College Writing, Identification, and the Production of Intellectual Property: Voices from the Stanford Study of Writing

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College English teachers and researchers generally hold college writing in high regard, giving students' texts the same careful attention as expert published work. For these engaged readers—as well as viewers and auditors of students' multimodal compositions—college writing offers not only concrete evidence of student learning and engagement, but also compelling examples of the communicative practices that characterize students' otherwise unseen and unacknowledged writing lives. Although this standpoint is widely held across writing studies, it is hardly a commonplace, even within the academy. As a mark of how academic institutions value—or fail to value—student writing, we need only turn to the archive. In the 1970s, for example, Andrea Lunsford traveled across Canada searching for early examples of student writing in the dusty stacks of hidden library collections, but with little luck. Eventually, she found herself in a men's-bathroom-turned-storage-closet at a university in New Brunswick where, perched on top of an old toilet, two small, neglected boxes of nineteenth-century student writing sat covered in dust. A bemused librarian assured her that no one else had ever requested those materials. More recently, Jenn Fishman joined a long list of researchers hoping to see the student essays John C. Hodges used to tabulate student error for the first *Harbrace College Handbook*. Today, despite Hodges's deep respect for student writing and the equal respect he earned for his scholarly efforts, almost no student writing survives in the eight boxes that comprise the Hodges Collection at the University of Ten-

nessee–Knoxville. That most famous cache of student papers appears to have been irretrievably lost.

The failure of the academy to see student writing as intrinsically valuable, or as intellectual property (IP), is reflected in the persistent public uproar over declining national literacy standards. Such accusations date back at least to the 1880s, when Harvard faculty archived student writing as evidence of the "illiteracy" of American boys. Nearly a century later, when Andrea was working on her dissertation, *Newsweek* published Merril Shiels's notorious explanation for why Johnny can't write. Perhaps the most beleaguered student in the history of education, Johnny was judged unable to read by Rudolf Flesch in 1955, and his continuing illiteracy—along with his widely publicized inability to think, name his colors, add without a calculator, tell right from wrong, or code—has been regularly touted by the media ever since. Such scapegoating testifies to the enduring anxieties of a nation still "at risk" of losing to the rest of the world in the high-stakes arena of international educational benchmarks.[2] Pegged to the presumed wealth of nations, these standardized measures of literacy serve the economic function of "converting" test scores into tokens of competence, intelligence, and potential earning power. To adopt a concept elaborated by French sociologist Pierre Bourdieu in his book *Distinction*, schools and workplaces trade in *symbolic capital*, where economic benefits are "symbolized" by the kinds of credentials, honors, and attainments that students exchange for entry into the workforce or into professional and graduate schools. Accordingly, institutionalized regimes of assessment translate writing into symbolic capital to be circulated within a global marketplace of human capital.

College students qua college students are part of this economy long before and long after attending college, as they learn to calculate the costs and benefits of attaining a four-year degree. During these years, students come to understand that most college writing attains value insofar as it accepts the structures and strictures of academic literacy, a message transmitted most directly through curricular and pedagogical practices. In this context, as students gain proficiency in expert discourses, they learn also to surrender their writing and writerly identifications—in the form of intellectual property and intellectual property rights—to the workings of a largely hidden curriculum that equates literacy achievement with public conformity to its laws.

Against this backdrop, is it any wonder that students often fail to perceive their writing as something they or others might value, that they fail to identify themselves as builders and holders of intellectual property? We have thought long and hard about such questions throughout the Stanford Study of Writing (SSW), a five-year longitudinal study of 189 students in the Stanford University class of 2005. This project, which followed students' writing, writing development, and attitudes toward writing throughout their college years and one year beyond, included careful attention to students' engagement with ideas about intellectual property, authorship,

rhetorical agency, writerly self-perceptions, and the changing uses for writing—issues related to the work of the CCCC IP Caucus and of much recent scholarship in the field. Our awareness of that work,[3] particularly in relation to the shifting definition, nature, and status of authorship, has illuminated our understanding of our students' strategic investments in their writing both during and immediately after college. In addition, we have learned much from the critical stance Krista Ratcliffe describes as "rhetorical listening," an attitude that makes it possible to negotiate imaginatively, empathically, and pedagogically with the intersecting (and even contradicting) identifications others have with gender, race, and more (17). In our work, listening rhetorically to the subgroup of students we interviewed annually (and sometimes semiannually) meant hearing the relationship between students' attitudes toward IP (including their own writing) and their self-identifications as members of different curricular, cocurricular, and extracurricular groups.

Over the years of our study, we have thought a great deal about how student writing is devalued in both the public media and the academy. We have also paid attention to the ways in which, historically, rhetoric and writing scholars have treated student writing as deeply valuable and worthy of care, a tension we will address more fully later in this essay. During the five years we followed them, as our students made the transition from high school to college and from college to graduate or professional schools and the workplace, they lived a version of these contradictions. As we got to know them, we saw them reflecting some of the negative attitudes expressed in the media about student writing while resisting others, and they spoke to us with everything from indifference to great passion for issues such as open access and fair use. In this essay, we look exclusively at a small slice of our interview data, supplemented when possible by follow-up correspondence, in order to formulate working hypotheses about why, when, and how some students came to attach importance or value to their writing. In addition, we inquire into how their perceptions of writing reflect their broader understandings of, and personal engagement with, ongoing IP debates.

The Class of 2005

The thirty-nine students we interviewed annually between fall 2001 and spring 2006 were a subgroup of the 189 students from the class of 2005 who participated in our study. The overall cohort was selected by random sample and was a good demographic representation of the entering class.[4] In turn, the interview subgroup, formed on a volunteer basis, was a good representation of the study cohort. Coming from geographically, culturally, and intellectually diverse backgrounds, this thirty-nine-person interview group included students who studied science, engineering, and the humanities, and who chose from the full range of available majors and extracurricular

activities. Traditionally college-aged, our students entered Stanford believing that, as Beloit College's 2005 "Mindset List" puts it,

> Hard copy has nothing to do with a TV show; a browser is not someone relaxing in a bookstore; a virus does not make humans sick; and a mouse is not a rodent (and there is no proper plural for it).

Coming of age, as it were, at the turn of the millennium, our students witnessed the birth of *Wikipedia* while waiting for their college acceptance letters to arrive (by snail mail), and several were among the first passengers to board commercial flights after 9/11, the FAA ending its nationwide ground stop just in time for campus move-in day. For the next five years, this group watched and participated in many of the technological developments that have come to characterize the early twenty-first century. With the editors of "Copyright, Culture, and the Commons," the 2010 special issue of *Computers and Composition*, our students can justly claim, "We've observed the rise and fall of peer-to-peer file-sharing spaces like Napster and Kazaa, the emergence of torrenting, and the birth of a grassroots, activist copyleft culture," and "seen the birth of collaborative and constructive spaces like YouTube, Facebook, and Wikis" (Rife, Westbrook, DeVoss, and Logie 162).

When we met with these students each year of the study, we asked them approximately twenty set questions, along with unscripted follow-up questions, and our transcripts record interviews that often became true conversations. From year to year, then, we talked with our students about everything from their writing processes to the advice they had for writing teachers. We also asked several questions that elicited discussion about the value of writing, including their own in- and out-of-class compositions:

- Describe your most successful writing experience this year. Why was it so successful?
- What about your writing are you most satisfied with and why? What about your writing would you most like to improve and why?
- How would you define good writing?

The responses we received, recorded on dozens of cassette tapes and transcribed onto hundreds of pages, provoked considerable thought about college writing economies and the currency of college writing itself. Students' answers to the first two questions alone taught us a great deal about the value they accorded to their own writing, and the values that informed their various definitions of "good writing."

File Sharing, Plagiarism, and the Honor Code

We learned the most about whether and how students valued their own writing when we asked them directly about IP. Our primary question was broad: "How

aware are you of current debates over intellectual property (in the music industry, for example)?" Our follow-up question asked students to consider IP from a more personal point of view: "And in what ways, if any, do you see issues of intellectual property and copyright in relation to the writing you do in and out of class?"

In response to these questions, even students who initially insisted they were not informed about IP had something to say. In his first-year interview Anil[5] confessed, "I haven't really followed those [debates] too closely, but I know it's a big issue, especially nowadays when a lot of business isn't so much industrial as it is intellectual." Similarly, in her first interview Cathy told us, "I don't always keep up to date on the current debates," but added, "I think it's really important to be aware of that. I think a lot of people don't always realize what's copyrighted, what that means, and how they have to deal with that." More often in their early college years, as students warmed to the topic of intellectual property, they mentioned at least one of three issues central to college IP concerns: music downloading (and other file-sharing practices), plagiarism, and the Honor Code. Music downloading was certainly a topic we expected to hear about because we directly referred to it in our interview prompts, while our own experiences as teachers made us especially attentive to students' concerns with school rules and cheating. We were not surprised, then, when Cathy said, "I think that [IP is] very relevant to college students because there is a lot of file sharing of music files and videos and all that type of thing." For her, as for many of the students in our interview subgroup, the peer-to-peer (P2P) sharing of copyrighted entertainment files was closely associated with plagiarism, although students inevitably located the latter firmly in forbidden territory. If Harold was quicker than most to tell us, "I admit to having a large library of MP3s on my computer," he also made a point of reassuring us, "I don't plagiarize anything." Similarly, Esther insisted, "It's reality that [. . .], of course, you can't plagiarize," while Johann sloganized the bottom line: "Don't cheat!" Why not? As Betsy told us, first-year students learn the laws of the land during orientation. Remembering those first days on campus, Betsy recalled, "I totally freaked out when they—the [. . .] what's it called? Discovering Stanford or something? It was like a big thing . . . and they were like 'The Honor Code.'"

Even when students were, like Betsy, "all about following the Honor Code," the specter of "getting caught" by the university for unintentional plagiarism or P2P file sharing seemed to inform their orientation toward writing as intellectual property. In other words, students who identified IP with file sharing, plagiarism, or the Honor Code also identified themselves primarily as users or consumers of other people's intellectual property. Commenting on the former idiom, Laura Gurak observes, "[T]he only other area [besides technology] that refers to people as 'users' is the area of drug addiction, where the term connotes someone who is controlled by the substance" (27). Such connotations of (ab)use are inconsistent with the kinds of

proactive cyberliteracy Gurak encourages or the *prosumerism* that Daniel Anderson advocates in "Prosumer Approaches to New Media Composition." Working against the notion that reception or consumption (that is, "use") is necessarily opposed to authorship or production, at least in contemporary composing, Anderson argues that new media literacies typically thrive on the convergence of consumption and production practices. By appropriating the idea of the prosumer from Alvin Toffler, Anderson himself demonstrates how any writer, as prosumer, might "consume" the intellectual property of others in order to "produce" ideas and insights that others might in turn prosume.

Thus, as prosumers in our own right, we set out to read and understand the digital writing practices of our students within campus and off-campus economies of both pro- and con-sumption. As a few of our students ventured beyond the formal classroom into the participatory cultures of the new digital economy, they came to reflect on IP issues in ways that gestured toward the uncertain boundaries between producing and consuming, creating and borrowing, owning and stealing, giving and sharing, that make up the heteroglossic spaces of what Lawrence Lessig calls our contemporary remix culture. Such learning trajectories were few and far between in our study, but those we were able to track were fascinating to us, as the following case study of Mark will attest. For the most part, the majority of our students situated themselves along a continuum of innocent consumption and guilty prosumption. With Stanford's Honor Code standing in for ethics and the law, a majority of our group talked about IP almost exclusively in relation to the theft of commercial goods from the entertainment industry and the misappropriation of other people's writing in high school and college academic contexts.

Over the next two years, the downfall of Napster and the university's crackdown on P2P file sharing threatened to challenge students' online behaviors, even if it didn't change their attitudes. In her third-year interview, for example, Esther reported, "I stopped downloading about a year ago, because there was a lot of hoopla about property rights, and Stanford, I think, is actually a tougher—what would you call that?—screener of property rights than any actual legal body." As a result, Esther felt "it was actually more serious to me, the Stanford Honor Code violation versus getting sued by Nap—you know, whoever." Vicktor concurred: "I've actually stopped downloading more out of fear than respect for copyright." Although similar feelings of fear extended to academic writing, few students could simply quit using sources. In the face of what Aurora described as "almost a paranoia" about plagiarism, students developed various coping mechanisms in the form of citation strategies. Ranging from the methodical to the hypervigilant, Annemarie kept a list of ideas that needed attributions, Betsy developed a verbatim note-taking system with special annotations for paraphrasing, and Suresh developed "a tendency to over-footnote."

We cite these examples not only to illustrate one of the predominant attitudes

our students held toward writing and IP, but also to offer a clear point of contrast. When students took on the roles of users and consumers, they presented themselves, at best, as novice pragmatists attempting to work efficiently and effectively within rules they perceived as punitive and perplexing. At worst, these same students took an always-already-guilty stance toward IP that equated writing in school contexts with some kind of unavoidable con. For Diane, this feeling persisted through her senior year and her experience of writing a senior thesis. A psychology major, Diane never felt a full part of the conversation. Instead, she described feeling "really weird" about research-based writing: "People write these papers, and whatever the topic is about, there's all these relevant research articles, and you just go to the article and you find all these . . . it just seemed like stealing to me." The difference between students with "outsider" concerns like Diane's and students with "insider" perspectives like Arun's is significant. In our first interview with Arun, he let us know right away, "I don't think I have anything interesting to say about file sharing." But he was just as quick to comment on the lack of resources available to undergraduates interested in patenting and marketing their own inventions: "There is not an obvious place to go to talk about whether you should pursue that research on Stanford['s] campus or start your own company headquarters," perhaps because "Stanford assumes that we won't be doing patentable research." While Arun spoke with the ambitious enthusiasm of a novice bioengineer, others spoke to us explicitly "as a teacher," "as a musician," "as an intellectual," and so on. For reasons we can only surmise (for example, an exceptional high school education, rare precollege internship opportunities, tremendous motivation), Arun identified himself from day one as one of us: a co-researcher, a colleague, and a member of the academic community in his own right.

"I Don't Think Anything I Write Is Worth Stealing"

Early in our investigation, we saw evidence of the "culture of fear" that Steve West-brook describes in relation to visual rhetoric and multimedia composing. At least for students intent on not getting caught (whether innocent or guilty), fear—to para-phrase Westbrook—radically restricts more than the production and circulation of their own work in all media (459). Fear haunts the relationship between identification and intellectual property and thus inhibits students' development as self-conscious and self-confident writers, especially in academic contexts. Of course, fear is not the only obstacle students must overcome before they can own writing as an activity and accomplishment. Through our interviews, we became increasingly aware of how important it was for students to identify their writing as valuable, something they might care about and others might want to borrow, share, cite, or even steal. Talking with Esther, Sabrina, Vicktor, Monesh, and others, we also realized how difficult it was for students to imagine these possibilities. In fact, when we asked Esther if she thought

about her writing as intellectual property, she laughed before she explained: "That's not of concern." Similarly, Vicktor told us, "I've never thought about someone using [my writing]," and Sabrina echoed these answers, assuring us, "I don't think I have anything that would tempt anyone to, like, steal it." Jenna concurred with Vicktor, telling us, "I don't think I am at the level where anyone would be quoting from me."

What would it take to make something "worth quoting" or "worth stealing"? What, in short, makes writing valuable to students? We began to get a glimpse of our students' thinking when we spoke with Monesh. Though his initial response to our question about the value of his writing was a definitive "No!" he later explained what he meant, showing us some of the other possibilities he saw on the horizon. As he put it, "One of the reasons [. . .] I don't care at this point [is] '[c]ause I don't think anything that I write is worth stealing," but "as I—if I get to the point where I feel like, you know, it's actually valuable, then I would start caring." Oman went a bit further, admitting that he determined value according to general standards of assessment and reward: "I never thought . . . I don't know, I never worried about my writing winning any awards, so I didn't think that anyone would ever, you know, it wouldn't be that much of a problem." By contrast, Arik based his estimate on mar-ket value, letting us know, "[I]t's not like I'm writing to have something published for the sake of getting a royalty." Similarly, Jesse made a clear distinction between the university's ownership of "basically any [research] that we do" and his work as a first-year student, which he was certain "they don't want." At first, Leah told us, "[A]s a student my focus has been just making sure I give people the right credit," but she went on to relate her feelings of anticipation in "wanting to publish books of my own or something like that." For Leah and others with similar aspirations, the act of publication promised not only to confer value on their writing, but also to induct them into the marketplace of IP.

Leah's focus on giving "the right credit"[6] stood out to us, not least because Leah was a student with a strong sense of herself as a writer who, over five years, had amassed a large study portfolio attesting to her productivity. Yet, at least in this instance, Leah primarily took a consumer's stance toward writing that was not un-common among our study participants. That is, she looked at herself as consuming the words and work of others rather than as producing knowledge herself. As Cathy reported during her senior year, "I feel like I'm more aware now about what I need to cite and what I don't, but I also feel like sometimes it's a really fine line when you're taking someone else's idea and putting your own words to it." Offering an example, she described her experience working with different advisors on her interdisciplin-ary thesis in Comparative Studies in Race and Ethnicity (CSRE) and Education. She explained, "[W]hen I wrote my lit review, the CSRE advisor said I needed to cite more because she wanted to know where all the ideas were coming from." For Diane, mentioned earlier, the issue was not how often to cite but how and why to use

other scholars' work. Feeling "really weird" about using materials she found through other scholars' citations, she deferred to her advisor, who attempted to reassure her:

> And she's like "Yeah, that's what you do in psychology. That's how it works." People write these papers, and whatever the topic is about, there's all these relevant research articles, and you just go to the article and you find all these . . . it just seemed like stealing to me.

In all these cases, our students show how the academy leads them to privilege consumption—their use of others' ideas—over production of their own knowledge and intellectual property.

IDENTIFICATION AND THE VALUE OF WRITING

What seems missing for these students is what David Bartholomae refers to as *membership*, a term he uses along with *community* in the opening of "Inventing the University," but which he does not develop in that early essay. We associate such membership—both in and outside the academy—with Kenneth Burke's notions of identification and relationality. While membership implies initiation or dues paying, identification signals a different set of relationships, and it also signals the relational nature of writing, which can be construed not only in terms of author, audience, and text, but also individual, community, and communication. We began to see hints of such identifications fairly early, particularly in the engaged responses of those who identified writing competence with disciplinary expertise (for example, those who spoke of their academic identities as engineers, teachers, historians, and so on). Some of the students who made these identifications did so also in relation to extra-academic communities. Jesse spoke with assurance about IP issues "as someone who wrote their own website," and Monesh shared the insight into writing as IP that he gained through his work for Santa Clara County. Other students, like Arun, talked to us as self-conscious members of academic communities. For Annemarie, who joined a faculty-led research project that included mostly graduate students, identification came more slowly. "I am becoming conscious that it is important that their writing is theirs," she explained to us in her second year, adding, "I've never been in a position before where someone might want to quote or circulate something I've written, so it's just a new experience. I guess I'm coming to understand why it's important."

As we observed this process, we returned to Burke's concept of identification: in sharing our identities through symbol systems such as language, we come to identify with others. As our students shared in the symbol systems of various communities—as engineers, poets, consultants, lawyers, educators, professional writers, and so on—they came to identify with those communities and, more important, to see their contributions to the community as having value. Identification signals

the value of writing within a community of practice; it builds a sense of purposeful connection between students and their writing, allowing them to see that writing as something of worth. We wanted to understand more about this relationship between identification, writer, and the production of intellectual property; about how identification can lead student writers to see their writing as important, as valuable; and about how this move relates to their broader engagement with the most pressing issues of IP in our time.

Within composition studies, of course, many have implicitly acknowledged and celebrated the value of student writing and the role it plays in identity formation. We need only think of Ken Macrorie, who for decades encouraged student writers to value their writing and who regularly published their work, beginning in 1968 with a "little stapled magazine" called *Unduressed*—meaning "out from under the duress of trying not to make mistakes" (Boe and Schroeder 6). Macrorie, Donald Murray, Peter Elbow, Janet Emig, Ann Berthoff, and others deeply valued the work of student writers, ushering students into independent acts of joining the conversation and creating a classroom community where identification flourished. These thinkers provided a strong undercurrent of response and resistance to the general devaluing of student writing that we mentioned earlier. They have been joined more recently by the work of Jane Greer, Laurie Grobman, Joyce Kinkead, and many others who are doing so much to support as well as publish undergraduate research.

So we return to the question of writing and value: what makes writing valuable? For our students, the kind of identification that grew up as they joined academic and nonacademic communities certainly led them to see their writing as having value. But as Leah suggested, *publication* is also a key element in establishing that value. The years of our longitudinal study paralleled the explosion of publishing opportunities—the year our students entered college saw the first Bloggies Awards given, signaling that anyone with access to a computer could publish. More recent years have seen the advent of *Young Scholars in Writing*, *JUMP (Journal for Undergraduate Multimedia Projects)*, and special issues of *Kairos* and the *Writing Center Journal* devoted to student writing. Likewise, growing opportunities for publication within writing programs and across campuses have enabled students to read expert peer writing and to learn from one another, the importance of which our students stressed over and over. Our students' participation in the digital revolution that allows anyone to be a published author—or filmmaker or music producer—slowly and subtly shaped their thinking about writing, about the value of their writing, and about IP.

Central to our research ethic throughout our study has been our desire to identify with the voices of students, to listen *rhetorically* in order to make sense of their narratives alongside the official and often contrary official discourses of scholars, teachers, and administrators. As Clancy Ratliff suggests in her afterword to *Copy(write)*, "[T]he best way to highlight the legal and ethical problematics and complexities of

authorship, including raising awareness among university administrators and students, is to teach using these engaging examples and to listen to others' encounters with copyright and intellectual property" (377). Heeding Ratliff's call, we offer a case study (based on the personal narratives of one of our study's participants) that shows this one student's developing perspective on writing, the value of writing, and the intricate complexities of IP issues.

"I LIKE TO JUST DO THINGS RIGHT": THE EVOLUTION OF ONE STUDENT'S THINKING ABOUT INTELLECTUAL PROPERTY

I like to just do things right, because you never know who might pick [your stuff] up. Copyright and intellectual property—both of those really have to do with ethics and writing. A lot of the stuff I do is collaborative.

Mark, an African American from southern California, began his career at Stanford studying computer science. But his interest in poetry led him, as a first-year student, to cofound the Stanford Spoken Word Collective. He also took numerous liberal arts courses, eventually completing his BA in African and African American studies with a minor in creative writing and very close to a minor in computer science. As a master's student (in Modern Thought and Literature), he won a Marshall Scholarship on the basis of his thesis, which theorized the collaborative practices of spoken-word groups like his own, and then studied for two years in England, eventually earning another MA in poetry and an MS in computer science. A prolific reader and writer, Mark contributed more pieces of writing to the SSW than any other student: an astonishing 1,321 individual texts. In interviews over the years, Mark was consistently reflective and thoughtful. Today, he is developing his own northern California start-up. Perhaps uniquely among academic researchers, longitudinal writing researchers often forge long-term relationships with the individuals who participate in their studies, and we are no exception, having kept in regular touch with Mark by talking to and corresponding with him several times a year.

Like many of the students in our study, Mark entered college not thinking much about IP issues. In one of his first-year interviews, in response to a question asking if such issues affected him, he said, "No. One of the reasons is, I don't care, at this point. 'Cause I don't think anything that I write is worth stealing. So, you know, if someone steals, well [. . .] go for it! I mean [. . .] if I get to the point where I feel like, you know, it's actually valuable, then I would start caring. [. . .] Some of my poems are dear to me. [. . .] But I could put my IHUM [Introduction to the Humanities] papers up there and let them go."

Early in his career, because Mark did not see his writing (with the exception of some of his poems) as particularly "worth stealing," he did not see IP issues as

personally relevant outside the music-downloading debate. This attitude began to change, however, as he became more involved with the Spoken Word Collective. As he points out in his thesis, this group chose its name very carefully: they debated many words, eventually choosing *collective* because it signaled the deeply collaborative nature of the work they set out to do. The group, which met every Thursday evening in the Stanford Writing Center, taught each other, working together on poems, taking them apart and putting them back together, practicing, weaving their voices together. Much of their written work and oral performances became public assertions of their identity as a working group, a collaborative, a collective. Theirs was a performative commitment to, and enactment of, the principle of participatory, shared authorship.

In his third year, Mark wrote back and forth with us about his developing sense of (shared) authorship and IP, sending us what he called "a kind of parable":

> My [African] grandmother used to make her own intricately spiced stews. My grandfather used to make pots and at one point he made a special mold that yielded pots perfect for cooking up stews. With a pot made from this special mold, my grandmother created a stew so piping hot and tasty that no one in the neighborhood could figure out how she'd done it. Everyone could see the stew and taste the stew, but no one could figure out the recipe. It was Grandma's signature recipe. On top of that, no one could figure out how to get the stew to cook in quite the same way since they didn't have grandfather's special stewing pot. Both the vessel (the pot's mold) and the content (the stew's recipe) were "protected" or secret from the neighbors. This is analogous to the state of a Word document on the Web; both the vessel (the .doc file format) and the content (the words in the file) are "protected" and cannot legally be reproduced or edited without citation. This is currently the norm. Well, my Grandma valued improvisation, so she gave her neighbors the recipe. Although Grandpa didn't tell folks how to make their own pots by sharing his mold, he did make pots for any neighbor who wanted one. Armed with the recipe and the pot, neighbors were free to make Grandma's stew, and innovate on top of it. The vessel (the pot's mold) is protected, but the content (the stew's recipe) is free or open. This is analogous to the state of a Word document with Creative Commons attached. Given a document made from Microsoft Word's "mold," anyone can creatively remix the words that I include in the document. Finally, my Grandpa decided that it was in the best interest of the community if he taught folks how to make their own pots. So he shared the mold. Now both the vessel and content were "open source" in the community. This is analogous to an Open Office document with Creative Commons attached.[7]

As this parable makes clear, Mark's leanings toward and growing understanding of the open-source movement powerfully influenced his work. Especially in terms of his spoken word poetry, he was embracing collaborative authorship[8] and thinking in terms of open and free access to texts. During this year of the study, he also noted the discrepancy between the collaborative work of the collective and the traditional singular authorship required in his classes. Increasingly dissatisfied with his in-class

writing, Mark, together with Betsy, another study participant, designed a directed reading course with us to explore the question "Is writing performative?" and to understand why they felt so alienated from the academic writing they were doing. Throughout the term, we looked closely at academic writing and then compared it to writing that Mark and Betsy admired, often poetry or speeches or beautifully written creative nonfiction. The students began identifying characteristics that made such writing performative in their eyes: rhythm; repetition; metaphor and other figurative language; images of all kinds; personal anecdotes; varying forms of emphasis; and "voice," which they identified as "something you just feel." Along the way, they noted how highly allusive most of the writing was, referring again to a notion of text as shared, cumulative, somehow interwoven.

In a fourth-year interview, in response to our question "Where are you now in terms of textual ownership and IP?" Mark said, "Copyright, jeez. Let me collect my thoughts on it." After a pause, he talked about realizing "how complicated copyright is," and then he began to play around with a word he had run across in one of his Modern Thought and Literature classes: *heteroglossia*. "[T]hat's such a horrible word," he said at first; "to a poet, you know, it just did not roll off the tongue." But he kept thinking about it and eventually decided that *heteroglossia* was in fact "an excellent word" because it indicated the degree to which texts are tissues of other texts—the words "bricolage, montage, pastiche" came to his mind, putting a name to what he and another student, Betsy, had described during their directed reading class on performativity and writing:

> The question you have to ask is, what do you think about whatever you're doing, whether it's a paper you are cutting up or text that you're rearranging, whatever it is, what is it that you think about the structures you're working with, such that you are able to do what you are doing. And I would say that the idea here is that the text is not simultaneous with the actual physical record of it but that the text is in the mouths and drums and trumpets of other people, so it's a mixing.

Such mixing, Mark said, is the hallmark of heteroglossia. When we asked him about mixing in his own work, he responded, "We really do think about building a textual commons within the [spoken word] group, so we have a lot of trust with one another, and we take lines from each other [. . .] so much so that it would just be ridiculous to worry much about it." In fact, his thinking about heteroglossia and its relationship to the nature of textuality in general came to inform the work of the collective, whose members used a software program that Mark developed and called *Heteroglossica*. As he explained,

> *Heteroglossica* searches over all my poems, blogs, essays, and email—and all the group's poetry as well as Shakespeare's plays and Tupac's lyrics. If I search for something like "death," *Heteroglossica* pulls up lines from all these sources and gives me twenty to thirty interesting lines. I or the group can then use this material to begin a new piece.

> Often, the hardest part of writing is writing against the dominant thoughts and words of established authors. *Heteroglossica* encourages me to think of all text as open source.[9]

Mark's experimentation with heteroglossic texts and collaboratively written spoken-word poems, his inventiveness in terms of building programs to aid collaboration and knowledge sharing and multiple invention, and his commitment to open source all led him toward a very expansive understanding of textual ownership as well as toward strong identification as a writer. But at the same time, he was also getting back into computer science, enjoying working with computer languages and programming, and competing for summer internships, including one at Google. In his last year as an undergrad, Mark went through thirteen or fourteen interviews with Google, a fascinating process in itself. When we talked with him about it while he was well into that process, he had just been interviewed by a vice president, a "head honcho for products and one of the few women there." In a lengthy discussion with us, Mark explained "[his] idea of the private, the public, and the aggregate." He remembered challenging one of his interviewers, saying,

> I challenged somebody at Google, saying look, you guys are only interested in developing blogs or Wikipedia, all the things that are in the middle column of the public [. . .]. You guys are only interested in promoting this stuff so that you can aggregate it, so the more information that is out there on the Web, the better Google's algorithms are, the better the products will do. Sort of like Ford paid his employees more money so they could afford to buy the cars that were coming off the assembly line. [. . .]
>
> My argument was that, if you followed Google logic to the end it would be better for everyone to give up their personal information to Google so that they could make it all searchable. So, all these things would be on Google database, so none of us would have hard drives[.] Google would have all the hard drives, and they would serve all of us. We would just have screens.

Mark's increasingly nuanced thinking about IP—and its status in the private, public, and aggregate worlds—still leans toward open sharing of information, following what Google claims is its model and its philosophy. But when Mark got through all his interviews and actually started working for Google as an intern, he encountered a situation that made him exclaim, in retrospect, that "copyright issues are more complicated than even I thought!" He continued:

> My second day on the job, I had my first personal run-in with intellectual property. I have a Web page that discusses ten products I thought Google should develop. I wrote the page way back in January as a way to practice for my Google interviews. At the end of the page, I put a comment box where visitors could tell me their ideas. I was proud of that box because it was my first attempt to build interaction into a public site. When my mentor saw this site, he warned me that the comment box produced a conflict of interest now that I worked at Google. If someone were to submit an idea that was similar to a product Google was already developing, that person could sue me after the product launch. "Oh," I said. My mentor suggested I add some text to

the site protecting me from such a lawsuit, but I just took the box out. The price of interaction on the Internet is an acute awareness of the kind of IP protected by laws. And now that I work at a company that must be very open internally (for innovation) but very opaque externally (for security), I'm getting a rapid education in the do's and don'ts of IP.

Mark's experience at Google led him to reflect more broadly on the set of tensions that exist between protection and open-source access, tensions he continued to explore during his graduate education and beyond. During his graduate career, he wrote an extensive essay on what he called "authorless narrative," that is, the kind of collaborative writing found on Wikipedia and other sites on which people can rewrite or add to what others have written. In Mark's view, such authorless narrative was the future of IP, divested of private ownership rights and invested with public anonymity under the technological aegis of mega-search engines like Google.

Once beyond school and working on his own start-up, Mark was also building a reputation: he had a lot of writing out there on the Web, a cool website he had designed himself, and numerous contacts, which he was making through social media. When a business associate criticized a spoken-word poem Mark performed in a video posted on the Web, Mark began another round of thinking about IP. This poem, which uses the "N word" to powerful effect in painting a picture of the lives of young black men trying to play out their dreams on a basketball court ringed with institutions that tear down those dreams, appeared on several websites, including *CCCCOnline*. After this criticism, however, Mark worked hard to take the poem down, realizing that if one person could misread it—and him—then many others could too. Reflecting on how "free" his speech on the Web really was, he still identified with the poem and its message, but he questioned whether it represented him effectively to a vast public with no understanding of the poem's context and no other knowledge of him as he wished to be seen.[10] In thinking about the extent to which he had, or wanted to have, control over his own texts or those he produced collaboratively, Mark wrote,

> As far as ownership goes, I think the most important thing is that the US Copyright Office is no longer the only way to control the distribution of a text. For example, Lessig argues that when it comes to distributing ideas online, technology can be as effective a constraint as law. If I publish a poem online and don't wish to show up in Google's search results, I don't have to threaten to sue Google. Instead, I can force Google's computers to ignore or un-publish my text by changing a configuration file on my server called "robots.txt." When Google's computers visit my website to add my poem to their search results, these computers must read a file called robots.txt to see if they are allowed to add my files. Because robots.txt is a standard way of communicating directly with search engines, every webmaster can use this technology to control how their content is distributed on sites like Google, Yahoo, and Ask.

These encounters with IP taught Mark a great deal about the complex relationship between texts, their "owners," and their "prosumers." Fully identifying himself as a writer/programmer/poet, he engaged the intricacies of IP in thinking about what of his work to make public—open, free—and what to keep private and protected.

Our most recent conversations with Mark have continued to focus on IP issues. He tells us he is now running his "small software company" with one employee, who lives some 400 miles south of him. In his current position, he says,

> [I]ntellectual property is no longer a kind of afterthought to my writing. It's an integral part of how I think about the entire writing process. And while sometimes it can feel restrictive (like having a tiny lawyer sit on your shoulder while you write) it can also be a relief to know that by playing by the rules, I'm setting myself up to be persuasive before all of my many audiences, from clients to coauthors to computers to courts.

Although Mark was always aware that audience played a key role in his writing, he has come a very long way since his first year of college, when he viewed his writing as something fairly separate from himself, something without much value, something no one would want "to steal."

In fact, after Mark and his colleague finish their "day job" building Facebook apps for clients and companies, they work on a piece of software their company would own. As Mark describes it, the software is an extremely complex, collaboratively written text, "spread over 1,078 individual files, written in six languages, and designed to perform for and persuade nearly a dozen different audiences. It's so complex," Mark says, "that we have to use seven different kinds of software just to manage the writing process." This is by far the longest and most complex text Mark has ever written, and he is pouring into it all of his accumulated knowledge about writing, rhetorical strategies, and audiences. And he is doing all this collaboratively, not just with another person, but also with many other computer programs and platforms. In reflecting on how, with this project in mind, his attitudes toward IP are changing, Mark explains,

> I now consider the ongoing management of intellectual property to be an integral part of the writing process itself: from prewriting (did we sign a nondisclosure agreement?) to writing (are we only using information already in our heads or that was publicly available to create our software?) to revision (are they getting us closer to our own vision?) to editing (have we attributed the authors of any Creative Commons software we've used in our own text?) all the way through to delivery (have we purchased the correct licensing agreements for the images embedded in our text?) and then back into the process all over again. For me, the rules of IP act as one of the many audiences I'm aware of and imaginatively perform for at every iteration of my very recursive, inherently collaborative, and deeply epistemic writing process.

This passage is worth quoting at length because it reflects not only the kind of probing thinking that Mark has shared with us over the decade we have known him, but

also his current sophisticated understanding of what writing is and does in a digital world, and his growing identification with a community of software developers. To paraphrase Mark, IP rules act not only on behalf of audiences; they *constitute* the very audiences who accord value to his creative performances. As to who "owns" this text, he no longer talks about open-source and uninhibited sharing—in fact, as our interviews attest, Mark, like many in our study, now regards IP with double vision: even though they see traditional copyright as negatively restricting innovation and creativity, they also believe some protection is necessary to encourage it. As Mark explains, he and his colleague "both feel a sense of ownership over this massive text we've been contributing to for over a year." Though they have a contractual agreement that covers the details of legal ownership over this piece of intellectual property, he says, "It's likely that if our text ever becomes something we can sell, it is so complex that the new owner would likely retain us both to assist their own engineers in reading it, editing it, and maintaining it." To be "owners" of this massive text, then, is not so much to restrict others from owning it as to render its present and future value contingent on the original owners' continued identification with the text as well as their continued investments in it. A product of shared authorship, this text would gain in value, moreover, through the combined investments of future collaborators.

Looking back to our early conversations with Mark in his first year in college, we can see his growth as a writer, his taking on the identity of "writer" and "composer," his growing awareness and exploration of IP issues, and his increasing engagement in new multiliteracies—all tracking together over the years. We see him developing identities as he joined various professional and extracurricular communities, taking on new responsibilities across time, always articulating those new identities in his writing and always speculating about IP in compelling ways. We have learned much from Mark, and from the other thirty-eight members of our interview subgroup, about how students come to see themselves as writers with something worthwhile to say; about how this growing identification with writing leads to a complex series of encounters with IP issues; and about how they use what they know about themselves, their texts, and their audiences to negotiate the increasingly thorny terrain of contemporary IP law.

Although all but a few of Mark's interviews come from more than five years ago, his accounts are fairly consistent with the current digital scene in which social media tools and Web 2.0 technologies have facilitated the ubiquity of sharing, tagging, commenting, and copying-and-pasting practices. They also capture, in rich detail, the tensions that exist between traditional understandings of textual ownership and contemporary cultures of participatory, shared creation and the distributed knowledge that accompanies it. These interviews also reveal the degree to which traditional college writing fails to take into account the shifts that have led inexorably to such shared creation and distributed knowledge. It is still too often the case that writing in

college is viewed as the work of a solitary individual, and that knowledge is something individually produced, owned, disseminated, and consumed. Moreover, to the extent that students saw writing as embodying proprietary, individualist notions of knowledge, their investments in intellectual property were determined by the economic value they imputed to their texts. To borrow a Marxian concept, if writing had no exchange value, then it was not "worth stealing," even if it could be stolen—that is, plagiarized—in exchange for a grade on an assignment. "Copy-writing" of this kind does little or nothing to help students build writerly identifications.

INTELLECTUAL PROPERTY AND THE ACADEMY'S HIDDEN CURRICULUM

Over the years we learned that even those students in our study who were, like Mark, most resistant to traditional, individualistic IP paradigms had to accommodate them in most of their college work. Indeed, as much research in composition studies has shown, these paradigms continue to be embedded in the very fabric of higher education, as part of the hidden curriculum students negotiate as they take on the demands of academic writing and the pressures of academic performance within the scriptocentric economies of knowledge production. Of course, for some students, the hidden curriculum did not seem hidden at all, and this was especially the case for international students within our study. For them, coming face-to-face with distinctly American IP rules was part of the culture shock they experienced during their early college years. For Aurora, a student from Mexico, the individualism required of American academic writing economies seemed especially foreign:

> [F]or instance, in high school in Mexico, for the homework, we would be like, "can you pass me the homework?" It wasn't like you were cheating or copying—it's that you are collaborating. They don't have the answers, you do and you collaborate. And if you ask someone to pass on the homework and you have it and don't do it, that is looked on as poor form, that is being stingy. It's like, "Can you believe I asked so and so and she said no? Can you believe that!" You know, and here the question of plagiarism—I was shocked! [. . .] I was shocked when I had a French test freshman year. The professor handed out the papers and walks out of the room! My friend Aty, from Guatemala, and I were like, "What?" And everyone is doing the work. . . . In Mexico if the professor walked out of the room, are you kidding me, everyone would be, "What's the answer to this!"

Tellingly, Aurora concluded that the price of her expensive university education was her first, if not her last, capitulation to the logic of American individualism:

> Which I think is really sad that I have friends in college that, you know this final exam, "if it wouldn't have been for the guy next to me, I would've failed." I didn't have a problem with it in high school for some reason, but in college it makes sense

to me. I am paying good money, I am the only one who is going to learn for me, so it's interesting to go from one atmosphere to another.

To what extent does "paying good money" for the symbolic capital of a prestigious college degree demand from every student allegiance to a market ideology governing the economic value of education? When does placing value on shared authorship and distributed learning usefully conflict with or disrupt the values of individualized IP rights? And to what extent does adherence to universities' IP regimes deter students from making the kinds of community identifications that can help them discover the value of their own writing?

As Lessig has been arguing for a decade now, IP laws and copyright legislation, such as the Digital Millennium Copyright Act and the Copyright Term Extension Act, stand in stark opposition to the creative economies of prosumer, participatory, and remix cultures. On the one hand, schools, corporations, and other official institutions are committed to obeying IP laws in conformity with the demands of the status quo; on the other hand, the creative energies of individuals and groups—and especially students—are part of various "resistance movements" that have come to characterize the literacy practices of a vibrant counterpublic. In various ways and to varying degrees, many of our students operated in that liminal zone between conformity and resistance, as they negotiated the shifting boundaries of IP through their own creative and collaborative endeavors in and beyond the classroom. Thus, even as they identified with the individualist expectations of most of their teachers, they also moved beyond such identifications: while participating in various extracurricular and professional communities, their identifications shifted and broadened, allowing them to experience—and value—writing in new ways.

LESSONS FOR TEACHERS AND ADMINISTRATORS

What lessons might we draw from SSW students' identifications with various communities of practice? How can we learn by listening to stories of their development as writers and authors, as authorities whose writing holds deep personal as well as social value? Certainly, our longitudinal study does not provide a crystal ball for writing instruction in the future, but it does offer some strong suggestions for moves that college teachers and administrators should consider making. Most obviously, our study underscores the need for campus-wide pedagogical change of the kind demonstrated by many composition teachers who, for decades now, have been "flipping" the traditional classroom script by privileging what students are doing over what the teacher is saying. Underpinning this progressive movement is the Deweyan insistence on schooling as a social process continuous with community life beyond the formal curriculum—one that establishes community and builds identification

through participatory, collaborative work. Cathy Davidson's *Now You See It* has given this progressive call renewed urgency, challenging scholars in all disciplines to reexamine traditional pedagogical practices in light of neuroscientific arguments in favor of student- and activity-centered teaching. As we have noted, the field of rhetoric and writing studies has argued for such a shift for decades, and many fine writing programs across the country show that this shift toward putting students and their learning at the center of the classroom works.

Although reforming curricular and classroom scripts is difficult, as changemakers within rhetoric and composition and other disciplines can attest, our five-year conversation with students argues that such classroom innovations are absolutely necessary to all teaching in the twenty-first century, where technology has multiplied the forms and futures of students' literacy practices. We passionately share Elizabeth Clark's observation:

> The future of writing—based on a global, collaborative text, where all writing has the potential to become public—informs our classrooms and forms a new, "digital" imperative, one that asks how we can reshape our pedagogy with new uses of the technologies that are changing our personal and professional lives. (28)

As our study suggests, this "digital imperative" also insists that we help our students experiment with using digital technologies to self-consciously build and shape their identities and identifications. To that end, we need to work with students to question and create working theories about such identifications, and to trace the intricate relationships among writing, identity, and value. When we think, for example, of applying the lessons we learned from Mark's engagement with technologies of identification, we see new opportunities for critical pedagogies that enable students to see their own experiences in relation to social structures that pattern opportunity as well as limitation and oppression. Devising assignments that bring students to early awareness of IP economies can, we believe, better prepare them for the complex negotiations they face both in school and out.

Central to this consciousness-raising approach are questions that make explicit the mechanisms of production and consumption underpinning institutionalized notions of intellectual property: How does writing acquire value in the eyes of students and teachers? How is technology reshaping students' and teachers' identifications with their own writing and the writing of others? How is writing as intellectual property a function of the political economy of high-stakes testing, college admissions, and job placements? Does writing become symbolic capital only when writers comply with the rules and regulations of academic literacy? To what extent do scenes of twenty-first-century writing continue to be haunted by Romantic investments in individual genius and the belief that knowledge is property individually produced, owned, distributed, and consumed? How might communities of practice based

on collaborative authorship disrupt such assumptions and, in the classroom, how would related practices such as testing and grading need to change? These and other questions exemplify a problem-posing approach reminiscent of Paulo Freire's project of critical pedagogy, where the aim is to problematize the means and ends of education in order to help students gain critical purchase on their successes and failures, promises and perils. To these we might add a host of reflexive questions that educators must continually grapple with: How do teachers' own identities based on class, ethnicity, gender, and sexuality influence their own identifications with this problem-posing agenda? Is the digital imperative more urgent in certain teaching situations than in others? How should instructors of literature, creative writing, discourse analysis, applied linguistics, and rhetoric and composition take up these suggestions in discipline-sensitive, context-attentive ways? To what extent are the ideals of critical pedagogy generalizable across cultures and contexts?

If our study has cued us to the kinds of practices that empower our students as critical prosumers of IP, it has also emphasized the crucial need for formal and informal educational spaces where students can work actively to rehearse and create writerly identities: academic and nonacademic roles that enable them to participate with self-confidence and self-awareness in consuming and producing knowledge through publication and performance. As Freire and others would argue, self-knowledge of this kind begins with the acknowledgment of one's capacity to create and recreate value in what we do as students and teachers committed to a democratic vision of change. To this end, it is up to us teachers and administrators to (re)create classrooms where students can imagine themselves as authors and new kinds of authorities: writers who can, in Mark's words, use writing to "change the world, change myself in the world." The challenge, surely, is in the dialogic character of this process, where to change is also to *be changed*. As Mark writes, "That's a little farfetched, maybe, but that's really what I think [writing] is useful for."

NOTES

1. We wish to acknowledge the many contributions made to this project by our research partner Paul Rogers and thank him for his wisdom and advice. We thank also the editors of this special issue, Rebecca Moore Howard and Krista Kennedy, for their thoughtful suggestions and incisive comments on an earlier draft of this essay. We list our author names here in mixed alphabetical order to indicate our status as equal contributors. We will continue to change the order of names in subsequent SSW publications.

2. In April 1983, the National Commission on Excellence in Education issued its classic report, *A Nation at Risk*. More recent warnings of a similar tenor have adverted to "baseline information" on America's fallen and failing literacy standards based on widely publicized studies such as the National Assessment of Educational Progress (NAEP) and the Trends in International Mathematics and Science Study (TIMSS).

3. As one of the founders of the CCCC IP Caucus, Andrea has closely followed and participated in these debates.

4. As members of Stanford's class of 2005, the students in our study were all qualified for admission into this highly selective private university, and in this regard, they are exceptional. At the same time, our group is not only a random, representative sample of the class; these are also students whose observable similarities to other writers aged eighteen to twenty-three—at The Ohio State University, University of Tennessee–Knoxville, Marquette University, National Institute of Education, and other places we have taught—are not lost on us. With these complexities and contradictions in mind, we acknowledge that we would be remiss in making strong generalizations about specific practices based on these data. At the same time, we believe in the power of longitudinal studies (even those grounded in one school) and case studies to illuminate extremely complex issues such as those surrounding textual ownership and IP.

5. Although many students in our interview group gave us permission to use their real names at the end of the study, we have, with one exception, used pseudonyms throughout this essay. We reveal the real name of one student, Mark Otuteye, who has given us permission and has, in fact, coauthored an article with Andrea and Jenn, and another with Andrea and Marvin Diogenes.

6. Over the last decade, composition scholars have written productively about the commodification of higher education in general and college writing in particular. Kelly Ritter, for example, discusses these issues at length in her essay "The Economics of Authorship."

7. This parable appears in an essay Mark wrote with Andrea and Marvin Diogenes: "Open Sourcery" (Diogenes, Lunsford, and Otuteye).

8. Although this essay does not treat collaborative writing extensively, we should note that the students in our study collaborated a great deal, especially on their out-of-class writing. For these students, working together on projects seemed natural, though they were acutely aware of the strictures the university placed on such work. The computer science department, for example, encourages working together until the time of actually writing the code for submission: then it has to be written individually, or the student would end up before the judicial affairs board, charged with plagiarism.

9. In recent correspondence, Mark told us that Heteroglossica "was composed using open source technologies including PHP (an open source programming language), MySQL, and open source database technology, and Linux, an open source operating system). The 'engine' for *Heteroglossica* (the actual search functionality) was built from scratch using the open technologies PHP and MySQL. The 'engine' was comprised of a text loader function, an inverse-index function, and a retrieval function."

10. Mark's relationship to this particular poem is emblematic of the extremely complex IP interactions that can spring up on the Web. The poem we have been discussing, "I'm Daaaaaat Nigga!" is a poem Mark performed at the CCCC meeting in 2003 and again on the video recording that accompanied the essay "Performing Writing, Performing Literacy," which he coauthored with Beth McGregor, Andrea, and Jenn (Fishman, Lunsford, MacGregor, and Otuteye). Although Mark happily participated in the conference and the publication of his work, he did not consent to what happened next: the reposting of his video, mainly on YouTube channels dedicated to spoken-word and slam poetry. Mark's colleague, a potential investor in Mark's then-nascent business, found the poem while researching his investment, and he criticized Mark for what he saw as a lack of professionalism. This experience provides a strong example of how purpose can and sometimes must shift when audience and context shift—and it reminds us of how careful we must be when we "publish" student writing, even in meticulous and peer-reviewed scholarly contexts.

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1967: The Birth of "The Death of the Author"

John Logie

The concept of authorship is central to US copyright law and thus, to the increasing repositioning of copyrights, patents, trademarks, and trade secrets as "intellectual property" over the course of the twentieth and twenty-first centuries. The constitutional clause now sometimes referred to as the intellectual property clause (Article I, Section 8) grants Congress the power "[t]o promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Much as understanding what defines an inventor and what counts as an invention creation is central to understanding patent laws, understanding authors and authorship is foundational to understanding and evaluating US copyright laws. But despite being bundled together under the "intellectual property" umbrella, these laws have diverged from one another. For example, the terms of protection granted by US patent laws have remained roughly constant since the first Congress passed the first patent law in 1790. This initial term was fourteen years, and it is now twenty years. By contrast, copyright terms have expanded dramatically, with the initial fourteen-year term (with the possibility of a one-time renewal for an additional fourteen years) having been extended multiple times to the now-current base standard of the life of the author plus seventy years. Additionally, the scope of copyright has expanded dramatically, so much so that a recent revision to US copyright law expressly granted copyright protection to boat hulls.

Repeated expansions of US copyright law have stretched the concept of authorship to its very limits while maintaining strong ownership claims for authors

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