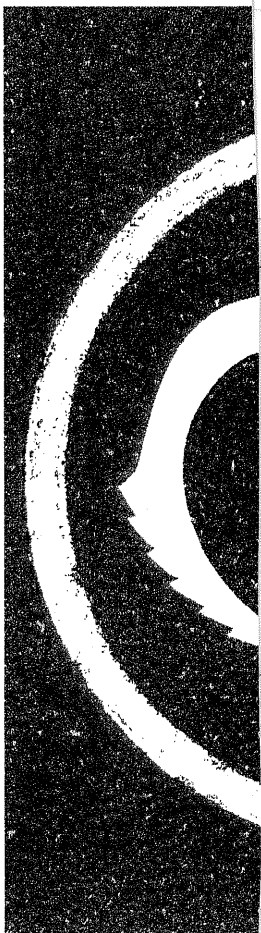


In 1998, big media won a major victory with the passage of the Sonny Bono Copyright Term Extension Act, which added 20 more years to copyrights, the 11th extension in the last 40 years. And large-scale copyright holders have been threatening to sue users who even come close — and in some cases, not very close — to infringing on a copyright.

For every file-sharer downloading an illegal song, there are students worried about being hauled into court for photocopying a few pages of a school book and grade schools and restaurants wary of letting “Happy Birthday to You” be sung. Even technological advances, supposed to have been copyright’s undoing, are proving a two-edged sword. It has long been established, for example, that when consumers buy books, they own not just the right to read them but to share them. But the same books in digital form are outfitted with technological locks that prevent sharing—even books long out of copyright, like “Alice’s Adventures in Wonderland.”

The shrinking of the public domain, and the devastation it threatens to the culture, are the subject of a powerfully argued and important analysis by Law-

**Adam Cohen**, who writes editorials for *The Times*, is the author of “The Perfect Store: Inside eBay.”



CHRISTOPHER SERRA

Marx brothers telling Warner Brothers, after it threatened to sue if they did a parody of “Casablanca,” to watch out because the Marx brothers “were brothers long before you were.”

To his credit, Lessig avoids the classic law professor’s trap of writing about legal cases and doctrines as if no actual people were involved. He humanizes his arguments with stories like that of Jesse Jordan, a freshman at Rensselaer Polytechnic Institute who innocently put together a new search engine for his school’s computer network, and, after students started using it to trade music, was notified by the Recording Industry Association of America that he owed them \$15 million. (They settled for \$12,000, his life savings.)

Lessig grounds his argument about the new rules’ impact on the culture in a basic observation about art: as long as it has existed, artists have been refash-

95 years, and copyrights need no longer be renewed to survive. Copyrights originally applied only to the work created, now they cover all manner of derivative works too.

The result of this explosion of copyright, Lessig argues persuasively, is an impoverishment of the culture. Corporations now have veto power over the use of copyrighted materials, in many cases long after the creators themselves have died, and they can use that power to lock up a significant part of our cultural legacy. At a ridiculous extreme, Lessig tells the story of a filmmaker who tried to get clearance for a several-seconds-long shot, in a documentary about Wagner’s Ring cycle, of stagehands watching “The Simpsons” backstage during a performance. The Simpsons’ creator, Matt Groening, gave permission. But Fox’s vice president for licensing, as Lessig tells it, demanded \$10,000 for the

Only type d) is currently legal, but Lessig contends that b) and c) do not do any harm. The Napster problem can be solved, he suggests, by finding a way to deal with the harm that type a) file-sharing does to copyright holders.

After taking us to this critical point, however, 300 pages into his analysis, Lessig fails to deliver. There is, he says, a “relatively simple way to compensate” copyright holders who are hurt by the more harmful kinds of downloading. He proposes a fund to pay creators whose work is shared, to be underwritten by “an appropriate tax.” But after a brief description of the idea, which sounds on its face both impractical and politically unattainable, he refers the reader to another law professor’s book—one that has not yet been published, in fact—for a fuller explanation. Given the importance of “Napsterization” to copyright today, it is hard not to feel cheated by this tease of a conclusion.

If Lessig’s views prevail, however, it will be far easier to produce derivative works that build and improve on existing expression. In that case, it is entirely possible that a future theorist will produce a book that starts with Lessig’s erudite explication of intellectual property law, and adds an equally thoughtful proposal for addressing the most difficult issue confronting it.

□

Staans

Perspectives on Plagiarism  
and Intellectual Property  
in a Postmodern World

Lise Buranen and Alice M. Roy  
editors

Foreword by Andrea Lunsford

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# Copy Wrong: Plagiarism, Process, Property, and the Law

Laurie Stearns

Several years ago, while working as an editor, I was putting the finishing touches on a forthcoming book about an event from fifty years before, which other authors had previously chronicled. The new book was nothing to get excited about, but it was well organized, competently written, comprehensive, and offered a new interpretation of the event.

One day, stranded at home because of mass-transit problems, I went to my local library to verify some historical information for the book. As I browsed through another book on the same subject, scanning the pages for names and dates, a passage caught my eye—a passage that was strangely, and disturbingly, familiar. The same passage appeared almost word for word in the manuscript I had been editing. With increasing agitation I paged through more books on the subject. In the end, I identified five passages that my author appeared to have lifted from three different sources.

The next day, back at my office, I told the senior editor about my discovery. Dismayed and clearly reluctant to take the matter up with the author, he asked me simply to rewrite the passages I had found. I declined vehemently and returned to my desk to puzzle over the questions running through my mind: How could the author have done such a thing? What would have happened if the trains had been running the day before and I had never gone to the library? Were there more copied passages I had not found? Why had I refused to rewrite the offending passages myself? And why was I so outraged at what I had discovered?

The questions I was asking that day were about literary ethics, not about the law. Later, the publisher's lawyers calmly accepted the author's assurances that the copying, which he ascribed to a flaw in his notetaking system, extended no further than the material already uncovered. Indeed, the lawyers seemed relieved that the problem was merely plagiarism rather than, say, libel.

People commonly think of plagiarism as being "against the law." But with respect to plagiarism, the law and literary ethics intersect only imperfectly.

Plagiarism is not a legal term, and though an instance of plagiarism might seem to be the quintessential act of wrongful copying, it does not necessarily constitute a violation of copyright law.

In this essay I consider the question: What is the role of copyright law in protecting creativity and scholarship? Plagiarism is the source of legal and critical disputes, an example of “creativity gone bad.” Both the law and the way we define creativity can shape the way we understand plagiarism, and both the way we understand plagiarism and the way we define creativity can shape the law.

### Plagiarism and the Creative Process

The poet's eye in a fine frenzy rolling,  
Doth glance from heaven to earth, from earth to heaven,  
And, as imagination bodies forth  
The forms of things unknown, the poet's pen  
Turns them to shapes, and gives to airy nothing  
A local habitation and a name.

—Shakespeare, *A Midsummer Night's Dream*

Human beings have singled out the creative process as a uniquely human characteristic, a “prerogative of man” (Aristotle 4). Creativity—in literature, the visual arts, music, philosophy, or science—can inspire admiration and awe.

To claim to have created a work, one need not have made something from nothing. Mary Shelley, in her introduction to *Frankenstein*, wrote: “Invention, it must be humbly admitted, does not consist in creating out of void, but out of chaos” (xxiv). Creation is an act situated in time, taking into account what has gone before. Aristotle considered art to be an imitation of reality (1932, 57), and Longinus recommended “zealous imitation of great historians and poets of the past” (167). Sir Isaac Newton acknowledged his predecessors with the statement that his achievements were possible because he was able to stand “on ye sholders of giants” (Merton 31).

Given this interdependence of human creative efforts, the idea of plagiarism is something of a paradox. Why condemn an author for borrowing from another if such borrowing is inevitable and even fundamental to the creative process?

The answer lies in the kind of borrowing an author does. The only legitimate borrowing is that which proceeds to transform the original material by means of the borrower's creative process. The obligation of the author to make an original contribution parallels Locke's view of the origin of property: “Whatsoever then he removes out of the State that Nature hath provided, and

left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*” (Locke 306).

The essence of the modern understanding of plagiarism is a failure of the creative process through the author's failure either to transform the original material or to identify its source. Space constraints preclude a more complete examination of the history and contours of the concept of plagiarism, but for the purposes of this essay I will define plagiarism as intentionally taking the literary property of another without attribution and passing it off as one's own, having failed to add anything of value to the copied material and having reaped from its use an unearned benefit.<sup>1</sup> In a sense, plagiarism (presenting another's work as one's own) is the inverse of forgery (presenting one's own work as another's).

People despise plagiarism not because it results in inferior works—indeed, by drawing from others plagiarists may produce better works than they could by themselves—but because it is a form of cheating that allows the plagiarist an unearned benefit. This benefit could be either tangible, as when the work is of commercial value or fulfills a requirement for an academic degree or tenure, or intangible, as when it adds to the plagiarist's personal or professional reputation. The form that the plagiarist's cheating takes—claiming credit for someone else's achievements—is particularly abhorrent. Individuals who do not hesitate to photocopy copyrighted books or videotape copyrighted broadcasts for their own use would never dream of representing themselves as the authors of the books or tapes.

Plagiarism is, then, a failure of the creative process, not a flaw in its result. Although imitation is an inevitable component of creation, plagiarists pass beyond the boundaries of acceptable imitation by copying from the work of others without improving on the copied material or fully assimilating it into their own work; by failing to attribute the copied material to its actual author; and by intending to deceive others about its origin. Society's disapproval of these imperfections in the creative process seeks an outlet in the law. But the law, with its attention focused on different concerns, provides only an inexact means of addressing plagiarism.

### Plagiarism and Copyright Infringement

For poets, law makes no provision . . .

—Jonathan Swift,  
*On Poetry: A Rhapsody*

Even without being able to articulate a precise definition, many people find it easy to recognize plagiarism—as with pornography, they know it when they see it.<sup>2</sup> People who inquired about the subject of this essay while it was being

written were easily able to understand what it was going to be about, and many offered such ripostes as “Didn’t someone else write about that?” or “Why don’t you just copy it?”

The law, however, with its emphasis on articulating rules and standards, has had a difficult time understanding plagiarism. Although the term is sometimes used casually in judicial opinions, it has not been judicially explained or defined since 1944 (Dieckhaus 427). Hardly a single modern lawbook contains an entry for plagiarism in its index. Most courts using the term, writing about a range of subjects from patents to trademarks, employ it imprecisely as the generic equivalent of copying. One bewildered jury, uncertain exactly what the attorneys and the judge meant by “plagiarism” and other terminology used in a trial, sent the bailiff out for a dictionary during its deliberations (*United States v. Steele* 744).

Cases of literary plagiarism most often turn up in court as cases of copyright infringement. Copyright law aims to encourage both creativity and the dissemination of the results of the creative effort to the public. At times these aims are in opposition, as when granting authors the exclusive right to their works in order to give them the financial incentive to create has the effect of preventing others from improving or adapting those works for the benefit of society. The current Copyright Act of 1976, like its predecessors,<sup>3</sup> attempts to accommodate both aims by affording protection for only a limited time (Secs. 302–05) and allowing for exceptions that permit certain uses of the copyrighted work by others, such as fair use (Sec. 107), reproduction by libraries and archives (Sec. 108), compulsory license for making and distributing phonorecords (Sec. 115), public performances by means of coin-operated phonorecord players (Sec. 116), noncommercial broadcasting (Sec. 118), and secondary transmissions for private home viewing (Sec. 119).

At present, copyright law protects “original works of authorship fixed in any tangible medium of expression” (Sec. 102) by giving the copyright owner the exclusive right to reproduce the work, to prepare derivative works based on it, to distribute copies of it, and to perform or display it publicly (Sec. 106). Copyright ownership “vests initially in the author or authors of the work” and may subsequently be transferred (Sec. 201). Violation of any of the exclusive rights is termed “infringement” (Sec. 501a), and the owner of an exclusive right has standing to sue for its infringement (Sec. 501b). Remedies for infringement include injunctive relief, impoundment or destruction of the infringing articles, and a monetary award of actual damages and profits, statutory damages, and costs and attorney’s fees (Secs. 502–05).

When deciding a case of copyright infringement, courts engage in a practical inquiry focusing on the result of the alleged copying. According to the method applied in *Arnstein v. Porter*, the court examines the allegedly infringing work to determine whether it was copied from the allegedly infringed work and not independently created; and if it was copied, whether the copying was wrongful (468). The plaintiff can prove copying by presenting evi-

dence of similarity between the two works and evidence of the defendant’s access to the plaintiff’s work. The two works need not be identical, but must be substantially similar; where the degree of similarity is great enough, access can be presumed rather than proven (*Arnstein* 468).

Plagiarism is not necessarily copyright infringement, nor is copyright infringement necessarily plagiarism. The two concepts diverge with respect to three main aspects of the offense: copying, attribution, and intent. In some ways the concept of plagiarism is broader than infringement, in that it can include the copying of ideas, or of expression not protected by copyright, that would not constitute infringement, and it can include the copying of small amounts of material that would be disregarded under copyright law. In other ways the concept of infringement is broader, in that it can include both properly attributed copying and unintentional copying that would be excused from being called plagiarism.

The divergence between plagiarism’s popular definition and copyright’s statutory framework suggests an essential contradiction between what is at stake in plagiarism—the creative process—and what is at stake in copyright infringement—the creative result.

### *Copying*

Fundamental to both plagiarism and copyright infringement is wrongful copying from a preexisting work. But the form, the amount, and the source of the copying prohibited as copyright infringement are different from those of the copying condemned as plagiarism.

Plagiarism is a broad concept that includes the copying of words and thoughts in a variety of forms. According to the Modern Language Association,

Plagiarism may take the form of repeating another’s sentences as your own, adopting a particularly apt phrase as your own, paraphrasing someone else’s argument as your own or even presenting someone else’s line of thinking in the development of a thesis [as] though it were your own. In short, to plagiarize is to give the impression that you have written or thought something that you have in fact borrowed from another. (St. Onge 53)

In other words, both ideas and the way in which those ideas are expressed can be plagiarized. Even facts or quotations can be plagiarized, as through the trick of citing to a quotation from a primary source rather than to the secondary source in which the plagiarist found it in order to conceal reliance on the secondary source.

The process of copying a small amount of material from an unattributed source is no less plagiarism than is the copying of a large amount. In practical terms, of course, the plagiarism in a long work of just one sentence is unlikely to be noticed or, if noticed, unlikely to be criticized. Technically, however, the taking of even a single resonant phrase would be plagiarism.

Copying from any source qualifies as plagiarism, even if the source has been in existence for centuries. Even where no harm could possibly result to the original work (which may be long out of print) or to the original author (who may be long dead), the audience is still duped, and plagiarism is still viewed as a misuse of the creative process.

In defining copyright infringement, the law has substantially narrowed all of the characteristics of illicit copying as plagiarism defines them. The Copyright Act makes a distinction between “expression,” which the law protects against copying, and “ideas,” which it does not (Sec. 102). Similarly, copyright law does not protect facts, only the way in which they are expressed or compiled; the facts themselves are in the public domain. Copyright law draws lines between protectible expression and unprotectible idea, and between protectible expression and unprotectible fact, in response to the fear that a grant of copyright protection that functions as a monopoly on ideas or facts will dangerously impair the free flow of ideas and information. (Of course, this distinction, commonly known as the idea/expression dichotomy, has proved difficult to apply because idea and expression are necessarily intertwined.)

Moreover, copyright law is not concerned with all expression but merely with certain statutorily defined categories of expression. If the copied work is too old to fall under the copyright statute (Sec. 302), was written by a government employee (Sec. 105), or has otherwise lost its protection, it is in the public domain and cannot be infringed. This basic difference between plagiarism and infringement demonstrates that while plagiarism is a failure of the creative process as manifested in unattributed copying from any source, copyright law examines the harm that results from copying—concluding that a work not protected by statute cannot be harmed.

Although copying even a small amount of an earlier work can be plagiarism, to be copyright infringement the copying must be substantial in either quantity or quality (Whelan 1245–46; Hoffman 379). Although “no plagiarist can excuse the wrong by showing how much of his work he did not pirate” (Sheldon 56), substantial copying is necessary to turn plagiarism in the popular sense into infringement in the legal sense. The law thus looks to the new work and its effect on the earlier work—not to the process of plagiarism but to its result.

### *Attribution*

The connection of the author’s name with the work symbolizes the relationship between the creator and the creation. This connection has monetary value in that copyright ownership, which includes the right to control publication and other uses of the work, belongs to the author (Sec. 201). There is also non-monetary value to having one’s name associated with a work. Commercial

authors who sell publication rights might have little or no control over the editing, design, production, marketing, distribution, or publicity for their works—but authors who find this arrangement alienating can gain comfort from the sight of their names on the title page. In noncommercial publications, such as scholarly or scientific journals, seeing their names in print—and having their names seen by others—may be the only compensation authors receive.

Plagiarism, with its lack of attribution, severs the connection between the original author’s name and the work. A plagiarist, by falsely claiming authorship of someone else’s material, directly assaults the author’s interest in receiving credit. In contrast, attribution is largely irrelevant to a claim of copyright infringement. The Copyright Act does not guarantee the author any right to attribution; such a right is nonexistent unless created by contract (Morton 524). Conversely, a pirated edition of a book produced by someone who does not own the publication rights is an infringement even if the work is properly attributed to its author.

Copyright law’s indifference to the issue of attribution, despite attribution’s central place in the definition of plagiarism, demonstrates once again the law’s focus on result, not process. In the popular view, plagiarists shortchange both themselves and the original authors. In the view of copyright law, the only harm that counts is the resulting harm to the infringed work, which is independent of claims of authorship that attach to it. Attribution of authorship is the highly personal connection between author and work, but the interest that copyright protects is the impersonal connection between owner and property.

### *Intent*

Accused plagiarists often defend themselves with the excuse of accidental copying, often through faulty notetaking in which original material was inadvertently mingled with material copied from another source. For example, a first novelist called the appearance in his book of fifty-three passages from another writer’s novel “the most awful mistake, which happened because I made notes from various books as I went along and then lost the notebook telling where they came from” (Mallon 110). Observers are sometimes reluctant to accept the plagiarist’s claim of lack of intent, but their reluctance is more likely due to inability to believe the excuse than to a conviction that accidental copying is equivalent to plagiarism. One suspects, for example, that the first novelist, an American, must have known that one of the passages in his notebook was not his own because it contained a reference to a British advice columnist; in his novel he substituted a reference to Ann Landers (Mallon 111).

In the language of the law, intent to deceive would be an element of the offense of plagiarism. Copyright infringement, however, is a strict liability

offense: an infringer is liable no matter how the copying came about, regardless of intent or lack of it (Buck 198).

The different views of intent reflected in plagiarism and in infringement reflect different understandings of harm. Plagiarism is a diffuse offense against society, harming many participants in the creative transaction, including the plagiarists themselves, the authors of copied works, other writers and scholars, and the public as a whole.

The law has a narrower conception of the harm caused by infringement. Only the copyright owner has standing to sue, and the law measures harm by impairment of that owner's economic interest. The law allows an infringement action only where the infringer has benefited and allows recovery only where the value of the original work has been reduced. In deciding whether works are "substantially similar," courts believe that if the infringing work has not harmed the infringed work, the similarity is likely not substantial. The harm the law recognizes is not to the process but to the result alone.

### Legal Metaphors: Intellectual Property and the Creative Contract

Next, o'er his Books his eyes began to roll,  
In pleasing memory of all he stole,  
How here he sipp'd, how there he plunder'd snug  
And suck'd all o'er, like an industrious Bug.  
Here lay poor Fletcher's half-cat scenes, and here  
The Friggery of cruelty'd Moliere . . .

—Alexander Pope, *The Dunciad*

Modern copyright law's categorization of written material as property springs from the belief that the "law of nature" entitles human beings to reap the fruits of their labors. According to Blackstone: "When a man by the exertion of his rational powers has produced an original work, he has clearly a right to dispose of that identical work as he pleases, and any attempt to take it from him, or vary the disposition he has made of it, is an invasion of his right to property" (1765, xx) (1: \*405–6).<sup>4</sup>

If words are property, they are an odd form of property. At any instant they are finite in number and yet can be freely and infinitely invented or duplicated. They cannot be marked with the insignia of ownership. When first invented, they are subject to exclusive possession before being written or uttered, yet such exclusive possession leaves them incapable of fulfilling their communicative function. They can be initially withheld from others but, once transmitted, they can never be retrieved.

Nevertheless, the law has treated what it calls "intellectual property" like other forms of property: "Nothing can with greater propriety be called a man's property than the fruit of his brain" (Waring 340). Copyright law has duplicated the protection provided by traditional property doctrines by setting

statutory boundaries similar to the physical boundaries of tangible property and by formulating exclusive rights of ownership, such as the right to exclude, to use, and to transfer.

In terms of an author's commercial interests, the notion of intellectual property is both appealing and appropriate. It provides a conceptually simple model on which to base legal and economic analysis. If a poem is property, people can buy and sell it, inherit it, or otherwise transfer it. It has a legal existence separate from its author and from which the author can benefit.

But authors also have noneconomic interests to which the notion of intellectual property corresponds less well. Ownership would give people who make a discovery, write a novel, or invent an epigram the ability to withhold their contributions from others, but what most authors want is to communicate them. Intellectual property law does not provide a useful framework to govern this communication or to ensure that creators receive full credit for their creations when the communication occurs.

The property doctrine is just one of many legal doctrines. Some, such as contracts, deal largely with planned interactions between people; others, such as torts, deal largely with interactions that are unplanned; and still others, such as property, deal largely with the objects of those interactions. Despite their differences, all legal doctrines share their identity as metaphors. They reflect various ways of seeing the world, each way incomplete by itself but overlapping with and complementary to the others. In combination, these metaphors are more effective than they are singly. For example, adding the spontaneity of torts to the deliberateness of contracts produces a more accurate picture of the spectrum of human interactions than would either alone.

Yet all too often legal metaphors are not used in combination to enlarge understanding but in isolation to constrict it. Like any metaphor, the property metaphor is capable of distorting the law's analysis of human creativity. When lawyers talk carelessly about intellectual property, they reduce a voluminous, diverse mixture of stray thoughts, dogged research efforts, fragmentary phrases, stunning insights, and blind alleys to simple commodities. Property is thought of as being subject to exclusive ownership, over and over, in sequence. But each creative act takes place within a web of contributions from a community of creators. The property metaphor is misleading for words because words are meant to be shared, not possessed. "The heart of language is not 'expression' of something antecedent, much less expression of antecedent thought. It is communication; the establishment of cooperation in an activity in which there are partners, and in which the activity of each is modified and regulated by partnership" (Dewey 179).

To improve the legal metaphor we can look beyond the idea of property to the larger legal context within which property exists: a network of relationships, constantly realigned and readjusted through transactions that the law understands as contracts. The contract metaphor adds to the intellectual property metaphor because it focuses as much on the process of the transaction as on the result. It assumes the existence of dealings between people,



unlike the property metaphor, which assumes the existence of a bundle of rights that an owner holds against others. Contract is a meeting of minds, not a placing of boundaries.

Some political philosophers, such as Hobbes, Locke, and Rousseau, have theorized that societies are based on a "social contract" in which people come together in communities to gain the benefits of safety, security, and support, and in exchange relinquish their freedom to behave however they choose. This metaphor may lack historical validity, and may make unwarranted assumptions about the contract's power to bind the members of the community, but it recognizes that society is a collection of human beings whose lives are spent in interactions with one another.

As the social contract is a metaphor for political life, perhaps another kind of contract could be a metaphor for efforts at creativity and communication: the "creative contract." By virtue of living among other people, everyone is a party to the creative contract as both a creator and a member of the audience.

Thinking of creativity in terms of this larger social relationship and viewing infractions against literary ethics, such as plagiarism, as breaches of the creative contract as well as infringements of property rights can open new avenues of legal analysis. Intellectual property is an inadequate metaphor not because the structure of property law is inadequate but because the term itself makes people think too simplistically of words as property to be owned. The contract metaphor can serve as a reminder that property can be shared, exchanged, bargained over, and used, as well as owned.

Holding to the intellectual property metaphor, the U.S. Supreme Court has doggedly rejected the suggestions by various commentators that the protection and consequent financial interest granted by copyright should be based on the labor invested—the process, not the result (Feist 1295). By looking to the contract metaphor, courts could take process into account as well as result. When an author begins to write, there is never a guarantee of what the result will be. The law's goal should be to safeguard the process by rewarding those who undertake to create a work according to the terms of the creative contract.

### Alternatives

Plagiarism? the hell with it! I thoroughly  
believe Rostand swiped my friend's play  
But Rostand made it into a beautiful  
thing, didn't he, so what's the odds?

—George Jean Nathan

I left publishing and was in my second year of law school when a former publishing coworker called me. He was considering the publication of a manu-

script that happened to have been written by the author whose plagiarism I had discovered a few years before. My coworker had never heard that story, but a mutual friend who had heard it had told him he ought to talk to me. Hadn't I once edited a book by this author? my coworker asked.

By then I knew enough about copyright law to understand why the publisher's lawyers had been so unconcerned. Copying five peripheral paragraphs from three books totaling some eight hundred pages altogether was substantial in neither quantity nor quality. Even if the authors of the copied passages had bothered to bring an infringement action, they would most likely have lost.

Yet, describing my experience, I felt fresh anger, not at the lawyers or the law but at the author and the publisher. By writing the book the way he had, the author had breached his duty under the creative contract—to synthesize information obtained from many sources into a fluid, coherent whole—and nevertheless received a financial reward as well as authorial credit that reinforced his professional status, a status that had helped him to earn a living in a competitive field. By silently accepting the author's excuses and publishing the book anyway, the publisher had become a conspirator in the author's scheme. Now the questions in my mind were about both literary ethics and the law. I wondered how the law should protect creativity.

In answering this question, it would be helpful to consider the social goals that the law is to implement. Perhaps we imagine a society in which creative people are free to exercise their talents without overly burdensome restrictions; in which the public can enjoy the fruits of creative labors; and in which the disappointed or untalented are not tempted to misuse the law to bring the creative process of others to a halt.

In pursuit of these goals, copyright law can open itself to a broader way of understanding words. The law need not cling to simplifications and draw endless fine distinctions between different kinds of creative achievements while forgetting that copyright law, like all law, is about people. By recognizing that books are more than products, and that words are more than property, courts can be more sophisticated in their approach to creative disputes than they are at present. For example, the law regards facts as having an objective existence distinct from the existence of the human beings who discern them. Recently the Supreme Court declared, "The distinction is one between creation and discovery: the first person to find and report a particular fact has not created the fact; he or she has merely discovered its existence" (Feist 1288). This view of objective truth has been discarded by a variety of different schools of twentieth-century legal thought, including positivism, pragmatism, postmodernism, nihilism, and Critical Legal Studies, all of which instead see the existence and content of the discovery as being dependent on the discoverer (Frank 568; Posner 1656; Schlag 173; Singer 4; Kelman 269–70). Far from subscribing to the ideal/expression or fact/expression dichotomy,



those who belong to these schools of thought would say that there is nothing but expression.

Applying legal rules to creative efforts is a delicate task, however, for what the law protects it also controls. The premise of intellectual property law is that creativity should be encouraged and knowledge sought. In actuality we have sometimes used the law to suppress creativity and knowledge. Along with admiration and awe, creativity can also make us feel envy or fear, prompting us to attack people such as Galileo for disputing the word of God or James Joyce for saying the unspeakable.

We cannot expect the law to be more consistent or more wise than we are. Law has its limits and cannot be relied on to provide a simple solution to every problem. A suitable forum for a discussion of plagiarism may lie outside the legal system. After all, plagiarism is just one of the creative risks that people take—of expressing themselves imperfectly, of being misquoted or misunderstood, of losing editorial control of their work—and the means of reducing these risks are not to be found in law. Hegel found “no precise principle of determination available” to decide “to what extent . . . repetition of another’s material in one’s book [is] a plagiarism” and concluded that the question “cannot be finally settled either in principle or by positive legislation. Hence plagiarism would have to be a matter of honour and held in check by honour” (56).

Aided by an understanding of copyright law, we can seek alternative ways to deal with plagiarism. Creators can help one another, individually or collectively. Some professional writers’ groups are active in support of authors’ rights and in devising accessible procedures through which writers can resolve their grievances. Some academic groups maintain sanctioning procedures. The pressure of public opinion may also be brought to bear against offenders, even in the absence of any possibility of sanction.

Aided by an understanding of plagiarism, we can continue to work toward a more just law of creativity. The law is itself a product of the human creative process, as powerful and moving as any other work of literature. As we try to facilitate and encourage the creative process through copyright law, we must continually work to accommodate process and result, creator and audience, property and contract, ownership and communication, simplicity and complexity, flexibility and consistency, metaphor and reality, and creativity and the law.

## Notes

1. This definition is an amalgam of definitions from several sources. See, for example, *Black’s Law Dictionary* (plagiarism is “the act of appropriating the literary composition of another, or parts or passages of his writings, or the ideas or language of the

same, and passing them off as the product of one’s own mind”); *The Oxford English Dictionary* (plagiarism is “the wrongful appropriation or purloining, and publication as one’s own, of the ideas, or the expression of the ideas [literary, artistic, musical, mechanical, etc.] of another”); *Webster’s Third New International Dictionary of the English Language Unabridged* (to plagiarize is “to steal and pass off as one’s own [the ideas or words of another],” to “use [a created production] without crediting the source,” or “to commit literary theft,” which is to “present as new and original an idea or product derived from an existing source”); and St. Onge 51–62 (definitions from such sources as the Modern Language Association, language textbooks, and school catalogs).

2. In his concurring opinion in *Jacobellis v. Ohio*, Justice Potter Stewart concluded that the motion picture at issue was not “hard-core pornography” (197). Because writing about plagiarism can make one hyperaware of the need to credit sources, I feel compelled to note that I arrived at the comparison of plagiarism to pornography before reading a similar comparison by K. R. St. Onge (51). My hyperawareness is such that I also feel compelled to cite Thomas Mallon’s discussion of the need while writing about plagiarism to be especially scrupulous in citing sources (125).

3. The Copyright Act of May 31, 1790; the Copyright Act of February 3, 1831; the Copyright Act of 1870; and the Copyright Act of 1909.

4. The asterisk indicates the page in the original edition, according to legal citation convention.

those limitations are of questionable legality. This public anxiety, in turn, reinforces a view that the law must be as it is perceived by allowing false protection notices to stand without direct legal challenge. Such challenge is likely to come only from those with profit motives and a team of lawyers, from corporate holders of copyright, who will challenge only creations sufficiently popular to be profitable or sufficiently incisive to be embarrassing. Since profitability is incorporated into the criteria for determining fair use, such challenges are more likely to be decided in favor of megaholders, creating precedent for arguing subsequent cases involving fair use—and, eventually personal use. Intercontextual innovations like the collage rant become increasingly risky.

We have already prepared the ground for a postmodern generation's artistic and critical work to be declared illegal or to be perceived as such, making into brute fact the warning that copyright extensions of 1976 and later provide the means to use copyright for censorship (Patterson and Lindberg)—that is, to use copyright for suppressing texts troubling to the economic and proprietary status quo. Those texts of the most apparent value, those which gather a following and thus come to the attention of copyright holders, would be most subject to litigation. If such litigation or the threat of it succeeds in suppressing GenX texts at home in a postmodern world, then we have acquiesced in a generation's being represented in the cultural canon only by its less appealing and less incisive texts. We risk losing the collage rant, one of GenX's most creative modes of civic and artistic literacy. The legally permissible cultural legacy we leave to our grandchildren and great-grandchildren will have been stripped by law or by intimidation of its best and brightest, at the least, of some of its most interesting. We have already set the climate of intimidation (Patterson and Lindberg's "*in terrorem* effect") such that some of the most innovative work might never get beyond its creator's mind and certainly not beyond his or her mailbox—in direct contradiction to the constitutional mandate for copyright.

## Works Cited

- Achert, Walter S., and Joseph Gibaldi. *The MLA Style Manual*. New York: The Modern Language Association, 1985.
- Acker, Kathy. *The Adult Life of Toulouse Lautrec by Henri Toulouse Lautrec*. 1975. In *Portrait of an Eye: Three Novels*. New York: Pantheon, 1992.
- . *Blood and Guts in High School*. New York: Grove, 1978.
- . "Dead Doll Humility." *Postmodern Culture*. <http://jefferson.village.edu/pmc/>.
- . *Don Quixote: Which Was a Dream*. New York: Grove, 1989.
- . *Empire of the Senseless*. New York: Grove, 1988.
- . *Great Expectations*. New York: Grove, 1989.
- . *My Life My Death by Pier Paolo Pasolini*. 1984. In *Literal Madness: Three Novels*. New York: Grove, 1988.
- . *Pussy, King of the Pirates*. New York: Grove, 1996.
- Adams, Thomas. "Trademarks." *English Today* 9 (1987): 34.
- Adams, Peter Dow. *The HarperCollins Concise Handbook for Writers*. New York: HarperCollins, 1994.
- Aim Your Dick. Berkeley: n.p., 1994.
- Albee, Edward. Lecture at the University of California-Davis, May 27, 1996, reported by Deutsche Presse-Agentur.
- Alford, William. *To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization*. Stanford: Stanford University Press, 1995.
- Aoki, Keith. "Adrift in the Intertext." *Chicago-Kent Law Review* (1993): 805-840.
- Arieti, Silvano. *Creativity: The Magic Synthesis*. New York: Basic, 1976.
- Aristotle. *Rhetoric*. Trans. W. Rhys Roberts. Cambridge: Harvard/Loeb, 1964.
- . *The Poetics*. Trans. W. Hamilton Fyfe. *XXIII Aristotle*. Loeb Classical Library. Cambridge: Harvard University Press, 1932. 1-118.
- Arnold, Matthew. "The Study of Poetry." *English Literature and Irish Politics*, vol. 9 of *The Complete Prose Works of Matthew Arnold*. Ed. R. H. Super. Ann Arbor: U. of Michigan, 1973.
- Arnstein v. Porter*. 154 F.2d 464, 2d Cir. 1946.
- Ashton-Jones, Evelyn. "Asking the Right Questions: A Heuristic for Tutors." *The Writing Center Journal* 9.1 (1988): 29-36.
- Atwood, F. G. "Manners and Customs of Ye Harvard Studente." Ed. Bernard Bailyn, Donald Fleming, Oscar Handlin, and Stephan Thernstrom. *Glimpses of the*

- Harvard Past. Cambridge: Harvard UP, 1986. [originally published by J. R. Osgood (Boston) in 1877.]
- Augustine. *On Christian Doctrine*. Trans. D. W. Robertson. New York: Bobbs-Merrill, 1974.
- Bakhtin, M. M. *The Dialogic Imagination*. Trans. & ed. Michael Holquist and Caryl Emerson. Austin: University of Texas Press, 1981.
- Ballard, Brigit, and John Clanchy. "Assessment by Misconception: Cultural Influences and Intellectual Traditions." *Assessing Second Language Writing in Academic Contexts*. Ed. Liz Hamp-Lyons. Norwood: Ablex, 1991. 19-35.
- Baron, Dennis. "Word Law." *Verbatim* 16.1 (1989): 1-4.
- . *Guide to Home Language Repair*. Urbana: National Council of Teachers of English, 1994.
- Barthes, Roland. "Day by Day with Roland Barthes." Ed. Marshall Blonsky. *On Signs*. Baltimore: Johns Hopkins University Press, 1985.
- . "The Death of the Author." *Image, Music, Text*. Trans. Stephen Heath. New York: Hill and Wang, 1977. 142-48.
- . "From Work to Text." *Image/Music/Text*. Trans. Stephen Heath. New York: Farrar, Straus & Giroux, 1977.
- Bartholomae, David. "The Study of Error." *College Composition and Communication* 31 (1980): 253-69.
- Bartkowski, Frances. *Feminist Utopias*. Lincoln and London: University of Nebraska Press, 1989.
- Baudrillard, Jean. *La transparence du mal. Essai sur les phénomènes extrêmes*. Paris: Galilée, 1990.
- Bazerman, Charles. *Constructing Experience*. Carbondale: Southern Illinois UP, 1994.
- . *Shaping Written Knowledge: The Genre and Activity of the Experimental Article in Science*. Madison: U of Wisconsin P, 1988.
- . *The Informed Writer: Using Sources in the Disciplines*. 3rd ed. Boston: Houghton, 1989.
- Beasley, Wm., and E. G. Pulleyblank. *Historians of China and Japan*. London: Oxford University Press, 1961.
- Behn, Richard. "Ethical Issues in Peer Tutoring: A Defense of Collaborative Learning." *The Writing Center Journal* 10.1 (1990): 3-12.
- Benthab, Seyla. "On Hegel, Women and Irony." *Feminist Interpretations and Political Theory*. Ed. Mary Lyndon Shanley and Carole Pateman. University Park: Pennsylvania State University Press, 1991. 129-145.
- Benoist, Jocelyn. "En guise d'introduction au texte de Fichte." *Qu'est-ce qu'un livre?* (Emmanuel Kant). Paris: Presses Universitaires de France, Coll. "Quadrige," 1995.
- Berke, Jacqueline. *Twenty Questions for the Writer: A Rhetoric with Readings*. 3rd ed. New York: Harcourt, 1981.
- Berkenkotter, Carol, and Thomas N. Huckin. *Genre Knowledge in Disciplinary Communication: Cognition/Culture/Power*. Hillsdale: Lawrence Erlbaum, 1995.
- . "You Are What You Cite." *Professional Communication: The Social Perspective*. Eds. Nancy Roundy Blyer and Charlotte Thralls. Newbury Park: Sage, 1993. 109-27.
- Berlin, James. "Literacy, Pedagogy, and English Studies: Postmodern Connections." *In Critical Literacy: Politics, Praxis, and the Postmodern*. Ed. Colin Lankshear and Peter L. McLaren. Albany: State U of New York, 247-269.

- Berrey, David. "Student Withdraws in Plagiarism Uproar." *The National Law Journal* May 1983: 4.
- Biabha, Homi. "Of Mimicry and Man: The Ambivalence of Colonial Discourse." *October* 28. (1984): 125-133.
- . *The Location of Culture*. London and New York: Routledge, 1994.
- . *The Bible*. Revised Standard Edition. Cleveland: World Publishing, 1962.
- Bills, Robert. "Plagiarism in Law School: Close Resemblance of the Worse Kind?" *Santa Clara Law Review* 31 (1990): 103-33.
- Black's Law Dictionary. 6th ed. St. Paul: West, 1990.
- Blackstone, Sir William. *Commentaries on the Laws of England*. London, 1765.
- Blair, Hugh. *Lectures on Rhetoric and Belles-Lettres. The Rhetoric of Blair, Campbell, and Whately*. Ed. James L. Golden and Edward P. J. Corbett. New York: Holt, Rinehart, 1968.
- Blau, Susan. "Issues in Tutoring Writing: Stories from Our Center." *The Writing Lab Newsletter* 19.2 (1992): 1-4.
- Bloom, Harold. *The Anxiety of Influence*. NY: Oxford University Press, 1973.
- . *The Bluebook: A Uniform System of Citation*. 16th ed. Cambridge, Mass: The Harvard Law Review Assn., 1996.
- Bollinger, Dwight. *Language: The Loaded Weapon*. London: Longman, 1980.
- Booth, Mark. Letter to the author: November 15, 1992.
- Borchard, William. *Trademark Basics: A Guide for Business*. New York: International Trademark Association, 1995.
- Bouygues, Charles. "Yambo Ouologuem, où le silence des canons." *Canadian Journal of African Studies* 25 (1991): 1-11.
- Bowers, Neal. "A Loss for Words: Plagiarism and Silence." *American Scholar* 63 (1994): 545-555.
- Boyle, James. *Shamans, Software, & Spleen: Law and the Construction of the Information Society*. Cambridge: Harvard University Press, 1997.
- . "A Theory of Law and Information: Copyright, Spleens, Blackmail, and Insider Reading." *California Law Review* 80.6 (1992): 415-540.
- . "Alienated Information: The International Political Economy of Authorship." Conference on Cultural Agency/Cultural Authority: Politics and Poetics of Intellectual Property in the Post-Colonial Era. Bellagio, Italy, 8-12 March 1993.
- Brautigan, Richard. *Please Plant this Book*. San Francisco: n.p., 1968.
- Brodkey, Linda. "Modernism and the Scene(s) of Writing." *College English* 49 (1987): 396-418.
- . *Writing in Designated Areas Only*. Minneapolis: U Minnesota P, 1996.
- Brooks, Jeff. "Minimalist Tutoring: Making the Student Do All the Work." *Writing Lab Newsletter* 15.6 (1991): 1-4.
- Bruffee, Kenneth. "Collaborative learning and the Conversation of Mankind." *College English* 46 (1984): 645-52.
- . "Writing and Reading as Collaborative and Social Acts. *The Writer's Mind: Writing as a Mode of Thinking*. Ed. Janice N. Hays et al. Urbana: NCTE, 1983. 159-169.
- . *Collaborative Learning: Higher Education, Interdependence, and the Authority of Knowledge*. Baltimore: Johns Hopkins UP, 1993.
- . Collaborative Learning: Some Practical Models. *College English* 34 (1973): 634-43.

- Bruner, Jerome. *Toward a Theory of Instruction*. Cambridge: Belknap of Harvard University Press, 1966.
- Brusaw, Charles T., Gerald J. Alfred, and Walter E. Olin. *Handbook of Technical Writing*. New York: St. Martin's, 1976.
- Buck v. Jewell-La Salle Realty Co. 283 U.S. 191. 1931.
- Burke, Kenneth. *A Grammar of Motives*. 1945. Berkeley: U of California P, 1969.
- . *Attitudes toward History*. 1950. Berkeley: U of California P, 1969.
- Buskirk, Martha. "Appropriation Under the Gun." *Art in America* June 1992: 37.
- Butler, Melissa A. "Early Liberal Roots of Feminism: John Lock and the Attack on Patriarchy." *Feminist Interpretations and Political Theory*. Ed. Mary Lyndon Shanley and Carole Pateman. University Park: The Pennsylvania State UP, 1991: 74-94.
- Carey, John. *The Intellectuals and the Masses: Pride and Prejudice among the Literary Intelligentsia, 1880-1939*. New York: St. Martin's, 1992.
- Carino, Peter. "Early Writing Centers: Toward a History." *The Writing Center Journal* 15.2 (1995): 103-115.
- Central Piedmont Community College. *Plagiarism: Statement Three*.
- Chen Shou. *Sunguo zhi*. Beijing: Zhonghua shuju, 1959.
- Cicero. *De Optimo Genere Oratorum*. Trans. H. M. Hubbell. Cambridge: Harvard UP/Loeb, 1993, 1949.
- . *de Oratore*. Cambridge: Harvard/Loeb, 1963.
- . *Topica*. Cambridge: Harvard/Loeb, 1963.
- Clark, Irene Lurkis. "Collaboration and Ethics in Writing Center Pedagogy." *The Writing Center Journal* 9.1 (1988): 3-12.
- "Maintaining Chaos in the Writing Center: A Critical Perspective on Writing Center Dogma." *The Writing Center Journal* 11.1 (1990): 81-95.
- . *Taking a Stand: A Guide to the Researched Paper with Readings*. New York: HarperCollins, 1992.
- Clark, Irene L., and Dave Healy. "Are Writing Centers Ethical?" *WPA: Writing Program Administration* 20. 1/2 (1996): 81-95.
- College Evils. Winkle. Vol. 11 (1893-94): 8-9. Michigan Historical Collections. Bentley Historical Library. University of Michigan.
- Confucius. *Analekts*. See also, D. C. Lau, Confucius: *The Analekts*. Hong Kong: Chinese University Press, 1979.
- Connors, Robert J. *Overwork/Underpay: Labor and Status of Composition Teachers since 1880*. *Rhetoric Review* 9 (1990): 108-26.
- . "The Abolition Debate in Composition: A Short History." *Composition in the Twenty-First Century: Crisis and Change*. Ed. Lynn Z. Bloom, Donald A. Daiker, and Edward M. White. Carbondale: Southern Illinois UP, 1996. 47-63.
- Connors, Robert J., and Andrea A. Lunsford. "Frequency of Formal Errors in Current College Writing, or Ma and Pa Kettle Do Research." *College Composition and Communication* 39 (1988): 395-409.
- Conrad, Joseph. *Heart of Darkness*. NY: Scribner's, 1901.
- Cooley, Thomas. *The Norton Guide to Writing*. New York: Norton, 1992.
- Coombe, Rosemary J. "Objects of Property and Subjects of Politics: Intellectual Property Law and Democratic Dialogue." *Texas Law Review*. 69 (1991): 1853-1880.

- Cooper, Marilyn. "Really Useful Knowledge: A Cultural Studies Agenda for Writing Centers." *The Writing Center Journal* 14.2 (1994): 97-111.
- Copeland, Rita. "The Fortunes of 'Non verbum pro verbo'; or, why Jerome is not a Ciceroian." *The Medieval Translator: The Theory and Practice of Translation in the Middle Ages*. Ed. Roger Ellis. Cambridge: D. S. Brewer, 1989. 15-35.
- Copyright Act of Feb. 3, 1831. Ch. 16, Sec. 2, 4 Stat. 436. 1831.
- Copyright Act of 1870. Ch. 230, 16 Stat. 212. 1870.
- Copyright Act of May 31, 1790. Ch. 15, 1 Stat. 124. 1790.
- Copyright Act of 1909. Ch. 320, 35 Stat. 1075. Codified as amended at 17 US Code, Secs. 1-216. 1976.
- Copyright Act of 1976. 17 US Code, Secs. 101-914. 1988.
- Cozzens, Susan E. *Social Control and Multiple Discovery in Science: The Opiate Receptor Case*. Albany: State U of New York, 1988.
- . "What Do Citations Count? The Rhetoric-First Model." *Scientometrics* 15 (1988): 437-47.
- Crews, Frederick, and Sandra Schor. *The Borzoi Handbook for Writers*. New York: Knopf, 1985.
- . *The Random House Handbook*. 4th ed. New York: Random, 1984.
- Cronin, Blaise. *The Citation Process: The Roles and Significance of Citations in Scientific Communication*. London: Taylor Graham, 1984.
- Cross, Geoffrey. *Collaboration and Conflict*. Cresskill, N.J.: Hampton Press, 1994.
- Crossan, John Dominic. *Who Killed Jesus?: Exposing the Roots of Anti-Semitism in the Gospel Story of the Death of Jesus*. San Francisco: HarperCollins, 1995.
- Crowley, Carolyn Hughes. "Focus: College Cribbers. . . Ethics May Be In, but So Is Cheating." *The Washington Post* 6 January 1992: C5.
- Crowley, Sharon. "A Personal Essay on Freshman English." *PreText* 12 (1991): 156-76.
- . *The Methodical Memory: Invention in Current-Traditional Rhetoric*. Carbondale: Southern Illinois UP, 1990.
- . "Composition's Ethic of Service, the Universal Requirement, and the Discourse of Student Need." *JAC* 15 (1995): 227-40.
- Day-Glo Corporation. *How to Use the Trademarks of the Day-Glo Color Corporation*. 1987.
- de Certeau, Michele. *The Practice of Everyday Life*. Trans. Steven Rendall. Berkeley, Los Angeles, London: Berkeley University Press, 1984.
- Decker, Glenn D. "Perspectives on Plagiarism from ESL Students in Hong Kong." *Journal of Second Language Writing*. 2 (1993): 131-48.
- De Grazia, Margreta. "Sanctifying Voice: Quotation Marks, the Abolition of Torture, and the Fifth Amendment." *The Construction of Authorship: Textual Appropriation in Law and Literature*. Eds. Martha Woodmansee and Peter Jaszsi. Durham and London: Duke UP, 1994.
- Denton, George B. Letter to Fred Newton Scott. 3 March 1910. Fred Newton Scott Papers. Michigan Historical Collections. Bentley Historical Library. University of Michigan.
- Derrida, Jacques. *Force de loi*. Paris: Galilée, 1994.
- Detmar, Kevin J. H. *The Illit Joyce of Postmodernism: Reading Against the Grain*. Madison: U of Wisconsin P, 1996.
- Dewey, John. *Experience and Nature*. Chicago: Open Court, 1925.

- Diderot, Denis. *Encyclopédie ou dictionnaire raisonné des sciences, des arts et des métiers*. Genève: Pellet, 1777-79.
- Dieckhaus v. Twentieth Century-Fox Film Corp., 54 F. Supp. 425, E.D. Mo. 1944.
- Dihlmann, W. "Plagiarism: Copying for Advanced Students." *Radiologue* 31 (1991): 394-397.
- Dillon, George L. "My Words of an Other." *College English* 50 (1988): 63-73.
- Doi, Takeo. (Trans. John Bester.) *The Anatomy of Dependence*. Tokyo: Kodansha International. 1981.
- Dorman, Edward A., and Charles W. Dawe. *The Brief English Handbook*. 2nd ed. Boston: Little, Brown 1987.
- Drew, Elizabeth. *T. S. Eliot: The Design of His Poetry*. NY: Scribner's 1949.
- Drum, Alice. "Responding to Plagiarism." *College Composition and Communication* 37 (1986): 241-43.
- Du Bellay, Joachim. *Ladefence et illustration de la langue françoise*. Ed. Louis Terreaux. Paris: Bordas, 1972.
- Ede, Lisa. "Writing as a Social Process: A Theoretical Foundation for Writing Centers?" *The Writing Center Journal* 9.2 (1989): 3-13.
- Ede, Lisa, and Andrea Lunsford. *Singular Texts/Plural Authors: Perspectives on Collaborative Writing*. Carbondale: Southern Illinois UP, 1990.
- Edelman, Bernard. *La propriété littéraire et artistique*. Paris: Presses Universitaires de France. Coll. "Que sais-je?," 1989.
- Edelman, Murray. *Constructing the Political Spectacle*. U Chicago P, 1988.
- Editor and Publisher*. New York: Editor and Publisher.
- Edwards, Suzanne. "Tutoring Your Tutors: How to Structure a Tutor-Training Workshop." *Writing Lab Newsletter* 7.10 (1983): 7-9.
- Eisenstein, Elizabeth. *The Printing Press as an Agent of Change*. 2 vols. Cambridge: Cambridge UP, 1979.
- Eliot, T. S. "Philip Massinger." In *Essays on Elizabethan Drama*. New York: Harcourt, Brace, & World, 1932. 141-61.
- . *Selected Prose of T. S. Eliot*. Ed. Frank Kermode. New York: Harcourt Brace Jovanovich, 1975.
- . *Selected Poems*. New York: Harcourt, Brace & World, 1964.
- . *On Poetry and Poets*. New York: Farrar, Straus and Cudahy, 1957.
- Emerson, Ralph Waldo. "Quotation and Originality." In *Letters and Social Aims*, The Centenary Edition of the Complete Works of Ralph Waldo Emerson, vol. 8. Boston: Houghton Mifflin, 1904.
- Evarts, R. C. *Alice's Adventures in Cambridge*. Cambridge: The Harvard Lampoon, 1913.
- Faigley, Lester. *Fragments of Rationality: Postmodernity and the Subject of Composition*. U Pittsburgh P, 1992.
- Fan Zuyu. *Tungjan*. Shanghai: Shanghai tushuguan, 1980.
- Fanon, Frantz. *Black Skin, White Masks*. Trans. C. L. Markmann. London: MacGibbon & Kee, 1986. Trans. of *Peau noire, masques blancs*, 1952.
- . *The Wretched of the Earth*. Trans. Constance Farrington. New York: Grove Press, 1963. Trans. of *Les Damnés de la terre*, 1961.
- Feist Publications, Inc. v. Rural Tel. Serv. Co. 111 S. Ct. 1282. 1991.

- Fichte, J.G. "Preuve de l'illégitimité de la reproduction des livres, un raisonnement et une parabole." Texte reproduit dans *Qu'est-ce qu'un livre?* (Emmanuel Kant). Paris: Presses Universitaires de France, Coll. "Quadrige," 1995.
- Finn, Michael. "Beware of How You Color It." *Writer's Digest* June 1995: 57-60.
- Flanagan, Anna. "Experts Agree Plagiarism Hard to Define, Hard to Stop." *The Council Chronicle* 3.3 (1994) National Council of Teachers of English 1, 6.
- Flint, Anthony. "High Tech Blurs Boundaries of Plagiarism: Back on Campus." *The Boston Globe* 26 September 1993: National/Foreign 1.
- Flower, Linda. "Cognition, Context, and Theory Building." *College Composition and Communication* 40 (1989): 282-311.
- Flower, Linda and John Hayes. "A Cognitive Process Theory of Writing." *College Composition and Communication* 32 (1981): 365-387.
- Forman, Janis. *New Visions of Collaborative Writing*. Portsmouth, NH: Boynton/Cook Pub., 1992.
- Foucault, Michel. "What Is an Author?" *The Order of Things*. New York: Vintage, 1970.
- . "What Is an Author? Textual Strategies: Perspectives in Post-Structuralist Criticism." Ed. Josue V. Harari. Ithaca: Cornell UP, 1979. 141-60.
- . "What Is an Author?" *Bulletin de la Société française de Philosophie* 63.3 (1969): 73-104. Rpt. *Language, Countermemory, Practice: Selected Essays and Interviews*. Ed. Donald F. Bouchard. Trans. Donald F. Bouchard and Sherry Simon. Ithaca: Cornell UP, 1977. 113-38.
- . "Qu'est-ce qu'un auteur?" in *Bulletin de la Société française de philosophie*, Vol. 63, No. 3, 1969, 73 to 104.
- Frank, Jerome. "Mr. Justice Holmes and Non-Euclidean Legal Thinking." *Cornell Law Quarterly* 17 (1932): 568-603.
- Friedman, Morris. "The Persistence of Plagiarism, the Riddle of Originality." *Virginia Quarterly Review* 70 (1994): 504-517.
- Freedman, Sarah Warshauer. "Outside-In and Inside-Out: Peer Response Groups in Two Ninth-Grade Classes." *Research in the Teaching of English* 26 (1992): 71-107.
- Friedman, Ellen G. "A Conversation with Kathy Acker." *Review of Contemporary Fiction* 9 (Fall 1989).
- . "Where Are the Missing Contents? (Post)Modernism, Gender, and the Canon." *PMLA* 108 (1993): 240-252.
- Friedman, Monroe. "Commercial Influences in Popular Literature: An Empirical Study of Brand Name Usage in American and British Hit Plays in the Postwar Era." *Empirical Studies of the Arts* 4.1 (1986) 63-77.
- . "The Changing Language of a Consumer Society: Brand Name Usage in Popular American Novels in the Postwar Era." *Journal of Consumer Research* 11 (1985): 927-938.
- Frisbie, Michael J., Douglas Chickering, Susan S. Frisbie, Arthur W. Hall, Jo Keroes, and Melanie Sperling. *The Active Writer*. New York: Macmillan, 1982.
- Fruman, Norman. (1976) "Originality, Plagiarism, Forgery, and Romanticism." *Centrum* 4.1 (1976): 44-49.
- . *Coleridge, The Damaged Archangel*. New York, George Braziller, 1971.
- Funk, Robert and Roy Hoover. "The Search for the Real Jesus: Darwin, Scopes and All That." *Five Gospels*. NY: Polebridge Press, 1993.

- Furuya, Reiko. School of Global Business and Economics. Nagoya University of Foreign Studies. Nisshin, Japan. Personal interview (Dryden), 12 Feb. 1996.
- Gage, John T. *The Shape of Reason: Argumentative Writing in College*. New York: Macmillan, 1987.
- Gennep, John Franklin. *The Working Principles of Rhetoric*. Boston: Ginn, 1900.
- Gere, Anne Ruggles. "On Imitation." Paper given at the Conference on College Composition and Communication. Atlanta, March 1987.
- . *Writing Groups: History, Theory, and Implications*. Carbondale: Southern Illinois UP, 1987.
- Gere, Anne Ruggles and Ralph S. Stevens. "The Language of Writing Groups: How Oral Response Shapes Revision." *The Acquisition of Written Language: Response and Revision*. Ed. S. W. Freedman. Norwood: Ablex, 1985. 85-105.
- Gibson, William. *Virtual Light*. New York: Bantam, 1993.
- Gifford, Don. "Ulysses." *Annotated*. Berkeley: University of California Press, 1988.
- Gilbert, G. Nigel. "Referencing as Persuasion." *Social Studies of Science* 7 (1977): 113-22.
- Gilliam, Alice. "Writing Center Ecology: A Bakhtinian Perspective." *The Writing Center Journal*. 11.2 (1991): 3-11.
- Gilyard, Keith. *Voices of the Self*. Detroit: Wayne State UP, 1996.
- Giovannangeli, Daniel. *Écriture et répétition*. Paris, Union Générale d'Éditions, 1979.
- Gooch, G. P. *History and Historians in the Nineteenth Century*. London: Longmans, Green, 1913.
- Goodstein, David. "Travails of Publishing." Rev. of *Stealing into Print: Fraud, Plagiarism and Misconduct in Scientific Publishing*, by Marcel C. LaFollette. *Science* 27 Nov. 1992: 1503-04.
- Gracia, J. E. "Can There Be Texts Without Historical Authors?" in *American Philological Quarterly*, 31 (1994): 245 to 253.
- Grafton, Anthony. *New Texts Ancient Worlds*. Cambridge, MA: Harvard/Belknap, 1996.
- Grever, Garland and Easley S. Jones. *The Century Collegiate Handbook*. New York: Appleton, 1924.
- Gunter, Lani. *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*. New York: Free Press, 1994.
- Guth, Hans P. *The Writer's Agenda: The Wadsworth Writer's Guide and Handbook*. Belmont: Wadsworth, 1989.
- Hacker, Diana. *A Writer's Reference*. 2nd ed. Boston: St. Martin's, 1992.
- Hainston, Maxine. "The Winds of Change: Thomas Kuhn and the Revolution in the Teaching of Writing." *College Composition and Communication* 33 (1982): 76-88.
- Hainston, Maxine et al. *The Scott, Foresman Handbook for Writers*. 3rd ed. New York: HarperCollins, 1993.
- Hall, Donald, and Sven Burkerts. *Writing Well*. 7th ed. New York: HarperCollins, 1991.
- Handelman, Susan. *The Slayers of Moses*. Albany: State U of New York Press, 1984.
- Harkin, Patricia. "The Postdisciplinary Politics of Lore." *Contending with Words*. Eds. Patricia Harkin and John Schilt. New York: MLA, 1991. 124-38.
- Hamon, William, and C. Hugh Holman. *A Handbook to Literature*. Seventh edition. Upper Saddle River: Prentice Hall, 1996.
- Harris, Muriel. "Modeling: A Process Method of Teaching." *College English* 45 (1983): 74-84.
- . *Teaching One-to-One: The Writing Conference*. Urbana: NCTE, 1986.
- Hartmann, Geoffry. "Coleridge, the Damaged Archangel." Rev. of *Coleridge, T. Damaged Archangel*, by Norman Fruman. *New York Times Book Review* 12 Mar. 1976: 7, 32.
- Haynes-Burton, Cynthia. "Intellectual (Property) in Writing Centers: Retro Texts as Positive Plagiarism." *Writing Center Perspectives*. Ed. Bryon Stay, Christi Murphy and Eric H. Hobson. NWCA Press: Maryland, 1995.
- Heffernan, James A. W., and John E. Lincoln. *Writing: A College Handbook*. 4th ed. New York: Norton, 1994.
- Hegel, W. F. *Hegel's Philosophy of Right*. Trans. T. M. Knox. London: Oxford UP, 1955.
- Hill, David J. *The Elements of Rhetoric and Composition*. New York: Sheldon, 187.
- Hobbes, Thomas. *Leviathan*. Ed. C. B. MacPherson. Harmondsworth, England: Penguin, 1951.
- Hoffman v. LeTraunik. 209 F. 375. D.N.Y. 1913.
- Hollander, John. *The Figure of Echo: A Mode of Allusion in Milton and After*. Berkeley: University of California Press, 1981.
- Holt, Mara. "The Value of Written Peer Criticism." *College Composition and Communication* 43 (1992): 384-92.
- Horowitz, Helen. *Campus Life: Undergraduate Cultures from the End of the Eighteenth Century to the Present*. Chicago: U of Chicago P, 1987.
- Howard, Rebecca Moore. "A Plagiarism Penitence." *Journal of Teaching Writing* (Summer 1993).
- . "Plagiarisms, Authorships, and the Academic Death Penalty." *College English* 57 (1995): 788-806.
- . "The Gendered Plagiarist." Penn State Conference on Rhetoric and Composition, 15 July 1995. Eric document #ED 391 176.
- Hughes, Justin. "The Philosophy of Intellectual Property." *The Georgetown Law Journal* 77 (1988): 287-366.
- Hull, Glynda. "The Editing Process in Writing: A Performance Study of More Skilled and Less Skilled College Writers." *Research in the Teaching of English* 2 (1987): 8-29.
- Hunn, Sue. "On Assimilation and Accommodation Through Literacy: Disciplinary Discourse on the Value of Difference." Unpublished paper presented to the Texas Christian University Symposium on Composition and Rhetoric, Spring 1995. Cited with permission of the author.
- Hyde, Douglas, ed. & trans. *The Love Songs of Connacht*. Shannon: Irish University Press, 1971.
- International Trademark Association. *Trademarks: The Official Media Guide*. 1993.
- Jameson, Frederic. *Postmodernism: or, The Cultural Logic of Late Capitalism*. Durham: Duke UP, 1991.
- Jacobellis v. Ohio. 378 U.S. 184. 1964.
- Jaszi, Peter. "On the Author Effect: Contemporary Copyright and Collective Creativity." *The Construction of Authorship: Textual Appropriation in Law and Literature*. Ed. Martha Woodmansee and Peter Jaszi. Durham, NC: Duke UP, 1994. 29-56.
- . "Toward a Theory of Copyright: The Metamorphoses of 'Authorship.'" *Duke Law Journal* (1991): 455-502.



- Joyce, James. *A Portrait of the Artist as a Young Man*. 1916. New York: Viking, 1968.
- . *Finnegans Wake*. New York: Viking, 1939.
- . *Ulysses*. Ed. Hans Walter Gabler. New York: Random House, 1986.
- Joyner, Michael. The Writing Center Conference and the Textuality of Power." *The Writing Center Journal* 12.1 (1991): 80–89.
- K. W. (1972) "In Defence of Yambo Ouologuem." *West Africa* 2875, 21 July (1972): 939.
- Kant, Emmanuel *Qu'est-ce qu'un livre?* Paris: Presses Universitaires de France, Coll. "Quadrige," 1995.
- Keller, Helen. *The Story of My Life*. New York: Doubleday, 1903, 1954.
- Kellogg, Brainerd. *Rhetoric*. New York: Effingham Maynard, 1889.
- Kelman, Mark. *A Guide to Critical Legal Studies*. Cambridge: Harvard UP, 1987.
- Kendrick, Walter. "The Other Side of Originality." Rev. of *Stolen Words: Forays into the Origins and Ravages of Plagiarism*, by Thomas Mallon. *New York Times Book Review* 29 Oct. 1989: 13–14.
- Kennedy, Mary Lynch, and Hadley M. Smith. *Academic Writing: Working with Sources across the Curriculum*. Englewood Cliffs: Prentice-Hall, 1986.
- Kiley, Mark. *Colossians as Pseudepigraphy*. Sheffield, England: JSOT Press, 1986.
- Kinoshita, Yumiko. AV Center. Nagoya University of Foreign Studies. Nisshin, Japan. Personal interview (Dryden), 7 Feb. 1996.
- Kittler, Friedrich A. *Discourse Networks: 1800/1900*. Trans. Michael Metteer. Stanford: Stanford UP, 1990.
- Knoblauch, C. H. "Literacy and the Politics of Education." *The Right to Literacy*. Ed. Andrea Lunsford. Helene Moglen, and James Slevin. NY: Modern Language Association, 1990. 74–80.
- Kolich, Augustus M. "Plagiarism: The Worm of Reason." *College English* 45 (February 1983): 141–48.
- Koons v. Rogers, 506 U.S. 934; 113 S. Ct. 365. Cert. denied.
- Koyen, Jeff. "Those Darn Zines." *FactSheet5* 57 (1995): 10.
- Kroll, Barry M. "How College Freshmen View Plagiarism." *Written Communication* 5 (1988): 203–221.
- . "Why Is Plagiarism Wrong?" Paper given at the Conference on College Composition and Communication. Atlanta, March 1987.
- Lachs, John "Fichte's Idealism." *American Philosophical Quarterly*, 9 (1972): 311 to 318.
- . "Is There an Absolute Self?" *The Philosophical Forum*. (1987–1988): 169 to 181.
- LaFollette, Marcel. *Stealing into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing*. Berkeley: University of California Press, 1992.
- Lannon, John M. *The Writing Process: A Concise Rhetoric*. 2nd ed. Boston: Little, 1986.
- Larousse, Pierre. *Grand dictionnaire universel du XIX<sup>ème</sup> siècle*. Paris: Administration du Grand dictionnaire universel, 1866–1870.
- Latour, Bruno. *Science in Action: How to Follow Scientists and Engineers through Society*. Cambridge: Harvard UP, 1987.
- Lauer, Janice M., Gene Montague, Andrea Lunsford, and Janet Emig. *Four Worlds of Writing*. New York: Harper and Row, 1981.
- "Legal Practice." *The Second Draft* [The Institute of Legal Writing] 8.2 (1993): 7–8.

- LeFevre, Karen Burke. *Invention as a Social Act*. Carbondale: Southern Illinois UP, 1987.
- Le Guin, Ursula. *The Dispossessed: An Ambiguous Utopia*. New York: Harper Prism, 1974.
- Leggett, Glenn C., David Mead, and Melinda G. Kramer. *Prentice Hall Handbook for Writers*. 11th ed. Englewood Cliffs: Prentice Hall, 1991.
- Lester, James D. *Writing Research Papers: A Complete Guide*. 7th ed. New York: HarperCollins, 1993.
- Levi-Strauss, Claude. *The Savage Mind*. Chicago: University of Chicago Press, 1966.
- Li Tao. *Xu Zizhi tongjian changbian*. Beijing: Zhonghua shuju, 1957.
- Lindey, Alexander. *Plagiarism and Originality*. New York: Harper, 1952.
- Locke, John. *The Second Treatise of Government*. Ed. Thomas P. Peardon. Indianapolis: Bobbs-Merrill, 1952.
- . *Two Treatises of Government*. Ed. Peter Laslett. 2nd ed. Cambridge, England: Cambridge UP, 1967.
- Logie, John. The Author(s) Property: Rhetoric, Literature, and Constructions of Authorship. Dissertation underway at Penn State University. Contact Logie at <antrobust@tupo.com>.
- Lomer, Gerthard R., and Margaret Ashmun. *The Study and Practice of Writing English*. Boston: Houghton Mifflin, 1917.
- Longinus. *On the Sublime*. Trans. W. Hamilton Fyfe. XXIII Aristotle. Loeb Classical Library. Cambridge: Harvard UP, 1932. 119–254.
- Loringier, Sylvère. "Devoured by Myths." In *Hannibal Lecter, My Father*, by Kathy Acker. New York: Semiotext(e), 1991.
- Lu, Min-Zhan. "Professing Multiculturalism: the Politics of Style in the Contact Zone." *College Composition and Communication* 45:4 (1994): 442–58.
- Lunsford, Andrea. "Collaboration, Control, and the Idea of a Writing Center." *The Writing Center Journal* 12.1 (1991): 3–10.
- . "Intellectual Property in an Age of Information: What Is at Stake for Composition Studies?" *Composition the the Twenty-First Century: Crisis and Change*. Ed. Lynn Z. Bloom, Donald A. Daiker, and Edward M. White. Carbondale: Southern Illinois UP, 1996. 261–272.
- Lunsford, Andrea A., and Lisa Ede. "Collaborative Authorship and the Teaching of Writing." *The Construction of Authorship: Textual Appropriation in Law and Literature*. Ed. Martha Woodmansee and Peter Jaszi. Durham: Duke UP, 1994. 417–38.
- . *Singular Texts/Plural Authors: Perspectives on Collaborative Writing*. Carbondale: Southern Illinois UP, 1990.
- Lunsford, Andrea, and Robert Connors. *The St. Martin's Handbook*. New York: St. Martin's, 1989.
- Lunsford, Andrea, and Susan West. "Intellectual Property and Composition Studies." *College Composition and Communications* 47 (1996): 383–411.
- Lytard, Jean-François *Dérive à partir de Marx et de Freud*. Paris: Gallilée, 1994.
- Mack, Burton. *The Lost Gospel: The Book of Q and Christian Origins*. NY: HarperCollins, 1993.
- . *Who Wrote the New Testament? The Making of Christian Myth*. NY: HarperCollins, 1995.



- Maimon, Elaine P., Gerald L. Belcher, Gail W. Hearn, Barbara F. Nodine, and Finbarr W. O'Connor. *Readings in the Arts and Sciences*. Boston: Little, Brown, 1984.
- Mallon, Thomas. *Stolen Words: Forays into the Origins and Ravages of Plagiarism*. New York: Ticknor & Fields, 1989.
- Marius, Richard, and Harvey S. Wiener. *The McGraw-Hill College Handbook*. 3rd ed. New York: McGraw-Hill, 1991.
- Marr, John. "Present and Accounted For." *FactSheet5* 58 (1995): 8-9.
- Marvin, Barbara. "Everything You Wanted to Know About Plagiarism But Were Afraid to Ask." Unpublished research paper, The American University, 1994.
- Mattel, Inc. Letter to *Hey There, Barbie Girl!* 7 April 1995.
- Matthews, Peter. *Morphology*. 2nd ed. Cambridge: Cambridge UP, 1991.
- Mawdsley, Ralph. "Plagiarism in Higher Education." *Journal of College and University Law* 12 (1986): 65-92.
- \_\_\_\_\_. *Legal Aspects of Plagiarism*. National Organization on Legal Problems, 1985.
- McCracken, Ellen. "Metaplagiarism and the Critic's Role as Detective: Ricardo Piglia's Reinvention of Roberto Arlt." *PMLA* 106 (1991): 1071-82.
- McGill, Meredith. "The Matter of the Text: Commerce, Print Culture, and the Authority of the State in American Copyright Law." *American Literary History* 9.1 (1997): 21-59.
- McCuen, Jo Ray, and Anthony C. Winkler. *Rewriting Writing: A Rhetoric*. New York: Harcourt, 1987.
- McLeod, Susan H. "Responding to Plagiarism: The Role of the WPA." *WPA: Writing Program Administration* 15 (1992): 7-16.
- Meinecke, Friedrich. "Values and Causalities in History," in Stern, Fritz. *The Varieties of History*. New York: Vintage Books, 1956.
- Memering, Dean. *The Prentice Hall Guide to Research Writing*. 2nd ed. Englewood Cliffs: Prentice Hall, 1989.
- Merton, Robert K. *On the Shoulders of Giants*. New York: Harcourt, 1965.
- Mervis, Jeffrey. "Don't Steal This Book." Rev. of *Stealing into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing*, by Marcel LaFollette. *Nature* 29 Oct. 1992: 787.
- Meyer, Emily, and Louise Z. Smith. *The Practical Tutor*. New York: Oxford, 1987.
- Miller, Christopher. *Blank Darkness: Africanist Discourse in French*. Chicago and London: U of Chicago P, 1985.
- Miller, Keith D. "Composing Martin Luther King, Jr." *PMLA* 105 (1990): 70-82.
- \_\_\_\_\_. "Martin Luther King, Jr. and the Black Folk Pulpit." *Journal of American History* 78 (1991): 120-23.
- \_\_\_\_\_. "Martin Luther King, Jr. Borrows a Revolution: Argument, Audience, and Implications of a Secondhand Universe." *College English* 48 (1986): 249-65.
- \_\_\_\_\_. "Martin Luther King, Jr., and the Issue of Plagiarism." Conference on College Composition and Communication. Cincinnati, 19 March 1992.
- \_\_\_\_\_. "Redefining Plagiarism: Martin Luther King's Use of an Oral Tradition." *Chronicle of Higher Education* 20 January 1993: A60.
- \_\_\_\_\_. Voice of Deliverance: *The Language of Martin Luther King, Jr. and His Sources*. New York: Free Press, 1992.
- Miller, Keith D., and Elizabeth A. Vander Lei. "Collaboration, Collaborative Communities, and Black Folk Culture." *The Right to Literacy*. Ed. Andrea A. Lunsford, Helene Moglen, and James Slevin. New York: MLA, 1990.

- Miller, Susan. "The Death of the Teacher." *Composition Forum* 6.2 (1995): 42-52.
- \_\_\_\_\_. *Rescuing the Subject*. Carbondale: Southern Illinois UP, 1989.
- \_\_\_\_\_. *Textual Carnivals: The Politics of Composition*. Carbondale: Southern Illinois UP, 1991.
- Miner, Earl. *Comparative Poetics: An Intercultural Essay on Theories of Literature*. Princeton: Princeton UP, 1990.
- Moody, Patricia A. *Writing Today: A Rhetoric and Handbook*. Englewood Cliffs: Prentice-Hall, 1981.
- Morrone, Michelle Henault. School of Global Business and Economics, Nagoya University of Foreign Studies. Nishin, Japan. Personal interview (Dryden 16 Feb. 1996).
- \_\_\_\_\_. 1 July 1996.
- \_\_\_\_\_. 5 Dec. 1996.
- Mortier, Roland. *Originalité. Une nouvelle esthétique au siècle des lumières*. Geneva Droz, 1982.
- Morton v. Raphael. 79 N.E.2d 522. Ill. App. Ct. 1948.
- Murphy, Richard. "Anorexia: The Cheating Disorder." *College English* 52 (1990) 898-903.
- Murray, Donald M. *Write to Learn*. 3rd ed. Fort Worth: Holt, Rinehart and Winston, 1990.
- Naipaul, V. S. *The Mimic Men*. London: André Deutsch, 1967.
- Neff, Julie. Learning Disabilities and the Writing Center. *Intersections: Theory, Practice in the Writing Center*. Eds. Joan Mullin and Ray Wallace. Urbana: NCTE, 1994. 81-95.
- Nehamas, Alexander. "What an Author Is." *Journal of Philosophy*. Vol. LXXXIII, No. 11, November 1986. 685 à 691.
- Newcomer, Alphonso. *Elements of Rhetoric*. New York: Holt, 1898.
- Nietzsche, Friedrich. "On the Problem of Translation." Trans. Peter Mallenhaue from *Die Fröhliche Wissenschaft*. 1882. *Theories of Translation: An anthology of Essays from Dryden to Derrida*. Ed. R. Schulte and J. Biguenet. Chicago and London: U of Chicago P, 1992. 68-70.
- Nord, James. *Questions de littérature légale*. Paris: Grapet, 1828.
- Nord, James. Nanzan University. Nagoya, Japan. E-mail to the author (Dryden), 1 Feb. 1996.
- Norris, Frank. Excerpt from *The Wave*. Reprinted in *The Origins of Literary Studies in America*. Ed. Gerald Graff and Michael Warner. New York: Routledge, 1989. 13.
- North, Stephen M. "The Idea of a Writing Center." *College English* 46 (1984): 433-44.
- Northwestern University. *Some Notes on Plagiarism and How to Avoid It*.
- Nyststrand, Martin, and Deborah Brandt. Response to Writing as a Context for Learning to Write. *Writing and Response: Theory, Practice, and Research*. Ed. Chris Anson. Urbana: NCTE, 1989. 209-30.
- Nyststrand, Martin, Stuart Greene, and Jeffrey Wiemelt. "Where Did Composition Studies Come From? An Intellectual History." *Written Communication* 10 267-333.
- O'Keefe, Steve. "Shut Up and Write." *FactSheet5* 54 (1995): 115.
- Oshout, John. *Trademarks: A Guide to the Selection, Administration and Protection of Trademarks in Modern Business Practice*. New York: Charles Scribner's Sons, 1981.
- Olivier, Lawrence. *Michel Foucault. Penser au temps du nihilisme*. Montréal: Liber, 1993.

- Quologuem, Yambo. *Le Devoir de violence*. Paris: Seuil, 1968. Trans. as *Bound to Violence*. Trans. Ralph Manheim. New York, 1971.
- The Oxford English Dictionary*. 2nd ed. Oxford: Clarendon Press, 1989.
- Packer, Nancy Huddleston, and John Timpane. *Writing Worth Reading: A Practical Guide and Handbook*. 2nd ed. New York: Bedford, 1989.
- Papay-Carder, Debbie. "Plagiarism in Legal Scholarship." *Toledo Law Review* 15 (1983): 233-271.
- Patterson, Lyman Ray. *Copyright in Historical Perspective*. Nashville: Vanderbilt, 1968.
- Patterson, Lyman Ray, and Stanley W. Lindberg. *The Nature of Copyright: A Law of Users' Rights*. Athens: U of Georgia P, 1991.
- Patison, Robert. *On Literacy*. New York: Oxford UP, 1976.
- Patton, Warren. *An Author's Guide to the Copyright Law*. Lexington: Lexington Books, 1980.
- Pearsall, Thomas E., and Donald H. Cunningham. *The Fundamentals of Good Writing*. New York: Macmillan, 1988.
- Pemberton, Michael. "Writing Center Ethics: Questioning Our Own Existence." *The Writing Lab Newsletter* 19.5 (1995): 8-9.
- . "Writing Center Ethics: Teaching, Learning and Problem Solving." *The Writing Lab Newsletter* 19.8 (1995): 15-16.
- . "Writing Center Ethics: Ignorance and the Unethical Writing Center." *The Writing Lab Newsletter* 19.6 (1995): 13-14.
- Pert, Sondra. "Understanding Composing." *College Composition and Communication* 31 (1980): 363-369.
- Petronius. *Satyricon and the Fragments*. Hammondsworth: Penguin, 1969.
- Piercy, Marge. *He, She and It*. New York: A. A. Knopf, 1991.
- "Plagiarism in the Classroom: Readers Explain How They Define It and How They Deal With It." *The Council Chronicle* June 1994: 14-15.
- Pope, Alexander. "The Dunciad." *Pope: Poetical Works*. Ed. Herbert Davis. London: Oxford UP, 1966. 470-619.
- Pore, Jerod. "Notes from the Tropics." *FactSheets* 57 (1995): 6-7.
- Porter, James E. *Intertextuality and the Discourse Community: Composition in Four Keys*. Ed. Mark Wiley, Barbara Gleason, and Louise Wetherbee Phelps. Mountain View: Mayfield, 1996.
- Posner, Richard. "What Has Pragmatism to Offer Law?" *S. Cal. Law Review* 63 (1990): 1653-70.
- Pratt, Mary Louise. "Arts of the Contact Zone." *Profession* 91. New York: MLA, 1991. 33-40.
- Price, Derek de Solia. *Little Science, Big Science*. New York: Columbia UP, 1963.
- "Property." *Black's Law Dictionary*. 6th ed. St. Paul: West, 1990.
- Quackenbos, John Duncan. *Practical Rhetoric*. New York: American Book, 1896.
- Quénard, Joseph-Maie. *Supercheres littéraires dévoilées*. Vol. 1. Paris: G.-P. Maisonneuve et Larose, 1964.
- Randall, Marilyn. "Appropriate(d) Discourse: Plagiarism and Decolonization." *New Literary History* 22 (1991): 525-41.
- Reinking, James A., and Andrew W. Hart. *Strategies for Successful Writing: A Rhetoric, Reader, and Handbook*. 2nd ed. Englewood Cliffs: Prentice Hall, 1989.
- Ricks, Christopher. "The Moral Imbecility of a Would-Be Wundertkind." Rev. of *Leviage, The Damaged Archangel*, by Norman Fruman. *Saturday Review* 15 J 1972: 31-33, 49.
- Robbins, Harold. *The Pirate*. 1974. New York: Pocket Books, 1975.
- Rochelle, Larry. "The ABC's of Writing Centers." *The Writing Lab Newsletter* September 1981: 7-9.
- Rogers v. Koons. 960 F.2d 301; 1992 U.S. App. p. 304.
- Rohlen, Thomas P. *Japan's High Schools*. Berkeley and Los Angeles, CA: U of California P, 1983.
- Ronsard, Pierre de. *Odes*. Ed. C. Guerin. Paris: Editions de Cêtre, 1952.
- Rose, Mark. *Authors and Owners: The Invention of Copyright*. Cambridge: Harvard UP, 1993.
- . "The Author as Proprietor: Donaldson v. Becker and the Genealogy of Mod Authorship." *Representations* 23 (Summer 1988): 51-85.
- Rose, Mike. *Lives on the Boundary*. NY: Penguin, 1989.
- Rose, Shirley K. "Citation Rituals in Academic Cultures." *Issues in Writing* 6 (1995) 24-37.
- . "What's Love Got to Do with It? Scholarly Citation Practices as Courts Rituals." *Journal of Language and Learning Across the Disciplines* 1.3 (Aug 1996): 34-48.
- Rose, Shirley K., William Reed, and Nancy Faye Johnson. "Community Discourse: Discourse Communities: A Grammar, a Rhetoric, and a Symbolic of Scholastic Citations." Unpublished manuscript.
- Rousseau, Jean Jacques. *The Social Contract and Discourses*. Trans. G. D. H. Cole. New York: Dutton, 1950.
- Roy, David. "How to Read the Chin Ping Mei." *How to Read the Chinese Novel*. Princeton: Ed. David Rolston. Princeton University Press, 1990.
- Royster, Jacqueline Jones. "When the First Voice You Hear Is Not Your Own." *Colege Composition and Communication* 47 (1996): 29-40.
- Rucker, Randy, R. U. Sirius, and Queen Mu. *Mondo 2000: A User's Guide to the Edge*. New York: HarperCollins, 1992.
- Rushkoff, Douglas. Ed. *The GenX Reader*. New York: Ballantine, 1994.
- Russell, David R. "Romantics on Writing: Liberal Culture and the Abolition of Composition Courses." *Rhetoric Review* 6 (1988): 132-48.
- Ryan, Leigh. *The Bedford Guide for Writing Tutors*. Boston: Bedford Books of Martin's Press, 1994.
- Said, Edward. *Culture and Imperialism*. New York: Vintage Books, 1994.
- . *The World, the Text and the Critic*. Cambridge: Harvard UP, 1983.
- Samuelson, Pamela. "The Copyright Grab." *Wired* 4.01 (Jan. 1996): 134+.
- . "Writing as a Technology." Conference on Cultural Agency/Cultural Authority: Politics and Poetics of Intellectual Property in the Post-Colonial Era." Bergamo, Italy, 8-12 March 1993.
- Schiffhorst, Gerald J., and John F. Schell. *The Short Handbook for Writers*. New York: McGraw-Hill, 1991.
- Schlag, Pierre. "Normative and Nowhere to Go." *Stanford Law Review* 43 (1995) 167-91.
- Scholes, Robert. *Protocols of Reading*. New Haven: Yale University Press, 1989.

- Schwartz-Bart, André. "Letter to Paul Flamand." *Research in African Literatures* 4.1: 129.
- Schwegler, Robert A. "Dichotomies: Composition vs. Rhetoric." "In New Rhetoric Courses in Writing Programs: A Report from a Conference for New England Writing Program Administrators." Ed. Linda Shamon. WPA: *The Journal of the National Council of Writing Program Administrators*. 19.3 (1995): 12-15.
- Scollon, Ron. "Plagiarism and Ideology: Identity in Intercultural Discourse." *Language in Society* 24 (1995): 1-28.
- Scott, Fred Newton, and Joseph Villiers Denney. *Composition-Rhetoric*. Boston: Allyn and Bacon, 1897.
- Sellin, Eric. "The Unknown Voice of Yambo Ouologuem." *Yale French Studies* 53 (1976): 137-62.
- Selzer, Leon E. *Exemptions and Fair Use in Copyright*. Cambridge, MA: Harvard UP, 1978.
- Senghor, Léopold. *Liberté I. Négritude et Humanisme*. Paris: Seuil, 1964.
- Shakespeare, William. *A Midsummer Night's Dream*. Ed. R. A. Foakes. Cambridge, England: Cambridge UP, 1984.
- Shannon, Linda K., and Deborah H. Burns. "A Critique of Pure Tutoring." *The Writing Center Journal* 15.2 (1995): 134-51.
- Sharples, Mike. *Computer-supported Collaborative Writing*. London: Springer-Verlag, 1993.
- Slaughnessy, Mina P. *Errors and Expectations: A Guide for the Teacher of Basic Writing*. New York: Oxford UP, 1977.
- Sheldon v. Metro-Goldwyn Pictures Corp. 81 F.2d 49. 2d Cir. *Cert. denied*. 298 U.S. 669, 1936.
- Shelley, Mary. Author's Introduction. *Frankenstein*. By Shelley. New York: Bantam, 1981. xxi-xxviii.
- Shields, Carol. *Small Ceremonies*. New York: Penguin Books, 1996.
- Shills, Randy. *And the Band Played On: Politics, People, and the AIDS Epidemic*. NY: Penguin, 1987.
- Sima Guang. *Zizhi tongjian*. Beijing: Zhonghua shuju, 1956.
- Singer, Joseph W. "The Player and the Cards: Nihilism and Legal Theory." *Yale Law Journal* 94 (1984) 1-70.
- Sirico, Louis, J., Jr. "A Primer on Plagiarism." *Northern Kentucky Law Journal* 16 (1988): 501.
- Skon, Edith. "Plagiarism: Quite a Rather Bad Little Crime." *American Association of Higher Education Bulletin* (October 1986): 3-7.
- Slonczewski, Joan. *A Door into Ocean*. New York: Avon Books, 1986.
- Small, Henry G. "Cited Documents as Concept Symbols." *Social Studies of Science* 8 (1978): 327-40.
- Smith, Frank H. "Co-Education: A Story." *The Inlander* 5 (1894-95): 197-203. Michigan Historical Collections. Bentley Historical Library. University of Michigan.
- Smitherman, Geneva. "'God Don't Never Change': Black English from a Black Perspective." *College English* 34 (1973): 828-33.
- "Something New Out of Africa?" *Times Literary Supplement* 5 May 1972: 525.
- Sommers, Nancy. "Revision Strategies of Student Writers and Experienced Adult Writers." *College Composition and Communication* 31 (1980): 378-388.
- Sorkin, David. "Practicing Plagiarism." *Illinois Bar Journal* 81 (1993): 487-88.
- Spear, Karen. *Sharing Writing: Peer Response Groups in English Class*. Portsmouth: Boynton/Cook, 1988.
- Spenser, Edmund. *The Yale Edition of the Shorter Poems of Edmund Spenser*. William A. Oram. New Haven: Yale University Press, 1989.
- St. Onge, K. R. *The Melancholy Anatomy of Plagiarism*. Lanham: University Press of America, 1988.
- Stallybrass, Peter, and Allon White. *The Politics and Poetics of Transgression*. Ithaca: Cornell UP, 1986.
- Stanley, Jo. *Bold in Her Breaches: Women Pirates Across the Ages*. London: dora, 1995.
- Stewart, Donald C. "Collaborative Learning and Composition: Boon or Bane?" *Rhetoric Review*. 7 (1988): 58-83.
- Stewart, Susan. *Crimes of Writing: Problems in the Containment of Representation*. New York: Oxford UP, 1991.
- Stock, Brian. *The Printing Press As an Agent of Change*. Princeton: Princeton UP, 1994.
- Storm, Beaver and Phlegm-Phlan. *Kablooie*. Merion Station, PA: n.p., 1994.
- Stowe, David. "Just Do It." *Lingua Franca*. (November/December 1995): 32-42.
- Strong, William. *The Copyright Book: A Practical Guide*. 4th ed. Cambridge: UP, 1993.
- Sullivan, Paula. Letter to the Editor. *Council Chronicle* 3.5 (1994): 14.
- Sullivan, Patrick. "Do You Object to Tutors Assisting Your Students with Their Writing?" *The Writing Lab Newsletter* December 1985: 6-8.
- . "The Politics of the Drop-In Writing Center." *The Writing Lab Newsletter* May 1984: 1-2.
- Swales, John. "Citation Analysis and Discourse Analysis." *Applied Linguistics* (1986): 39-56.
- Swearingen, C. Jan. "Ethos: Imitation, Impersonation, and Voice." *Ethos: New Essays in Rhetorical and Critical Theory*. Ed. James S. Baumlin and Tita French Bellin. Dallas: Southern Methodist UP, 1994. 115-148.
- Swift, Jonathan. "On Poetry: A Rhapsody." *The Complete Poems*. Ed. Pat Rogers. Ithaca: Cornell UP, 1983. 522-36.
- Temple University. *University Statement on Academic Policies and Regulations*. Terez, Angela. "Tricks of the Trade(marks)." *Writer's Digest* November 1994. 24.
- The Citadel. *101 Course Information Sheet*.
- Thomas, D. M. *The White Hotel*. Hammondsworth: Penguin, 1981.
- Thompson, Thomas C. "'Yes, Sir!' 'No, Sir!' 'No Excuse, Sir!'" Working with an H. Code in a Military Setting." *Writing Lab Newsletter* 19.5 (1995): 13-14.
- Thomson, Weldon. *Allusions in "Ulysses"*. Chapel Hill: University of North Carolina Press, 1968.
- Tibbets, A. M., and Charlene Tibbets. *Strategies of Rhetoric with Handbook*. 5th Glenview: Scott, 1987.
- Toffler, Alvin. *The Third Wave*. NY: Morrow, 1980.
- Trimbur, John. "Composition Studies: Postmodern or Popular?" *Into the Field: Site Composition Studies*. Ed. Anne Ruggles Gere. New York: MLA, 1993. 117-128.
- . "Peer Tutoring: A Contradiction in Terms." *The Writing Center Journal* (1987): 21-28.

- Trimmer, Joseph F., and James M. McCrimmon. *Writing with a Purpose*. 9th ed. Boston: Houghton, 1988.
- Tuo Tuo. *Songsshi* (Song History). Beijing: Zhonghua shuju, 1977.
- Ujltani, Eiko. School of Foreign Languages, Department of British and American Studies, Nagoya University of Foreign Studies, Nisshin, Japan. Personal interview (Dryden), 15 Feb. 1996.
- United States v. Steele. 785 F.2d 743, 9th Cir. 1986.
- University of Alabama-Birmingham. *Plagiarism Policy*. Birmingham: University of Alabama-Birmingham, n.d.
- University of Illinois. *Statement on Plagiarism*. Champagne-Urbana: University of Alabama, n.d.
- University of North Carolina-Chapel Hill. *The Source: The Resource Handbook for the University of North Carolina-Chapel Hill*. Chapel Hill: University of North Carolina, n.d.
- . *Staff Manual*. Chapel Hill: University of North Carolina, n.d.
- . *Guide to Freshman Composition*. Chapel Hill: University of North Carolina, n.d.
- Vandendorpe, Christian. "Le plagiat entre l'esthétique et le droit." In *Le plagiat* (sous la direction de Christian Vandendorpe). Ottawa: Les Presses de l'Université d'Ottawa, 1992. 7-15.
- Twain, Mark [Samuel Langhorne Clemens]. *Adventures of Huckleberry Finn*. 1884. Harmondsworth: Penguin, 1966.
- Veysey, Laurence R. *The Emergence of the American University*. Chicago: University of Chicago Press, 1965.
- Vygotsky, Lev. *Mind in Society: The Development of Higher Psychological Processes*. Cambridge: Harvard UP, 1978.
- Wagner, Richard. *The Authentic Librettos of the Wagner Operas*. NY: Crown, 1938.
- Walker, Melissa. *Writing Research Papers: A Norton Guide*. 2nd ed. New York: Norton, 1987.
- Wall, Wendy. *The Imprint of Gender: Authorship and Publication in the English Renaissance*.
- Waring v. Dunlea. 26 F. Supp. 338. D.N.C. 1939.
- Watkins, Mel. "Talk with Quotegum." *New York Times Book Review* 7 Mar. 1971: 7, 34.
- Watt, William. *An American Rhetoric*. 5th ed. New York: Holt, 1980.
- Webb, R. K. Rev. of *Stolen Words: Forays into the Origins and Ravages of Plagiarism*, by Thomas Mallon. *Academe-Bulletin of the AAUP* 76.3 (1990): 70-71.
- Webster's Third New International Dictionary of the English Language Unabridged*. Springfield: G.&C. Merriam Co., 1961.
- Webster's Third New International Dictionary of the English Language Unabridged*. New York: Simon and Schuster, 1997.
- Weiner, Bernard. *Achievement Motivation and Attribution Theory*. Morristown: General Learning Press, 1974.
- Wells, Dorothy. "An Account of the Complex Causes of Unintentional Plagiarism in College Writing." *WPA: Writing Program Administration* 16 (1993): 59-71.
- Wenyuange shu quanshu*. Taipei: Taiwan shangwu yinshuguan, 1984.

- West, Susan. "From Owning to Owning Up: Authorial Rights and Rhetorical Resposibilities." Unpub. Diss. Ohio State University, 1997. Contact West at <stwest@erinet.com>.
- Wheelwright, John T. and Frederic J. Stimson. *Rollo's Journey to Cambridge Boston*. 1880. Reprinted in *The Harvard Book*. Cambridge: Harvard UP, 1959. 72.
- Whelan Assocs., Inc. v. Jaslow Dental Lab., Inc. 797 F.2d 1222. 3d Cir. 1986.
- Whitaker, Elaine E. "A Pedagogy to Address Plagiarism." *College Composition and Communication* 44 (1993): 509-513.
- White, Howard D., and Katherine W. McCain. "Bibliometrics." *Annual Review of Information Science and Technology* 24 (1989): 119-86.
- White, Merry. *The Japanese Educational Challenge: A Commitment to Children*. New York: The Free Press, 1987.
- Wilksell, Wesley. "The Communications Program at Stephens College." *College English* 9 (1947): 143-45.
- Wilcox, Delos F. "Dishonesty in College Work." *The Inlander* (University of Michigan) 3 (1892-93): 189-90.
- Williams, Patricia. *The Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge: Harvard UP, 1991.
- Wimsatt, William. *The Verbal Icon: Studies in the Meaning of Poetry*. Lexington: University of Kentucky Press, 1954.
- Winterowd, W. Ross. "A Grammar of Coherence." *College English* 31 (1970): 828-3.
- Witte, Stephen P. "Topical Structure and Writing Quality: Some Possible Text-Bias Explanations of Readers' Judgments of Student Writing." *Visible Language* (1983): 177-205.
- Wittenberg, Philip. *The Protection of Literary Property*. Boston: Writer, 1978.
- Wolitz, Seth. "L'Art du plagiat, ou une brève défense de Quotegum." *Research African Literatures* 4.1 (1973): 130-34.
- Womack, Craig. Personal Communication. April 1996.
- Woodmansee, Martha. "The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the Author." *Eighteenth Century Studies* 17 (1984) 425-63.
- . On the Author Effect: Recovering Collectivity. *The Construction of Authorship: Textual Appropriation in Law and Literature*. Ed. Martha Woodmansee and Peter Jaszi. Durham: Duke UP, 1994. 15-28.
- . *The Author, Art, and the Market: Rewriting the History of Aesthetics*. New York: Columbia UP, 1994.
- Woodmansee, Martha, and Peter Jaszi. "The Law of Texts: Copyright in the Academy." *College English* 57 (1995): 769-87.
- . "Introduction." *The Construction of Authorship: Textual Appropriation in Law and Literature*. Eds. Martha Woodmansee and Peter Jaszi. Durham and London: Duke UP, 1994.
- . *The Construction of Authorship: Textual Appropriation in Law and Literature*. Durham, NC: Duke University Press, 1994.
- Woolley, Edwin C., and Franklin W. Scott. *College Handbook of Composition*. Boston: Heath, 1928.
- Wordsworth, William. "Essay, Supplementary to the Preface." *The Prose Works of William Wordsworth*. Ed. W. J. B. Owen and Jane Worthington Smyser. Vol. 3. Oxford: Clarendon Press, 1974.

- Writer's Digest. Cincinnati: F & W Publications.  
 Young, Edward. *Conjectures on Original Composition*. 1759. Leeds: Scolar P, 1966.  
 ———. *Conjectures on Original Composition*. 1759. New York: Garland, 1970.  
 Zebroski, James. *Thinking Through Theory: Vygotskian Perspectives on the Teaching of Writing*. Portsmouth NH: Boynton Cook Heinemann, 1994. 72–118.  
 ———. *Blue Collar Scholar: The Working Class Struggle for Composition and Rhetoric*. forthcoming.  
 Zhu Xi. *Yupi Zizhi tongjian gangmu*. Siku quanshu zhenben, series 6, Volumes 140–148.

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