The Usual Suspects: Putting Plagiarism 2.0 in Its Place
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Surrounding every technology are institutions whose organization – not to mention their reason for being – reflects the world-view promoted by the technology. Therefore, when an old technology is assaulted by a new one, institutions are threatened. When institutions are threatened, a culture finds itself in crisis.

Neil Postman, *Technopoly*

What is philosophy today – philosophical activity I mean – if it is not...the endeavor to know how and to what extent it might be possible to think differently, instead of legitimating what is already known?

Michel Foucault

When it comes to the meaning of social things, reality and its corollary, truth, are in fact arbitrary in the rigorously sociological sense: They are conventions of the social community, thus real so long as the community agrees to uphold them, and something other than real whenever the community loses its ability to exercise authority over the truth of social things.

Charles Lemert

Abstract: It’s Complicated

This essay constitutes an attempt to loosen the grip of the largely judgmental discourse framing student plagiarism by auditioning a needed, self-checking discussion about the landscape of student literacy and, not least, our connection to it. Behind this effort lies a concern that in the rush to finger the ‘usual’ student suspects faculty risk under-theorizing student plagiarism as a cultural phenomenon. In effect, emphatic efforts to shore up ratified notions of intellectual property (IP) may produce as much irony as desired results because we, faculty, may not fully

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1 For Pat and Dan


4 See ‘What Should a PhD Mean?’ by Andrew Delbanco, *PMLA*, v. 115, 5, October, 2000, 1205-1209.

5 Interest in attribution harks back to Socrates, but the commercialization and propertization of ideas did not kick into high gear until Gutenberg introduced moveable type. Today the management of IP is big business, the norm – think Google, Microsoft, China, AIDS drugs, post-industrial economy, global trade agreements, trade secrets, Napster, the ever-expanding scope of copyright protection (e.g., the Digital Millennium Copyright Act of 1998), piracy, Turnitin.com, and, not least, plagiarism.

6 Irony by way of unwanted consequences: digital pushback and potential lawsuits. When file-swapping, officially authorized or otherwise, appears to have evolved into a right of digital passage don’t expect members of the *Wired* Generation to simply roll over. Many are returning fire in court and/or busy configuring, adroit, one-step-ahead-of-the-law, file-sharing software without end. In other words, I suspect that if the Academy blindly emulates the take-no-prisoners model of the Recording Industry Association of American it chances mutating answers into
appreciate what we are up against. What the reigning characterological (intentionalist) emphasis arguably lacks and this project aims to restore is a credible, strategic assessment of the cultural ecology of plagiarism and electronic writing within the academic workplace. Working from a material and social contextual understanding of the complexity of text-writing, i.e., how digital plagiarism ‘works’ relationally in particular academic ‘communicative economies’, I hope to award faculty with a deeper appreciation of the social and institutional coordinates of e-student authorship, particularly acts of plagiarism. And, not least, mindful of the life-course shaping reputational and pedagogic implications of tight-lipped countermeasures, and locating students as one link in a chain of contingent events, suggestive space is opened for ‘changing the subject’ in order to more adequately probe the missing relational backstory, i.e., how plagiarism as a layered, interpretive/historical process, really no different in kind than authorship, learning, and intellectual property, comes to be.  

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7 Pause to think it over. Not only does the nexus of the personal computer and the Internet enable plagiarism and its policing; but, by eliminating virtually all capital barriers-to-entry the up-linked, 4 gig Ram computer offers universal access into the once exclusive realm of text production. What need for middlemen (publishing houses, book stores, textbooks, movie moguls) when the up-linked can Gutenberg or Spielberg from home? Ready or not, like it or not, this generation of tech-savvy students looks more and more like a competing literary form to be reckoned with.

Introduction: The Reputed State of the Art

A lie disturbs the universe.
St. Augustine

...there’s nothing to say that hasn’t been said before.
Terence, 2nd century, B.C.

If the spike in print volume alone is any indicator, plagiarism is close to unseating North Korea and Iran on the 43rd (‘my way or the highway’) American president’s ‘Axis of Evil’ black list. Nor would it surprise me if the producers of ‘America’s Most Wanted’ filled TV screens across the land with grainy, black and white head shots of at-large, alpha (serial) plagiarists. After all, the best-selling historians Stephen Ambrose and Doris Kearns Goodwin were outed to everyone’s surprise. The nationally syndicated columnist, Richard Reeves, asserts it provided false grounds for U.S. vs. Iraq II. It’s said to be infiltrating elementary schools. Touted reporters Janet Cooke of the Washington Post, USA Today’s Jack Kelley, and Jayson Blair at the New York Times turfed their careers and reputations over it. South Korea’s Education Minister opted for an early, if unplanned, retirement. The lawyers on the losing end of another $billion tobacco lawsuit are appealing a set-aside on the grounds that the ruling of Florida’s Third District Court of Appeal amounted to little more than an act of ‘legal plagiarism’. In 2006, The China Daily, a government organ, found that near to 2/3rds of the 160 Chinese academics it troubled to survey admitted to lifting parts of their pubs. By now we all know by heart the story of Kaavya Viswanathan, the precocious Harvard freshman who ‘internalized’ her favorite authors and then ‘unintentionally’ (albeit liberally) plagiarized their words. After

10 Richard Reeves, ‘Plagiarism Paved Path Toward War’, The Republican, 6/9/04
14 Gary Young, ‘Parts of Florida Opinion are a Bit Familiar; A Cry of Foul from Losers in a Big Case’, National Law Journal, v. 25, #48, 8/18/03.

Pocha later quotes Peter Hereford, an American journalist and journalism instructor at Shantou University, who asserts that, ‘Chinese students virtually learn to plagiarize from their first years in school. Later on, many students are encouraged to plagiarize by professors who want them to get the best possible test scores in this test-happy nation.’
an anonymous caller tipped The New York Times, her publisher, Little, Brown, took less than a Manhattan heartbeat to cancel her six digit book advance.\textsuperscript{16} Recently, the Times reported that another wunderkind, Helene Hegemann, plagiarized sections of her best selling and prize nominated book, Axolotl Roadkill. To date, this discovery has not slowed sales nor visibly upset the Leipzig Book Fair jury. Ms. Hegemann managed a dutiful, formal apology. And, then, in the very next breath, spoke directly from her authentic, 17 year old heart: ‘There’s no such thing as originality anyway, just authenticity.’\textsuperscript{17} We must wait to learn what a courtroom jury makes of this defense. But was Ms. Viswanathan slightly ahead of her time?

Selected works of literary giants like Dante, Milton, James Joyce, Thomas Mann, T.S. Eliot, F. Scott Fitzgerald, and Shakespeare, no less, have fallen under clouds of suspicion.\textsuperscript{18} Leonard Bernstein’s West Side Story, some contend, constitutes little more than a wholesale riff of Shakespeare’s Romeo and Juliet.\textsuperscript{19} The ‘paternity’ of Vladimir Nabokov’s Lolita is an open question.\textsuperscript{20} Martin Luther King, Jr. is said to have indulged.\textsuperscript{21} The Bible evidently constitutes a hotbed of sloppy attribution.\textsuperscript{22} The ‘Quiet Beetle,’ George Harrison, was successfully sued to the tune of over a half $million for it.\textsuperscript{23} Unauthorized versions of the seventh and final(?) book of the blockbuster Harry Potter series surfaced in China ten days before the official English language release.\textsuperscript{24} Editor of Wired magazine, Chris Anderson, offered a shoulder shrug, public contrition when a reviewer stumbled upon portions of his new book copied from Wikipedia without attribution.\textsuperscript{25} And, Maureen Dowd, star NYT opinion page columnist, generated a spasm of Internet fodder for pinching an un-sourced paragraph from NYT

\textsuperscript{16} Not to pile excuses onto Ms. Viswanathan’s, but does her trespass to some degree, at least, reflect a new form of ‘democratized writing’? See a forum entitled ‘Grand Theft Education: Literacy in the Age of Video Games’, Harper’s Magazine, September, 2006: 39. (And is undergraduate Viswanathan receiving ‘special treatment’? After all, the tarnished books of Stephen Ambrose and Doris Kearns Goodwin were not yanked from book shelves.) While we are at it, was M. L. King a plagiarist or operating within a more ‘democratic’ textual tradition? See C. Jan Swearingen, ‘A Comment on ‘Martin Luther King Borrows a Revolution’, College English, v. 49, no. 4, April, 1987, pp.476-478. In fact, are we correct to indict Dante or Joyce, because they did not conform to the rules of the modern academy?


\textsuperscript{22} ‘Plagiarism Flourishes in Gospel,’ Africa News Service, 5/4/04


\textsuperscript{24} Howard W. French, ‘Chinese Market Awash in Fake Potter Books’, NYT, 8/1/07.

colleague Josh Marshall at Talking Points Memo. Google has digitalized over ten million in-copyright books (the vast bulk orphaned), but it hasn’t been easy sledding. Having sued to block Google’s digital Book Search project, a beleaguered alliance of authors (both living and pulseless) and (hyper-ventilating) publishers anxiously await a Federal District Court’s ruling opinion on the lawsuit’s pending settlement. Reviewer Daniel Mendelsohn dissects (in his words) ‘…the highly derivative, if not outright plagiaristic,…’ plotline of James Cameron’s Oscar and dollar magnet, Avatar. In the meantime, the flagging music and recording industries are waging an all out legal battle to corral the self-proclaimed ‘digital civil rights’ of the elusive downloading industry.

Plagiarism is no stranger to the Academy. At the time of this writing a cursory computer search for ‘plagiarism’ in The Chronicle of Higher Education unearthed over 500 instant hits, up from 66 merely two years ago. Among other eye-catching items, The Chronicle reported that the presidents of Hastings College and Central Connecticut State University were caught red-faced as was a recently fired professor at Texas A & M. A Suny-Albany Classicist lost his chairmanship over it. A U.S. Naval Academy historian was stripped of his tenure. A physicist in India stands accused. The U. of Virginia’s judicial system is neck deep in lawsuits over it. The head of Indian College felt a

30 Perhaps it goes with the territory, but A-list, screenwriter, John Logan (‘Gladiator’, ‘The Last Samurai’, ‘The Aviator’) has spent his share of time in court debating whether he gave credit where it was due. See ‘John Logan’s Solo Show: Does Hollywood’s Hottest Screenwriter Rely on Uncredited Contributors?’, Dennis McDougal, NYT, 1/9/05.
sudden need to resign.\textsuperscript{39} The Board of Governors and Faculty Senate at Simon Fraser University found it necessary to adopt the use of a shaming grade ‘worse than an F’ for magpie-like impiety – ‘FD’, or ‘failed for academic dishonesty’.\textsuperscript{40} In a curiously dissociative ‘do as I say not as I do’ case the author of an anti-plagiarism essay succumbed to temptation.\textsuperscript{41} And following a lengthy investigation, 39 graduates of Ohio University’s School of Mechanical Engineering have been ordered to rewrite their masters theses (some dating back 20 years) or else.\textsuperscript{42}

The academic rap sheet scrolls on. But, these instances of skullduggery duly noted, apparently what rattles some academicians inner-\textit{pares res} is the fear that legions of file-swapping students are mercenary masters of the cut-and-paste.\textsuperscript{43}

Indeed, dating back to the 1960’s the perennial literature surveying undergraduate and graduate student cheating (the primal sins of lassitude: plagiarism, test cheating, and the sleight of hand of pawning a roomie’s work off as one’s own) appears to confirm worst case fears\textsuperscript{46} - that cheating in one form or another is near endemic with business and economic majors, and honors students\textsuperscript{46}, no less, headlining the way.\textsuperscript{47} Throw in a pinch of contaminatory anxiety and it only follows that before things completely unspool the onus falls on

\begin{itemize}
  \item Martha Ann Overland, ‘Indian College Head Quits Under Fire,’ \textit{The Chronicle of Higher Education}, 3/7/03.
  \item ‘Worse Than an F: Canadian University Pioneers New Grade for Failure’, \textit{The Chronicle of Higher Education}, June 24, 2009.
  \item Dan Carnevale, ‘Magazine’s Essay on Plagiarism Appears to Have Copied Parts of Another,’ \textit{The Chronicle of Higher Education}, 6/20/03.
  \item As reported in \textit{The Chronicle of Higher Education} (International, January 11, 2008), 210 graduated, master’s students in information technology were retrospectively pardoned after a special panel at Australia’s University of New England found they had plagiarized a ‘significant proportion’ of their work from 2004 and 2006. Some involved UNE staff were not so fortunate and subjected to discipline. According to the university’s chancellor, who oversees a system with large enrollments of foreign students, the panel had ‘raised questions to do with UNE’s conduct and management of the unit, the distinction between intentional and unintentional plagiarism, cultural understanding, natural justice, and the time since graduation.’
  \item Interestingly, if the dearth of publications is any indication, business school faculty are underrepresented. This, in spite of the AACSB’s Enron-inspired recommendations to place more weight on business ethics, and recent surveys showing business and economic majors to be the most egregious offenders.
  \item On the other hand, so long as a student documents her sources properly, a ‘cut-and-paste’ paper, while hardly qualifying as original, technically speaking, does not break any accepted rules nor conventions of writing.
\end{itemize}
faculty and administrators to restore order by lowering behavioral reshaping booms on maladaptive student expectancy-value formulations (i.e., motivational theory speak ‘for every action a consequence’). 48

So, where do we draw or even referee an unwavering proprietary line just this side of plagiar[y]? 49 What lessons in border manners, precisely, do we want to impart to the digital natives by way of the supposedly untouchable nature of intellectual property? For an example setting lesson plan should we, say, excommunicate Joyce and Eliot from the canon? Retroactively withdraw M. L. King’s doctorate degree and Nobel Peace Prize? Summon the U.S. Marines to lasso Shakespeare’s statue off its pedestal a’la Saddam in Firdos Square, downtown Bagdad? 50 Redact F. Scott’s tainted words from high school textbooks? After library hours, don hazmat gear and sweep Nabokov’s contaminated oeuvre from the stacks? Demote Maureen Dowd to the ambulance beat? Snip Bob Dylan’s (and the late Muddy Water’s) guitar strings? 51 Summarily grant an unrepentant China ten business days to clean up its act or withdraw from the WTO? Tattoo a scarlet asterisk next to Lennie Bernstein’s name? Requisition Freud’s couch? 52 Then, to play it safe, pantomine the movie industry by meting out stiff fines to everyone else?

Or, in the wake of these rhetorical cues, would not a more measured reading suggest that when it comes to reported episodes of plagiarism, anyway, a one dimensional construct hardly fits all. Punishments it appears vary with the social rank of the accused and academic discipline. 53 Akin to the floating concepts of privacy and conflict of interest, 54 55 plagiarism and intellectual property are

48 But are all booms applied equally? In its September 13, 2004 issue The Harvard Crimson accuses the university of double standards whereby student plagiarism is treated as a dismissable offense, while faculty found doing the same (in this case Climenko Professor of Law, Charles J. Ogletree), suffer, comparatively speaking, a mere slap on the wrist. See ‘What Academia is Hiding’, The Crimson Staff, The Harvard Crimson: Online Edition. For more on shaping behavior check the sections on operant conditioning and observational learning theory found in any contemporary organizational behavioral textbook. Arguably, for all the upgrades to behavioral mod it has proven no match for tried, if not dependably true, human (green light) rationalization. A prescient New Yorker cartoon (November 2, 2009: 60) illustrates the point: frustrated young human returning fire at perplexed parents, ‘How am I supposed to think about consequences before they happen?’


variously defined, depending on time and locale.\textsuperscript{56} The P2P phenomenon – downloading, mixing, cutting and pasting - long predates the advent of the Power Book and the Net. After nearly fifty years of data harvesting, can we confidently assume that cheating surveys yield actionable data? And, if nothing else, fixes placing responsibility on students alone come at a premium. Enough cumulative analytic leverage, I suggest, to inquire if the crime and punishment (C&P or ‘gotcha’) metaphor is epistemologically adequate, ambitious enough, for the analytic task at hand? And, even if it were to fit the bill, what are the odds that the multi-tasking, Googling demographic will bother to hew the C&P line?

**Director’s Cut: ½ Cocked**

No, it isn’t murder. And as larceny goes it’s usually more distasteful than grand. But it is a bad thing. Isn’t it? (XI)

Thomas Mallon, 1989\textsuperscript{57}

Literature has always been a crucible in which familiar themes are continually recast.
Jonathan Lethem, 2007\textsuperscript{58}

Which is to propose that the palpable ‘Judge Judy’ or juridical inclination to the academy’s quick-draw, lay-down-the-law reaction to the ‘rising tide’ of student plagiarism be revisited.\textsuperscript{59} Of course, the red-meat construct to wack the P-beast should come as no surprise given plagiarism’s alleged power to upend the academy’s ‘stable rhetorical universe’, not to mention the threat posed to its tribal governing authority and identity.\textsuperscript{60 61} On the other hand, putting students in their

\textsuperscript{56} Or, as Mikhail Mikhailovich Bakhtin (1895-1975) might phrase it, plagiarism is heteroglotic to the core, i.e., no context = no meaning.\textsuperscript{56} Heteroglossia defined: ‘The base condition governing the operation of meaning in any utterance. It is that which insures the primacy of context over text. At any given time, in any given place, there will be a set of conditions – social, historical, meteorological, physiological – that will insure that a word uttered in that place and time will have a meaning different than it would have under any other conditions; all utterances are heteroglot in that they are functions of a matrix of forces practically impossible to recoup, and therefore impossible to resolve. Heteroglossia is as close a conceptualization as is possible of that locus where centripetal and centrifugal forces collide; as such, it is that which a systematic linguistics must always suppress.’ Context, context, and contest. From Caryl Emerson’s and Michael Holquist’s translation of Bakhtin, *The Dialogic Imagination: Four Essays*, University of Texas Press, Austin, 1981.


\textsuperscript{60} Patricia Bizzell, ‘Review: College Composition: Initiation into the Academic Discourse Community’, *Curriculum Inquiry*, 12,2, Summer, 1982: 206.

place appears at odds with academia’s hallowed humanistic ideals and self-sustaining institutional goal of conscripting students into academic discourse communities. Nor, come to think of it, does it reflect very kindly on who we think our students are and are about, nor our sense of identity with them.

Perhaps, just perhaps, an absolutist remedy may be called for on qualified occasion, but disciplinary and professional prudence, some sobering hindsight, and the fulfillment of the guiding, other-regarding, Ignatian spirit of the Ratio Studiorum, caution that we not fall into the habit of morphing students into litigants vis-à-vis the media industry.

Besides, I suspect that such raw exertions of social control, as embodied every afternoon in the unctious Judge’s courtroom or instances of student perps called to book before university review boards not only beg critical contextual factors (the sin of overselling), but in the rush for closure underspecify the self-defeating pitfalls tough loving is likely to engender. Arguably, the stark, vestigial bad apples vs good moral narrative is polemically cathartic and restorative of a sense of nominal control – a reassuring rhetorical device wherein faculty remain the unquestioned ‘schoolmasters’ and the root of the crisis is ascribed to an ‘easily problematized’ target population. In beguiling essence, shifting the burden of proof to the rogue, low hanging caricature of the malingering student (i.e., emblematic of the breakdown of personal agency). But be forewarned;

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64 ‘Classification is cheap, but identity is not’ (26), Amartya Sen, Identity and Violence: The Illusion of Destiny, W.W. Norton & Company, New York, 2006.
66 Metro-Goldwyn-Mayer Studios Inv. V. Grokster Ltd., No. 04-480.
67 Crusades generate tabloid-size headlines, no doubt; however, the question remains one of how badly do we want to get in the vicinity of the root of the matter? How much energy do we want to put out? In this regard, are there not parallels to be found between writer Scott Turow’s acute observation about the death penalty and stamping out plagiarism? Turow writes, ‘The death penalty in this context maintains its hold on the American conscience because of its intensely symbolic nature. Values count enormously. But it is essential to recognize that our adherence to the death penalty arises not because it provides proven tangible benefits like deterrence but rather from our belief that capital punishment makes an unequivocal moral statement. (64) Scott Turow, Ultimate Punishment: A Lawyer’s Reflections on Dealing with the Death Penalty, Farrar, Strauss and Giroux, NY, 2003. (my italics) True?, the more fraught and intractable the problem the more symbolic the response? See J. M. Cavanaugh & P. Prasad, “Drug Testing as Symbolic Managerial Action: In Response to ‘A Case Against Workplace Drug Testing’”, Organizational Science, Vol. 5, No. 2, May, 1994; J. Michael Cavanaugh, “(In)Corporating the Other? Diversity Management or Confronting the Problematic of Workplace Heterogeneity” in Managing the Organizational Melting Pot: The Dilemma of Diversity in the Workplace, M. Elmes, A. Mills, A. & P. Prasad (Eds.). Thousand Oakes, CA: Sage Publications, 1997.
default, ½ baked hermeneutics of this sort, Terry Eagleton cautions, tend to set in motion an inertial, domesticating coping mechanism as well; a moony consolation that things can be dialed back to an imagined, unproblematic, sepia-toned, ‘before’. In sentimental thrall of the hard and fast naturalness of a preferred social reality – pining for the enervating ‘unalterability’ of an indisputable social world, he continues, we effectively defuse hermeneutic forms of ‘suspicion’ keen to think through how social and individual agency are mutually produced.

The ex ante predicate here, therefore, is that the subject of plagiarism is qualitatively messier and contentious in the here and now. Meaning that it’s doubtful that the conceptually Twittered equation of ½ cocked + ½ baked adds all the way to up. The pyrrhic tradeoff, I fear, of employing the squinty-eyed, ‘make my day’, focus emblematic of the moralization and privatization of student plagiarism is potentially steep and may go so far as to miss the point, to wit;

- theoretical and empirical insufficiency (skimping on due diligence regarding the social, institutional, and historical ecology of literacy, composition, and plagiarism);
- increased odds for the uneven administration of justice (failing ‘to do’ justice, i.e., courting double standards stemming from the belief that our procedures and outcomes are ethically neutral);  
- loss of strategic perspective (yielding to the inclination to treat complex, dialogic [meta]-] events [ecologies] in strictly tactical terms (as proverbial trees);
- quixotic (unexamined) allegiance to idealized goals (zero-tolerance or abstinence-first phantoms); in effect failing to acknowledge writing, literacy, and intellectual property as possessing dynamic histories and, therefore, again ‘on the move’;

69. Terry Eagleton, Literary Theory: An Introduction, University of Minnesota Press, Minneapolis, 1983: 181-185. According to Eagleton it is imperative that we ‘… attend, in other words, not only to what the text says, but to how it works.’ (182). It’s persuasive structure.


71. Along these same lines Homi Bhabha pleads, ‘Must we always polarize in order to polemicize? Are we trapped in a politics of struggle where the representations of social antagonisms and historical contradictions can take no other form than a binarism of theory vs. politics? Can the aim of freedom or knowledge be the simple inversion of the relation of … negative image and positive image? ’Is our only way out of such dualism the espousal of an implacable oppositionality or the invention of an originary counter-myth of radical purity? …that seeks to transcend the contradictions and ambivalences that constitute the very structure of human subjectivity and its systems of cultural representations.’ ‘The Commitment to Theory’, New Formations 5 (Summer 1988), 5.

• tip toeing around concerns for the health of the ‘ongoing conversation’ vitalizing knowledge communities\textsuperscript{73} \textsuperscript{74} of doubled down surveillance and the stabilization of punitive views and behavioral remedies;

• going about our teaching ‘loads’ largely uninformed of the workaday, ‘extra’curricular environments in which an increasingly diverse student body conducts off-radar learning including re-inscribing the material racial, ethnic, and class (gate keeping) advantages enjoyed by seasoned, socially privileged students (as opposed to the swelling ranks of novice, including ESL, student writers);\textsuperscript{75}

• underestimating the impact of digital technology on the conventions of language and rules of authorship, while empowering students (whether knowingly or not) living on internet time with unprecedented ‘…rhetorical purposes \textit{and means} (my italics) that extend far beyond the (parental, disciplinary authority of the, \textit{my insert}) classroom.’\textsuperscript{76}

\textsuperscript{73} Fingerpointing, or the ancient decoy of deflection, acts to divert attention away from institutional shortcomings and responsibilities. For example, in your own teaching experience are most students skilled in paraphrasing, at home with metaphor, able to distinguish a primary from a secondary source, much less prepared to engage in original, cutting edge research? (What species of literacy do our students work from? Do we know?) Nonetheless, ‘original’ research papers routinely fall due at the pressure-packed close of each semester. ‘Pointing fingers’, according the Peter Maass, ‘…can be a compass as well as a dodge.’ Indeed. From Peter Maass’s cost accounting, \textit{Crude World: The Violent Twilight of Oil}, Alfred A. Knoph, New York, 2009: 111.


\textsuperscript{75} About gaining membership in professional discourse communities David Sebberson observes that ‘…learning to talk the talk is absolutely essential for learning to walk the walk.’ In this regard, elite students enjoy a substantial discursive advantage over their novice counterparts. See David Sebberson’s review of \textit{Textual Dynamics of the Professions: Historical and Contemporary Studies of Writing in Professional Communities} by Charles Bazerman & James Paradis, \textit{Rhetoric Society Quarterly}, 23,2, Spring, 1993: 50- 54 (51). See also, Patricia Bizzell, ‘Beyond Anti-Foundationalism to Rhetorical Authority: Problems Defining ‘Cultural Literacy’, \textit{College English}, v. 52, 6, October, 1990: 661-675.

½ Baked

If our evil passions must find vent, it is far better to expend them on strangers and aliens than in the bosom of the community in which we dwell. (205)

Herman Melville, Typee

A mind-full, for sure, but please stay seated. Specifically, in light of the stock-taking dossier above – hinting of a wrong-footed tale of analytical complacency, one allowing faculty and our pedagogic strategies off the uphill, scholastic/ignatian, self-examining hook - are we willy-nilly boxing ourselves in a problem of (mis-)representation of our own making?²⁷ Time to ask, wouldn’t you agree, whether the socially challenged, moralizing equation of choice can adequately capture the broadband (cultural/institutional) changes in composition and literacy purportedly well underway?²⁸ Or, more generally, cautioned by the array of self-scrutinizing, anti-foundationalist discourses²⁹ at our epistemological

²⁷ Ironically, a host of self-encountering resources exists, if we tap into it, to amplify the plagiary crisis to include not only the Cain of student misdeeds, but the Able of epistemological depth of field used to construct the 2.0 crisis. See Denis Smith & Dominic Elliott’s, ‘Exploring the Barriers to Learning from Crisis: Organizational Learning and Crisis’, Management Learning, v. 38, 5, November, 2007: 519-538.


disposal today, does the accusatory and alienation remedy begin to feel too analytically slender? Too confining? Burdensome, even?

The undertow of foregone conclusions facilitates oversimplification in other ways meriting inspection. If seeing flashing red results in consigning heuristic academic conventions of analytic ambivalence to the sidelines, for instance, we risk transposing the problems of social structures onto the very people who embody them.\textsuperscript{80} The false positives attendant policies of containment are predicated on the common eschatological denominator that a generation of preschool admission tested, teach-to-the-test, early admission, grade-obsessed students\textsuperscript{81} armed with petabyte-sized laptops preordains plagiary. \textit{No need to look further}. Thus, under the specter of quarantine, disciplinary remedy is localized to upgrading individual behavior \textit{‘without changing anything else’}.\textsuperscript{82}

Note, however, the reductive penalty paid for what amounts to taking sides. Specifically, the dueling either (virtue) or (vice) construction of convenient targets entails the wholesale erasure of the manifold social and institutional positioning organizing plagiarism, not to mention the extenuating life-contexts and political commitments anchoring theory and practice. In addition, the deflective rhetorical leap of naming and blaming brackets the issue so as to \textit{insulate ourselves} from both the problem and our students. Our fortified comfort zone holds on for another day. Yet, wedded to the adversarial institutional account, i.e., one lacking strategic context and tending to lowball the creative, adaptive capacity of students, we inadvertently chance stoking a recursive game of catch-up.

Furthermore, as self-affirming oppositions polarities also assume a credulous baseline cultural homogeneity. The overwhelming prosecutorial slant of the Judge Judy-brand of plagiarism discourse, mind you, presupposes that students and faculty work from the same, enduring characterizations of authorship and ownership. And that this body of ‘lived understandings’ embody and originate in an inevitable, universalized, and neutral system of intellectual property enshrined by none other than the Founders in Article I, Section 8 of the United States Constitution.\textsuperscript{83} The Delphic, 27 word, ‘Copyright Clause’ that launched a down to the present game of Prisoners’ Dilemma over the nature of a robust intellectual commons deemed essential for nourishing the hallmark open and equal discourse of progressive society.

\textsuperscript{81} Backstopped by cash flow-strapped, cell-phone on call, hovering parents.
\textsuperscript{83} Which reads as follows: ‘To promote the Progress of Science and useful Art, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.’
Conventional wisdom holds that the Academy, in the ideal, constitutes a knowledge arena prizing the eyes-wide-opened notion of the examined life (\textit{auctoritas} \textsuperscript{84}). A domain where unimpeachable absolutes \textsuperscript{85} are by definition dismissed as ‘epistemologically provincial’. Where might we turn, then, if upon careful examination the C&P school of plagiary is found to operate with too many absences showing? Found too simple; paradoxically resembling its nemesis by spreading credit too thin? Enough reconstitutive impetus to justify going to the trouble of subjecting conventional wisdom to question in order to audition other theoretical and methodological translations?\textsuperscript{86} Trying out other metaphors holding promise of more flexible \textit{and empathetic} (in the \textit{cura personalis} spirit) interpretations of the oblique subject of student plagiary?\textsuperscript{87}


Second Thoughts

I began to have second thoughts. The truth was that, although I said I’d been robbed, I didn’t feel that way. (41) Malcolm Gladwell, 2004

…all my best ideas were stolen by the ancients.
Ralph Waldo Emerson

In an un-self-conscious anthem to the scientific method Dennis Overbye writes that (in an ideal world, my insert),

In science the ends are justified by the means — what questions we ask and how we ask them — and the meaning of the quest is derived not from answers but from the process by which they are found: curiosity, doubt, humility, tolerance.

Might we make other use of Overbye’s flattering suite of verities to remind ourselves that the academy’s privileged discursive jurisdiction over narrative production – our claim to ‘defining community’ status, is but one ‘angled (i.e., compromised) perspective’ rooted in a particular social location and discursive frame? One, accordingly, nested within a plurality of other possibilities of expression? This doubt-inducing acknowledgement of the restless defining (not to equate with predetermining) influence of material historical circumstances leverages the threshold question for those who suspect that, regarding acts of student plagiarism, we may be thinking too small; and from a phenomenological standpoint, no iconic idea is too big to fail.

One way to scratch the itchy, hemmed in, glass ½ full qualm is to consider whether the moralizing option represents a workable narrative or a ‘deck chairs’ distraction effectively closing off other forms of analysis and remedy? What if there is far more to plagiarism than meets the normalizing eye? Unblinking adherence to the florid, fear-factor code coupled to a fixation on propping up ratified notions of intellectual property (along with our own credibility to exercise

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authority), then, chances a counterproductive under-theorizing of the plagiarism crisis as a socially constructed phenomenon and our role in this ongoing construction. Could it be that we, faculty, in our roles as zealous guardians of received academic culture, are poised to miss the self-reflexive, proverbial boat?93

Suggestive of a ripe heuristic moment to pilot the self-checking question – are we, indeed, asking the appropriate questions? - to a new level of discussability. In straightforward Geertzian terms94, is the vice and disqualification discourse thick enough? Is it, in brief, up to the explanatory task or lost its spell?95 For example, rather than take the crime metaphor on its un-nuanced face, might it also prove beneficial to reframe the ‘crisis’ as reflecting not only instances of narcissistic trespass (‘MEism.com’), but a possible indicator and portent, if you will, of a larger cultural struggle over who governs the definition, production, and certification of legitimate knowledge – a (passing in the night) storytelling contest of divergent orders of knowing in which students, as upside down as that may sound, actually play an oversized role? This calculus, as featured here, holds promise to reward members of the academy with a deeper understanding (one closer to our own professed breadth and depth ideals96) of the defining issues/authority at hand, and sensitivity of the effects varying responses on the part of faculty are likely to produce and to teach regarding the scope of faculty/student connection.

As a probationary departure, why not embark on easing the tight-fisted hold of the us/fallen angels binary validating the C&P prism by recasting plagiary as ‘plagiary’, i.e., as a community achieved, ‘speech-event’?97 And then use this unhawing maneuver as rationale for mirroring our own working assumptions? After all, at this point, it’s past due to ask: do we throw more precious resources at, as Richard Rorty puts it, explaining our way out of a theoretical dead end? Persist in turning assets into liabilities?98 Or, go about ‘changing the way we talk’

95 ‘When you are writing laws you are testing words to find their utmost power,… Like spells, they have to make things happen in the real world, and like spells, they only work if people believe in them.’ From Christopher Benfey’s review of Hilary Mantel’s Wolf Hall, Henry Holt & Co., 2009, ‘The New York Times Book Review, November 1, 2009: 10.
96 Academics, reputedly, are assiduously trained not to jump to conclusions.
98 Again, no one is minimizing the sine qua non (the cornerstone institutional and personal stakes vested in this issue) role of intellectual accreditation in academic and commercial spheres. The point here is that the very weight of these stakes, cautions us to question whether the legalistic perspective is, ‘sufficiently capacious’ for the job.
(and act), transforming the plagiary cat and mouse into a real-time teaching moment for students and faculty to fashion a collective understanding of ourselves.\textsuperscript{99} In other words, working from the $\frac{1}{2}$ full/ $\frac{1}{2}$ empty device which strives to bring absence into focus,\textsuperscript{100} allows us to turn some tables. In effect, making it thinkable to view the academy’s hair-trigger reaction with the same curiosity as the purported problem to be rectified.\textsuperscript{101} \textsuperscript{102} The research site for the construction of plagiary is scaled up to include not just isolated cases of student (mis)behavior, but the academic cultural landscape writ large.

\textsuperscript{99} I.e, the \textit{practiced} capacity to entertain an introspective dialogue with oneself in an effort to scrutinize and test the making of our everyday order. This tack, I feel, not only exposes students to a broad band of theorizing, but works (in principle) to establish a basis for self-teaching and empathy via exposure to a range of understandings concerning the complexity of human existence and our accountability in the “authoring” of such existences.

\textsuperscript{100} The \textit{raison d’etre}, one might claim, of critical theory, literary theory, feminist theory, post-colonial theory, gay studies,… each in their respective, if not respectful, ways dedicated to cross-examing mainstream theorizing by reverse-engineering the maternity of social realities – filling in the gaps denoting the limits of conventional theorizing so as to extend examined experience. For more see Susan A. Mann & Lori R. Kelley’s, ‘Standing at the Crossroads of Modernist Thought: Collins, Smith, and the New Feminist Epistemologies’, \textit{Gender and Society}, 11:4, August, 1997: 391-408. This interrogative mission pivots on the underlying notion that in a socially constructed world no answer, no fact, is excused a second-guess: ‘When we open our eyes each morning, it is upon a world we have spent a lifetime learning to see. \textit{We are not given the world: we make our world} (my italics) through incessant experience, categorization, memory, and recollection.’ Oliver Sacks, ‘To See and Not See’, \textit{An Anthropologist on Mars: Seven Paradoxical Tales}, Knopf, New York, 1995: 114. If this is the way you imagine the world to be, questions always trump answers.


Of Two Minds

He (Durkheim) accepted the same popular idea that modern man has escaped from the control of institutions, which was shared by most of his contemporaries…. The high triumph of institutional thinking is to make the institutions completely invisible.

Mary Douglas, 1986

…: the way we diagnose our students' condition will determine the kind of remedy we offer (41).

Parker J. Palmer, 1998

For the record, while I confess that recent extensions of copyright authority concern me no end (escalating rights clearance costs> public access)\textsuperscript{103}, I don't harbor a soft spot for source amnesia, 'classic', unintended, self-plagiary, kleptomaniac, or otherwise.\textsuperscript{104} And I don't teach in a monastery, my institutional affiliation, notwithstanding. From first-hand experience I readily acknowledge that some students appear determined to make grades any utilitarian way they can. Many likely succeed, but, of course, not everyone. Each year at my institution, anyway, a handful of miscreants are caught red-handed, if not always abashedly red-faced,\textsuperscript{105} and disciplined to varying degree as each faculty member and school handles run-ins with plagiarism in their own \textit{ad hoc} way.\textsuperscript{106} This informal situation may soon go the way of need-based financial aid and big-city newspapers as faculty grow more adept at deploying anti-plagiarism software and adjudication and punishments are applied more even-handedly, i.e., formalized, across the university. Meanwhile, if and until that day dawns apprehending and disciplining offenders remains more the exception than rule.

103 Property creep. Now I fully concede that the framers penned the Constitution with little time to waste (after all, an army of Red Coats was coming), leaving it up to later generations to fuss over the details. (Recall that from an interpretive angle, the constitutional scholar, Edwin Corwin, considered the constitution as ‘an invitation to struggle’. See Adam Cohen’s, ‘Just What the Founders Feared: An Imperial Presidency’, \textit{The New York Times}, July 23, 2007.) But doesn’t the 1998 Sonny Bono Copyright Term Extension Act granting a copyright for life plus 70 years and the possibility of beyond smack of overreach? See Laura J. Murry, ‘Just Another Word for Nothing Left to Lose?: Public Domains and Intellectual Property Law’, \textit{American Quarterly}, 55.4, 2003): 739-748.

104 My guess is that ‘plagiary’ has been around since pictographs, or barn graffiti. Yet, the jury is still out on this murky subject, and looks to forever remain that way. For a current taxonomy of plagiarism, see Richard A. Posner’s \textit{The Little Book of Plagiarim}, Pantheon Books, New York, 2007. For more on nailing down plagiarism read Scott McLemee’s, ‘What is Plagiarism?’, \textit{The Chronicle of Higher Education: A Special Report (on Plagiarism)}, December 17, 2004, http://chronicle.com/free/v51/i17/17a00901.htm.

105 From the hallway anecdotes that reach my ears, something approaching a plurality of red-handed students deny they have done anything wrong even when confronted with smoking gun evidence. Are these students in denial? Resorting to denial? Both? Or is something more afoot?

On the other hand, it can be safely assumed that most of our colleagues do not wish to be mistaken for law enforcement constabulary, preferring, whenever possible, to avoid head butting, student/parent vs instructor showdowns. And, like, weary, for the cameras, campus crusades aimed at exercising binge drinking and unsafe sex, my guess is that few place much confidence in the fanciful efficacy of abstinence programs. For these reasons and probably more acts of piracy slip the net. The plain truth is, there is no way to tell. So, while waging war may look workable on paper and provide some with a sop to vent their inner cop, given everything it fails to consider, the short-tempered option leaves much to be theoretically and practically desired. As things stand now, the proposed mismatch of problem and reactive half-measures risks leading the academy off point, signals counterproductive messages (questionable lessons) to students, ending in yet another round of head-in-sand, wordplay nostrums (writers’ responsibility warnings emblazoned on the front of test booklets and course syllabi, e.g.).

Of more concern, say that our firewall of declaratory inoculations – honor codes, warnings, prophylactic seminars and such fail to scarecrow?, i.e., carry little street cred with generation download? We, in effect, declare a grudge match on student plagiarism, but only the home team shows. Taking threat assessments at their word, or possibly worried that our bluff might be called, many academic authorities are scrambling to erect a foolproof infrastructure of integrity relying heavily on electronic spyware (or, more politely, verification software) to amass

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107 Particularly of the Austin Powers variety.
108 Eric Hoover, ‘Honor for Honor’s Sake?’, The Chronicle of Higher Education, 5/3/02; Karoun Demirjian, ‘What is the Price of Plagiarism?; When someone steals another’s words, the penalties can vary wildly’, The Christian Science Monitor, May 11, 2006: 14. And sometimes push escalates to shove. For example, in 2004, Chris Dussold, an assistant professor of finance at Southern Illinois at Edwardsville was fired for plagiarism. Mr. Dussold subsequently filed a lawsuit for wrongful dismissal. But he did not stop there. Mr. Dussold and a team of former students and sympathetic colleagues set out to uncover examples of plagiarism that had gone unpunished. They hit paydirt upon discovering that the chancellor at Southern Illinois at Carbondale, Walter V. Wendler, had copied portions of a strategic plan that he had helped write years earlier at Texas A&M. Mr. Wendler stepped down in 2007. Mr. Wendler’s boss, Glenn Poshard, the president of Southern Illinois University, was next to sit on the hot seat. In August, 2007, a student newspaper charged that Mr. Poshard had copied parts of his 1984 dissertation while a student of Southern Illinois at Carbondale. Mr. Poshard explained that he was under a lot of pressure at the time, and, ‘... was trying to get my dissertation finished.’ (Thomas Bartlett, ‘Newspaper Uncovers SIU President’s Plagiarism,’ The Chronicle of Higher Education, (Archives, September 14, 2007.)
109 Nancy D. Campbell, ‘Suspect Technologies: Scrutinizing the Intersection of Science, Technology, and Policy’, Science, Technology, & Human Values, v. 30, 3(Summer, 2005): 381. It may not sound efficient in the short term, but a strong argument can be made that the academic’s role is to maximize, not minimize, nuance.
proof beyond a reasonable doubt. The personal computer functions as a
paradoxical, interactive medium. One capable of giving as well as profiling.
Regarding the latter, in light of its inherent panoptic potential to expose\textsuperscript{112} –
spyware’s unparalleled normative sweep, if you will; with literally no place to hide
why would anyone dare indulge in stolen pleasures? Factor in Foucault’s
program to unearth the genesis of hearts and minds, self-policing subjectivity,
and \textit{why even consider} cheating? Quote:

\begin{quote}
\ldots he who is subjected to a field of visibility, and who knows it, assumes
responsibility for the constraints of power; he makes them play spontaneously
upon himself; he inscribes in himself the power relation in which he
simultaneously plays both roles; \textit{he becomes the principle of his own subjection}
(1977a: 203, my italics).\textsuperscript{113}
\end{quote}

Once this instinctual, digital ankle bracelet, self-understanding sinks in - wherein
the individual ‘\ldots recognizes himself \textit{qua} subject’ (i.e., glances, ‘spontaneously’,
over his/her shoulder) - what use for behavioralist theory Y (good cop) carrots
and (bad cop) theory X sticks; now superfluous. Conditioned to constantly
\textit{experience} the presence of supervision, fearful of leaving a digital trail, ‘subjects’
instinctively conform, i.e., work from the same, dog-eared MLA page. No more
lame alibis. No more plea bargaining. No more get-out-of-jail-free cards. Just
an Orwellian, everyone’s watching, self-vigilant subjectivity, and an occasional
course-correcting subpoena, for good measure.\textsuperscript{114} Or, in words illustrative of the
‘invisible power’ of Jeremy Bentham’s idea, Lawrence Lessig writes, ‘For these
ideas take for granted the property in intellectual property (1798).’\textsuperscript{115}

\begin{footnotes}
\footnotetext{112}{In 1785, the free-ranging, ‘utilitarian’ mind of Jeremy Bentham (1748-1832) drew up the
blueprint for the all-seeing, Panopticon - a concentric prison architecture wherein inmates never
knew when they were under direct observation. Naked to ‘the gaze’, each prisoner, theoretically-
speaking, learned to discipline (watch) himself and behave accordingly, eliminating the need for
corporeal punishment and a large supervisory workforce. Michel Foucault in \textit{Discipline and
Punish: the Birth of the Prison} (1979) turned Bentham’s concept into a trademark, using the
Panopticon as the originary, metaphoric platform for Foucault’s thesis of disciplinary subjectivity
and its extension to virtually every arena of organized social life. See \textit{John Stewart Mill and
London, 1987. See also, James D. Boyle, ‘Foucault in Cyberspace: Surveillance, Sovereignty,
Kovacs’, Quieting the Virtual Prison Riot: Why the Internet’s Spirit of “Sharing” Must Be Broken’,
panoptic prison design can be readily Googled under ‘panopticon’.}

\footnotetext{113}{Michel Foucault, \textit{The Use of Pleasure}, Harmondsworth: Penguin, 1987: 5 in \textit{Questions of

\footnotetext{114}{But some swords cut both ways. Using a text searching tool analyzing millions of research
abstracts found on the biomedical search engine, Medline, Harold Ginter, and a team of
researchers at the University of Texas Southwestern Medical Center at Dallas, found 9120
entries ‘with high levels of citation similarity and no overlapping authors’, and 212 pairs of
potentially plagiarized articles. Ginter’s findings appeared in \textit{Science} magazine. See Paul
Basken, ‘Plagiarism in Science Research is Often Ignored, Studies Find’, \textit{The Chronicle of Higher
Education}, Books, March 6, 2009.}

\footnotetext{115}{Lawrence Lessig, ‘The Architecture of Innovation’, \textit{Duke Law Journal} 51.6 (April, 202): 1783-
1801.}
\end{footnotes}
Mindful, however, of the ½ empty trophe’s own, tentative, self-checking MO – ‘just what is it that we are trying to do?’ awards us some leeway to inquire if this panoptic form of governance constitutes a moral enforcer that will pay for itself? or backfire as a counterproductive problem amplifier? Ostensibly deployed, OTOH, as a resource-sipping\textsuperscript{116} technology for vetting academic citizenship, one validated by the rhetorically purified, empirical witness of science.\textsuperscript{117} On the other, smoking gun devices such as Turnitin.com, ‘work’ only by reducing student plagiarism to a narrow gauged census endeavor,

But the tradeoff for this ‘internalization of control’?\textsuperscript{118} The back-drop mosaic of social factors, not to mention, the ‘governing mentalities’ embedded in such push-button technology and those it targets, are once again, shunted to the sidelines. By methodically weeding out the social and political as error terms we unwittingly regress full circle to the square one of ½ empty. And while these tools of ‘the gaze’ make it easier to uncover, if not situate, incidents of rule breaking, including those of delinquent scholars,\textsuperscript{119} constrained by the straight jacket of the ½ empty dynamic, we still lack the analytical wherewithal to explain why anyone in this totally transparent landscape would - as apparently countless digital Millennials swimmingly do 24/7 - stake their reputations against such casino-like odds in the first place?

A predicament, unless, \textit{unless} the panoptic inmates turn out \textit{not} to be the dependable Benthamite - rational, utilitarian - actors (guided by the undeviating conscience of self-interest) that the entire panoptic edifice revolves around. What, we may now ask, are the implications for self-policing if inmates live, conscience free, in another universe of rules?\textsuperscript{120} Don’t comprehend the rules? Couldn’t care? Punch in primarily to make the grade(s)? To learn to earn in

\textsuperscript{116} With the self-supervising subject, no need for the costly, pushback prone, deployment of large caliber, coercive force. See Bart Simon, ‘The Return of Panopticism: Supervision, Subjection and the New Surveillance’, \textit{Surveillance & Society}, 3(1): 1-20: 6. To be subject to the Panopticon is to be on the wrong side of a one-way mirror. Simon writes: ‘Not only does the panoptic machine make one visible but it also hides the operations (the motives, practices and ethics) of the supposed viewer. To know one is being seen without being able to see carries with it an uncertainty that becomes a source of anxiety, discomfort and terror… Who is watching? Why are they watching? What will they do?’ Note, that down the line, Foucault conceded some authority to individual agency by softening his stand on the reach of discursive/institutional (impersonal) authority. See Foucault, M. (1993) ‘About the Beginning of the Hermeneutics of the Self: Two Lectures at Dartmouth.’ \textit{Political Theory} 21(2): 198-227.


\textsuperscript{119} Scott Carlson, ‘Journal Publishers Turn to Software to Root Out Plagiarism by Scholars’, \textit{The Chronicle of Higher Education}, June 10, 2005. Carlson reports that an assistant professor of computer science at the University of Arizona has written new software, ‘Self-Plagiarism Detection Tool’, or SPIaT, to unearth self-plagiarism. Specifically, SPIaT serves to remind even faculty to peek over their own shoulders every now and again.

order to win a fast-track ticket to the show of shows – the marketplace? If the student ‘body’ escapes ‘docility’ (cut their puppet strings), are we, bluff called, out of moral ammo?

From Where I Sit

When the social is shorn from cognition, when gender, race, ethnicity, class, and ideology are rendered invisible to analysis, cognition is made to assume a burden of explanation greater than it can bear.

I think what first drew me to the back pews of the constructivist tent and its deconstructionist offspring, was constructivism’s penchant for tweaking authority. Chalk this up to a terminal case of impertinence, a liberal arts degree, a disposition never comfortably at home with rank and team sports on/in any field, and/or a quixotic penchant for post-structuralist narratives insisting on the ceaseless ‘questioning (and problematizing) power of life’ leading students such as Gilles Deleuze, Michel Foucault, and Jacques Derrida to evangelize the epistemology of ‘becoming’. Seeking, each in his way, to understand how restless, human cultural artifacts (e.g., language for a preeminent one) evolve and mutate over time, chemistry and engineering included. Or, since he is currently not in a position to defend himself, I’ll lay the lion’s share of blame on Paul de Man (1919-1983) who, from a constructivist optic, says it all:

Far from there being nothing outside of the text, everything was out there, waiting to be called back into reality by the power of words.

This was de Man’s succinct way and warrant, as I read it, to cut the Stockholm syndrome of orthodox (timeless, irreversible, closed book) belief systems down to (human) size. The re-envisioning of established truth as a language form – ½ full, contingent, all too human achievement - opened the door to demystifying scrutiny, i.e., what a particular truth says about the world, and how it goes about saying it. No longer beyond question, gospel demoted to human artifact invited testing, debate, heresy, and reinvention. Unveiled as fully historical constructions core truths whether of the political, social, economic or scientific

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123 It’s reassuring to think of bedrock beliefs as full-blown, finished works – products of human nature - not as tenuous, fluid, historical constructions built upon many strategic, narrative shaping decisions. From this constitutive angle, the logical epistemological follow up is to ask how IP (be)comes to be the narrative, political accomplishment it currently is? For a focused discussion about narrative-shaping inclusions and exclusions and implications, see Joshua Brown’s, ‘Review: Of Mice and Memory’ (a review of Maus: A Survivor’s Tale by Art Spiegelman), The Oral History Review, 16.1, (Spring, 1988): 91-109.
variety all yield to T. Kuhn’s provisional, prevailing wisdom thesis.\textsuperscript{127} In common with the transitory nature of retreating glaciers, physicians’ house calls, Soviet-style Marxism, Hummers, the philogiston thesis, the Cold War, Britney Spears, knee joints, ‘don’t ask, don’t tell’, marine fisheries, gym classes, CDs, the Euro-American colonial system, CDs, moviegoers, straightforward meanings, papal primacy, NASA’s space shuttle program, home ownership, and cursive writing (longhand), sacred cows’ days are likewise numbered.

To paraphrase Kuhn, generally speaking, an axiomatic mentality arrives to red carpet fanfare, eventually overstays its welcome (i.e., lame duck status - reaches a tipping point where questions outnumber and outweigh answers placing the ‘universal’ itself in question), and, over the course of time, falls out of fashion (loses its grip, its incontrovertible status).\textsuperscript{128} What goes up eventually declines. Like the seasons, definitive narrative bell curves come and go. No truth drops from heaven. This portrayal of entropic decay, mind you, seldom occurs overnight, or without intense struggle.\textsuperscript{129} But, even stone tablets, the iconic market rules hypothesis, and books\textsuperscript{131} are, in theory, not exempt.\textsuperscript{132}


\textsuperscript{128} Lawrence Lessig uses Richard Hasen’s snowball dynamic to illustrate the half life of norms. If, for whatever cause(s), the odds of punishment decline more people may refuse to conform to the norm. As more violate the norm, the mathematical odds of punishment diminish apace. Eventually, the social costs of conformity trump the costs of punishment and norm-violation becomes the norm. At that point, ‘…, obeying the norm makes one a “chump”’(2185). See Lawrence Lessig, ‘Social Meaning and Social Norms’, \textit{University of Pennsylvania Law Review}, v. 144,5, May, 1996): 2181-2189, and Richard L. Hasen, ‘Voting Without Law?, \textit{U. Pa. L. Review}, 1996,: 2135. But be forewarned, the dethroning process comes without a warranty. \textit{(Sic transit Gloria mundi, anyone?) While no idea has yet to outlast the test of time, displacing long established ‘universals’ may span a multi-generational timeframe (e.g., think race, gender, agriculture, energy). For instance, there are many people today dedicated to taming the beast in their fellow-kind, but like their late-nineteenth century counterparts, loathe to entertain the merits of natural selection. And, as post colonial theory points out, resilient narrative forms, no matter how yesterday, may operate off-radar, ‘shapeshift’. Although not a card-carrying post colonialist, check out Tim Wise’s eye-opening, \textit{White Like Me: Reflections on Race from a Privileged Son}, Soft Skull Press, Brooklyn, 2008. Likewise, according to Charles Lemert, the present is marked by ‘vestiges’ through and through (15). Lemert also remarks that, ‘…it is very well known that even theories of certain kinds outlive their own endings because they ride on the wave of some prior and more basic realities’ (ix). See Charles Lemert’s caustic \textit{Postmodernism is Not What You Think: Why Globalization Threatens Modernity}(2\textsuperscript{nd} edition), Paradigm Publishers, Boulder, CO, 2005. As always, it’s, well, anything but simple.

\textsuperscript{129} Emile Durkheim shows us why: ‘Collective representations are the result of an immense cooperation, which stretches out not only into space but into time as well; to make them, a multitude of minds have associated, united, and combined their ideas and sentiments; for them long generations have accumulated their experience and their knowledge’. Emile Durkheim, \textit{Elementary Forms of the Religious Life}, Free Press, New York, 1965: 29.

\textsuperscript{130} Hannah & Freeman (1977) recommend that we not discount the stalling, life-extending power of ‘structural inertia’ (Michael T. Hannah & John, ‘Structural Inertia and Organizational Change;’, \textit{American Sociological Review}, 49:2, April, 1984: 149-164.), or what economists dub ‘lock in’. Larry Burns, current chief of General Motors’ Technology Center gives this glum assessment of trying to teach old organizations new tricks, ‘The literature I’ve studied about incumbents and
Cases in point: due to broad cultural/technological transformations, the self-evident plausibility consecrating modernist conceptions of the self-sufficient author, the sanctity of intellectual property, and received notions of plagiary are similarly under review, i.e., topical - in question and jeopardy (showing their age). For example, the extended reach of property over the last three decades has split legal scholars over the seesawing balance between intellectual property rights and the public domain and the vitality of democratic institutions. On other fronts, academics in Literary and Composition Studies whittle away at rusty 18th century Romantic notions of authorship and originality propping up copyright extension. Likewise, historians and sociologists of knowledge sift through the genealogical pedigree (a ‘becoming’ exercise) of contemporary definitions of intellectual property. Adding another chorus to this undermining process, champions of open source ware and ‘sharing economies’ vociferously declaim that dated notions of property in use today actually impede finding solutions to mature industries facing the transformational possibilities that I see right now, they usually don’t come out the winner’(57), from Peter J. Boyer’s ‘The Road Ahead: Smyrna, Tennessee, vs Detroit’, The New Yorker, April 27, 2009: 44-57. Aircraft carriers, in other words, are not designed to turn on a dime. For more on the subject of heel-digging, inertial drag, see ‘The Madness of Crowds and an Internet Delusion’, by John Tierney, The New York Times, January 11, 2010; and Anne Applebaum, ‘Yesterday’s Man?, a review of Michael Scammell’s Koestler: The Literary and Political Odyssey of a Twentieth-Century Skeptic in The New York Review of Books, February 11, 2010: 10-11; and Jared Diamond’s Collapse: How Societies Chose to Fail or Succeed, Viking Press, New York, 2005: 432-434.


Tone deaf to counterargument, it’s not in the DNA of orthodoxy to readily yield the center stage to the new math of conflicting data and logic. Often as not, a critical mass of the faithful must retire from the scene, as it were, before a particular ‘truth’ is put to the test and occasionally to rest. For well-drawn examples of this rough, career-arc hypothesis read Peter J. Boyer’s, ‘The Road Ahead: Smyrna, Tennessee, vs. Detroit’, The New Yorker, April 27, 2009: 44-57; Jeff Goodell’s, ‘As the World Burns’, Rolling Stone, January 21, 2010; plus John Cassidy’s report on the University of Chicago’s Judge Richard A. Posner’s heretical change of heart in ‘After the Blowup: Laissez-faire Economists Do Some Soul Searching – and Finger Pointing, The New Yorker, January 11, 2010: 28-33.


If it eases the pain, try beginning with the supposition that plagiarism, imitation, originality, and contemporary notions of authorship and intellectual property may not remotely be clear-cut ‘unities’, but, similar to accounting standards, the legitimacy of medical marijuana, and baseball’s strike zone, evolving socio-historical phenomena. Justice Potter Stewart wryly got the point: ‘Pornography: we still can’t define it, and we still know it only when we see it.’ Supreme Court Justice Potter Stewart, 1964. From ‘Image in a Haystack’, Virginia Heffernan, NYT, 6/9/09: 14.
the intermeshed ecology of 21st Century challenges.\textsuperscript{136} All the while, the internet nation, our students, likely more than less oblivious of the \textit{sturm und drang} above, collectively test our patience, our envelopes, and possibly, even our relevance right before our very eyes. Is giving due credit only 'academic' to many students?\textsuperscript{137} As much as some may wish otherwise, in the case of IP, no one-truth, compositional ground zero apparently exists today, if it ever did. Everything considered, perhaps we all might be better off redirecting the relentlessly tactical energy expended building better mousetraps to mapping richer (more strategic and reciprocal, 'becoming') models of the cultural topography of plagiarism.


The Hard Part: Changing the Rules of Engagement

I became loyal to these sense impressions even before I knew what they meant or what they were for.

Yann Martel\textsuperscript{138}

Always in the background is a time and a place - ....\textsuperscript{139}

The ‘crisis' recapped (a long story shortened):

- Yes, longitudinal polls suggest that academic dishonesty - test cheating and plagiarism – has allegedly climbed to white-knuckle heights. And by any reasonable measure this generation of students has been treated to a toxic exposure of corporate, government, and academic misconduct, not to mention the darker corners of amateur\textsuperscript{140} and professional sports (theory in use > espoused theory; i.e., actions generally speak louder than words). And some accuse China and India of elevating patent and copyright infringement to an industrial policy.\textsuperscript{141} And, yes, digital technology has made cheating ostensibly easier and, by self-regarding Machiavellian logic, hypothetically congenital.\textsuperscript{142} Moreover, the pervasive and inventive (mis?)use of electronic media has stirred debate within the academy, alongside courtrooms and boardrooms, over the rules governing intellectual property rights, fair use, and copyright infringement.\textsuperscript{143} Against this uneven backdrop, why shouldn’t we worry about the canonical MLA handbook owning the last word?

- On the other hand, we don’t want to jump any guns, nor generate more pushback. For one, keep in mind that no statistical consensus yet exists regarding the scope of (or even definition of) plagiarism. Plus, the common sense regarding plagiarism’s ubiquity is based more or less

\textsuperscript{140} According to avid sports fan, conservative pundit, and syndicated \textit{Washington} Post columnist, George Will, a former University of Oklahoma president once remarked, without a qualifying wink, ‘We’re trying to build a university our football team can be proud of’. ‘Money and Hype Help Keep College Football’s Roots Firm’, \textit{The Republican}, January 7, 2010: C7.
\textsuperscript{141} Echoes of calling the proverbial kettle black! For a primer on the U.S.’s record of industrial espionage consult Jason Ferdinand & David Simm, ‘Re-theorizing External Learning: Insights from Economic and Industrial Espionage’, \textit{Management Learning}, Vol. 38 (3): 297-317, 2007. ‘Our outrage at Chinese piracy notwithstanding, we should not forget that until 1891, foreign copyrights were not protected in America. We were born, in other words, a pirate nation’ (1794). Lawrence Lessig, ‘The Architecture of Innovation,’ \textit{Duke Law Journal} 51.6 (April, 2002): 1783-1801.
exclusively on student self-reporting polls which should, statistically speaking, always be taken with a confirmationally biased grain of salt. Truth is, no double-blind crossover studies have informed the debate. Nor will they likely be, given the taboo nature of the subject matter.\textsuperscript{144} \textsuperscript{145}

Perhaps the best that can be said is that the ‘evidence’ collected to date appears circumstantial at best. What is certain is that the anti-plagiarism business is a growth industry. Specifically, a mushrooming paper mill sector\textsuperscript{146} (bad) and its purported foil, plagiarism-detecting software systems (good), hint at a bull market for both services. The numbers of publications and faculty workshops inspired by the subject (and, no doubt, coming to universities soon - post-Great Recession, plagiarism consultants) are on the rise. And, of course, revelations of cheating in virtually every corner of our society only serves to stoke suspicion. What can be said with some confidence is, that while hard ‘evidence’ of turpitude may be anecdote-thin, that has not prevented the construction of plagiarism into a crisis of epic proportion and a scalable, entrepreneurial market for deception and detection.\textsuperscript{147}

Still, …its complicated. So, suppose for a moment…

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\item …that a meaningful fraction of our computer-literate students – our protégés, no less – are, in fact, not on the same (timeless) page – are not the sticklers for footnoted attribution that we are - are not, in fact, apprentices to our master model, but, as it were, just trooping through. And that perhaps, unwittingly, but nonetheless quite literally, students in general are busy writing their own pragmatic digital style guide beneath our out-of-joint noses? For arguments sake, suppose that the plagiarism ‘crisis’ goes paradigmatically beyond interpersonal misunderstanding or indiscretions or outright villainy? Suppose that the point and click generation blithely operates from an alternative subjectivity regarding the baroque, fine print interpretations of intellectual property, originality, and/or authorship? That, in other words, the academy’s organizing centrality and vision of solidarity and continuity may not be shared, nor even comprehended, by more students than we might care to consider. Making it thinkable, even feasible, then, that students, hard as that may be to accept, are well-along on a de facto ‘restatement’ of the rules of
\end{itemize}

\textsuperscript{144} What’s the reliability quotient for high school surveys filled with leading questions like the following: Did you smoke in the boy’s room last week? Sniff Magic Marker pens? Steal some words? This is the grist for policy-making?!

\textsuperscript{145} See Denise Hamilton, ‘Plagiarism: Librarians Help Provide New Solutions to an Old Problem,’ Searcher, April, 2003, p. 26-29. Chicken or egg?, the high tide of plagiarism or the availability of sophisticated plagiarism detection systems?


\textsuperscript{147} About the agenda and construction of ‘crises’ consult David L. Altheide’s Creating Fear: News and the Construction of Crisis, Aldine de Gruyter, 2002.
composition. If that registers, then waging jihad on student piracy may potentiate as much Wack-a-Mole as law and order, particularly in light of the avowed borderless zeitgeist of cyberspace. In the very least this twist also puts the efficacy of stopgap ‘mechanisms of discipline’ off-the-rack honor codes, pre-emptive doses of education, obligatory readings of style guides, and the castor oil of example-setting punishments (failing grades, suspensions, expulsions) in interpretive play.

**Our Charge: Beyond Gotcha - Learning What Makes Plagiary Tick**

‘He (Pierre Bourdieu) insists, most importantly, that both of the two traditional theories force people (most especially professionals who are paid to worry about such things) to define the problem in a way that causes them to misunderstand and under-appreciate what goes on in the practice of practical social life.’ (My paren.)

Burning, begging, leading questions: or, has the C&P paradigm worn out its welcome? A refocused empirical research agenda:

- Dust collecting Student Handbooks aside, does the vast file swapping samizdat operate with the same definition of IP that an older generation of faculty do? Do so called Millennial students, on the whole, assume that anything posted on the web is *ipso facto* in the public domain? Indeed, across the university, are faculty working from the same page?

- Is it safe to assume that working definitions of authorship, individual creativity, and theft are uniformly defined across disciplines?

- How has digital technology impacted collaboration, composing, and questions of authorial agency?

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• Are some student and faculty cohorts at more risk?: students in professional schools, basic writers,\textsuperscript{154} ESL students,\textsuperscript{155} up-for-tenure candidates? What can be gleaned from the log of reported cases?

• Does the record show that outed faculty and students receive fair treatment across the board?\textsuperscript{156} Regarding detection and corrective measures, are all faculty in agreement?

• The governing ½ cocked/½ baked disciplinary mentality of the ‘strict father approach’\textsuperscript{157} points fingers in only one direction – at student bad apples. Among other things, this tack acts to ignore and/or repudiate the mitigating social context we may have unwittingly engineered for our students. If we elected to look, would we find that some curricular designs proffer perverse incentive to plagiarize?\textsuperscript{158}

• What does the disciplinary option teach students? What’s the take-away life-lesson? Is it one we have closely examined, endorse, and want students to emulate? After all, from Mazlow’s wheezy Hierarchy of Needs to more contemporary versions of Expectancy Theory, I know of no work in the vast terrain of Motivational Theory that endorses low trust (Theory X) leadership models. Not least, what does a bipolar strategy of us vs them (friend vs foe) say about who we are and who we figure our students to be?\textsuperscript{159}

• And the implications for the cultural ecology of the university? Over and over again Lawrence Lessig pleads that the vital diversity and creative health of democracy hinges upon how we decide ‘...how far free access should reach.’\textsuperscript{160} The issue of access, particularly in democratic settings, is best envisioned not as a stand-alone legal


\textsuperscript{156} ‘What Academia is Hiding’, The Crimson Staff, \textit{The Harvard Crimson}, 9/13/04.

\textsuperscript{157} Coined by sociologist George Lakoff’s to differentiate conservative and liberal world views.


\textsuperscript{158} Consider, for example, the potential moral squeeze points built into the last, crunch time, projects-fall-due week closing every semester for, say, honors students, or mediocre students, for that matter. Different, but only by a matter of a few degrees, I’d venture, from the ethics-testing pressure points scientists and business practitioners are often compelled to negotiate in the outside world.


matter, but a foundational culture shaping one. Might we say the
same of the persistent, large spirited, heterogeneity of the
academy? Hence, the need to pay special attention to what the
endorsement of exclusion driving the machinery of abolitionism
may mean for the culture of intellectual ferment that is the
university?

The overachieving(?) 2nd thought unfolding from the very first page has
been, what is the good we are trying to do? Do we know enough about
what we are about to avoid repeating mistakes, generating
counterproductive side effects, making matters better or worse? What
messages are we sending and what are their second and third order
effects, i.e., how are they heard; what do they teach? What is the
disconnective cost of catechetic suspicion to the fabled ‘conversation’ and
‘hospitality’ underwriting the fecundity of university life?\textsuperscript{161} Is this the way
it has to be? Are there roads not taken? What is the good we are
producing? Is this the good we want? How will we know? Can we re-
vision, become more conciliatory, more patient, adaptive? What might a
more conciliatory approach look like and example?

These self-scrutinizing questions are of vital importance if, indeed, the
forensic metaphor represents a sputtering narrative form (as in late stage
life-arc) low on expressive power. To the degree that students are not in
lockstep with the daily ‘signposts, landmarks, and orientations’ delineating
the academic experience\textsuperscript{162}, we paint ourselves into a tight,
epistemological corner, i.e. get in our own way. If, say, the formative
assumption of the clock-watching student fosters more trouble than it’s
worth (found to be a non-starter – neither predictive, therapeutic, nor a
deterrent), practical wisdom suggests we muster the will to embark upon a
more self-consciously cautious ‘effort of replacement’\textsuperscript{163}. An effort with
room to spare for voices that question the thick of immutable literary

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\textsuperscript{161} ‘Classification is cheap, but identity is not’. (26) Amartya Sen, Identity and Violence. For a
thought-provoking read see also John C. Haughey’s \textit{Where is Knowing Going: The Horizons of the Knowing Subject}, Georgetown University Press, July, 2009. This may be over-the-top, but is
it not inconceivable that the C & P metaphor push us, if only by inches, in the direction of Irving
Goffman’s ‘total institutions’? In ‘The Lost Virtues of the Asylum’, Oliver Sacks writes, ‘Erving
Goffmann in his famous book \textit{Asylums}, ranks all these together as ‘total institutions’ – places
where there is an unbridgeable gulf between staff and inmates, where rigid rules and roles
Center does not hold.
\textsuperscript{163} If anti-foundationalism constitutes unfamiliar terrain, lower transactional costs with the
one-stop shopping found in Robert E. Smith III, ‘Hymes, Rorty, and the Social-Rhetorical
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‘facts’ of authorship, ownership, originality, and receptive to writing a new story co-authored with our students.

Narrative theorists stress that we live in and out of the ‘storied’ cultural space woven together with language. Is it really going out on a limb to propose that the socio/political constraints that configure the manufacture of knowledge apply equally to plagiarism? If it’s plausible that plagiarism is not simply a private, exclusively student matter, but a university-wide one - one we construct together, then it behooves us, in league with our student colleagues, to devise a new starting point, a 2.0 upgrade. By acknowledging the contingency of the subject – devising more flexible ways to think about plagiarism and its layered, back story complexity, we, alongside other constituencies in this ongoing interpretive process, are better positioned to hash out property and plagiary narratives that a listening, dialogic consensus can live with.

164 In the words of Ph.D. physicist dropout, niche motorcycle mechanic, Matthew B. Crawford, ‘Some diagnostic situations contain a lot of variables. Any given system may have several possible causes, and further, these causes may interact with one another and therefore be difficult to isolate. In deciding how to proceed, there often comes a point where you have to step back and get a larger gestalt. Have a cigarette and walk around the lift.’ I’ll forego the smoke, thank you. But the pensive ‘walk around the lift’ appeals. It should, considering the metacognitive inclination – taking a metaphoric step back to pause to reflect on your thinking - theoretically distinguishing the academic arena. IOW, is my understanding of the problem adequate? Could I be mistaken? See Matthew B. Crawford, The Case for Working with Your Hands, NYT, May 24, 2009: 39, and while you are at it, Anshuman Prasad, Postcolonial Theory and Organizational Analysis, New York, Palgrave Macmillan, 2003.


Afterword: It Takes a Village (Psst, It Always Has)\textsuperscript{168}

Any social communication depends on an a priori membership in a social group from which the speaker acquires both training and permission to speak by borrowing words from the official (if second nature) list of meanings agreed upon. Linguistic competence is a question of social membership, ....\textsuperscript{169}

Interesting philosophy is rarely an examination of the pros and cons of a thesis. Usually it is, implicitly or explicitly, a contest between an entrenched vocabulary which has become a nuisance and a half-formed new vocabulary which vaguely promises great things.\textsuperscript{170}

Try to keep upper most in mind that, like IP, or constructionism, or the ‘intent’ of the framers, or mathematics, universities are open-ended works-in-progress, something we all habitually do together. And, second, my hunch is that university students learn as much outside of the classroom (“extracurricular” learning – life lessoning) as inside the classroom (exposure to official curriculum).\textsuperscript{171} Where might these suppositions lead? For one, school is never out. Learning goes on around the clock, whether we direct it or not, in and out of class. (Perhaps extracurricular learning derives its power from the underappreciated cultural fact that we are always and everywhere ‘in class’.) It also follows that every member (and event, object) of the university inclusive of faculty, students, administrators, the board of directors, the night-shift of Hispanic workers, the blue security obelisks doting the campus, anguished decisions to thin the ranks of the university’s support services, the simultaneous physical proximity to and social distance from struggling Bridgeport, CT, and Grand Jeep Cherokee/Beemer nation Fairfield, CT, choice of commencement speakers, our campus’s monochromatic racial reality, the content and configuration (specialisms) of the core curriculum, Astroturf practice fields, where we invest (vote) our endowment dollars, all-female secretarial staff, six mandatory credits of diversity requirements, and anti-plagiarism campaigns - you name it - is, willy nilly, a teacher in her or his (or its) own right. And what each of us teaches the other through word and deed permeates the quotidian social fabric of this university ultimately affecting our communal ability to connect and act creatively. Why walk the plank of self-examination? Simply because it is an honored, capacious, and ‘becoming’ Jesuit tradition (lesson), one accommodating a devout curmudgeon and an offbeat plan or two. Moreover, if self-engagement is not enfranchised by the university, then where?

\textsuperscript{168} Adapated and revised from the Executive Summary for the November 22, 2005, Workshop on Shareholder Engagement and Jesuit University Endowment Management prepared by J. Michael Cavanaugh.


\textsuperscript{171} Time for some basic math. Full-time students are required to take a minimum of 15 hours of class a week. That leaves 153 hours or 91% of each academic week, give or take, free for extracurricular ‘classtime’.
It is perhaps difficult for many of us to acknowledge this tacit agenda given our investment in the classroom and the off-radar nature of extracurricular learning. But this off screen education, I am prepared to argue, is what constitutes the university’s deep, core curriculum; the university’s unquestioned common sense. It is not a curriculum casually forgotten at the close of each term. It’s so ingrained that we embody it; disciplined to feel it. Indeed, the deep curriculum derives its staying power because we are literally up to our necks in it. It’s our radioactive (inescapable), staple dailiness we make together. Yet, since it is customary to situate industrial-strength learning in the classroom, we tend not to give the informal curriculum its due. Thus, year-in and out the Fairfield, or the UMass, or the Santa Clara ‘Experience’ is absent-mindedly reproduced.

Please don’t take this as a blanket indictment. Anything but. Nonetheless, if we are concerned with the content and quality of the university’s teaching mission, as I am convinced we are, it follows that ‘the experience’ must be regularly engaged. And, when warranted, we must be open to the reworking of the life-lessons contained therein. We in the university are not in the business of leaving well enough alone. Our relevance, remember, rests on our ability to extend the theoretical base and student horizons, by composing more adequate portraits of how we go about the humble, day in and out facticity of living. Doing our level best, that is, to navigate the divide between formal classroom (the talk) and campus life lessons (the walk). After all, it’s complicated. Meaning that how we deal with plagiarism is both telling and representative – a finger on the pulse of student/faculty relations, but, also, a vehicle by which to better gauge what students and faculty are learning from one another. And, as such, a double-check opportunity for building the kinds of university knowing we want to happen and be known for.

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172 The examples we model, consciously or not, may overshadow what we convey through verbal classroom instruction?
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