* (1991):

The primary objective of copyright is not to reward the labor of authors, but to promote the Progress of Science and useful Arts. To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work. This result is neither unfair nor

unfortunate. It is the means by which copyright advances the progress of science and art.

In other words, according to Sandra Day O’Connor, representing the majority opinion in the case, promoting progress and innovation requires a system that allows others to “build freely” on the work of others.

Is there any practical connection between the digital composition practice of remixing and economic development of the digital economy—or are these simply two widely different, unrelated areas? We are not yet ready to provide a strong answer to this question. What we do see, though, is a theoretical and ideological connection—a connection on the level of rhetoric theory:

When rhetoric asks questions about audience and purpose—what is my purpose for writing? who is my audience?—it is also implicitly asking questions about delivery, economics, copyright, and credit. What motivates someone to produce and distribute a piece of writing? What motivates someone else to access it, read it, interact with it? These are basic questions of rhetoric, which are also basic questions of delivery, economics, and copyright. (DeVoss & Porter, in press)

All college composition classes teach some system of ethics regarding the use/reuse of others’ materials in writing— and this ethical system, whatever it may be, has correlates in the current public debates regarding the relationship of copyright law to business enterprise. What kind of ethic best promotes the good of society: An ethic of strong protection for intellectual property rights, or an ethic that promotes wide sharing, a robust public domain, and fair use of others’ materials, even without permission? What writing teachers advocate in their composition classrooms regarding plagiarism and fair use of others’ text does pertain to fundamental issues of economic development in the digital economy. Their course may be titled Writing 101, but in a digital economy it might also be legitimately co-listed as Business 101.

## 6. THE ETHICAL MIDDLE GROUND— RESPECT FOR INTELLECTUAL HISTORY, FREEDOM FOR DEVELOPERS, AND FAIR USE

Copying without attribution and without permission is not always unethical; it is, in fact, common composition practice. Thus, we would argue, academics need to complicate their view of the plagiarism world, abandoning a simplistic view of plagiarism:



And taking instead a more complicated view, one that acknowledges that there is a gray area in which copying without attribution is allowable in certain circumstances:



If we are willing to accept the complex view of the plagiarism world, then that should change our teaching practice. Instead of adopting the role of plagiarism police, our role should be to teach students how to make ethical decisions regarding copying and the re-use of others’ text, including:

- what is ethical copying and re-use of text (a.k.a. “allowable sharing”);
- what is unethical misappropriation of others’ work (a.k.a. “plagiarism”);
- how to ethically copying and re-use materials (techniques);
- what the given circumstances of use are (venue, genre, professional context, etc.); and
- how there will always be gray areas, complexities, exceptions, and tough calls.

In addition, we would argue that:

- it is up to us as rhetoricians to focus our work on the constructive and ethical uses of technologies and networks and to be copyright activists rather than passive, consumer-oriented users who allow copyright to be defined for us, and defined so narrowly that even constructive uses that fall under Fair Use are prevented, and
- we must give credit where credit is due, using whatever modes and tools are available within digital realms. Attribution is key to an ethics of Fair Use. (digirhet.net, in press)

We argue that this ideology toward re-use of others’ text is related to both views of copyright and views of economic development. Economic development, like the practice of writing itself, requires remixing. New products and innovations develop from old ones. Creation requires collaboration, sharing, interaction. We should promote public policies and composition practices which encourage this.

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