

## Link between identity and plagiarism



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### ABSTRACT

It is no longer possible to ignore the widespread plagiarism of Latin American handicrafts that is carried out in various European and Eastern countries. This puts design at serious risk in the areas that are subject to crude imitation, since patents, not fought for due to ignorance, ignorance or apathy of governments, gradually take away the opportunity for local designers, graphics, industrial, textiles, etc., to be able to claim the formal codes originating in their regions.

This is a niche for research and debate, which should not be ignored, because it is a subject that

refers to legitimacy, origins, identity and the culture of peoples as a whole. We have the right and obligation to commit ourselves to the struggle to recover what proudly belongs to us. If we do not do so, we will leave the door open to the impunity and cynicism of those who are only concerned with going to the most important regions of our continent and appropriating what they have not sown or harvested.

When we talk about identity, we tend not to look at what is most important, which is the provenance, the beginning, the root and the source. It is thought that globalization forces us to pretend to an internationalization of "universal" codes that in reality do not exist, when observation should examine what corresponds because it is privative, exclusive and unmistakable. Alternation is in our own environment, let's not reject it and let's work to rescue it.

**Keywords:** Identity, Plagiarism.

## 1 INTRODUCTION

From the Greeks to contemporary theories of needs, it is accepted that individuals need to recognize, first themselves, in a tacit acceptance of their qualities and aptitudes, of their limitations and drawbacks. Then, there is the demand for otherness, that is, identification with the human beings around us is the acquisition of certainty about belonging to a space and time, to various groups that define and delimit us socially.

Identity is the coupled set of characteristics of an individual or group that constitute a symbolic and value system based on which everyday situations are faced. It is a sieve that underpins their analysis and understanding. It is the digest that each person carries out of the indications of proceeding, communicated through various social channels. Each one assimilates these principles according to his or her individual experience and consciousness. (Balzat, 2002)

The concept of identity moves between three aspects that manage it according to a series of conveniences. There is the traditional idea, arising from philosophy, anthropology, and the humanities



in general, according to which identity is an essential part of the life of peoples who, without it, do not find their place and the certainty of their being and existence.

Both modernism and postmodernism are facing a strong concept, both of which have developed theories that consider identity a stigma, a worn-out notion. Modernism, despite this, recognises that identity exists, although it calls the individuals who legitimately hold it "*marginal*" (Goffman, 2012: 139), a derogatory term that points to codes of conduct as standardisations from which individuals are manipulable entities.

Postmodernism ultimately nullifies any possibility of social affiliation, since, according to theorists such as Lipovetsky, Bauman and Hall, the current pace of civilization, in addition to transforming it into a watery element that cannot be stopped, has generated subjects in constant change. Human beings, from this point of view, do not have a stable identity, which is in constant becoming, (Hall, 1992) dependent on cultural systems and therefore, there is no way to define their modes. It is stated from the liquid world that:

We think about identity when we are not sure where we belong, that is, when we are not sure how to situate ourselves in the obvious variety of styles or patterns of behavior and make the people around us accept that situation as right and appropriate, so that both parties know how to act in the presence of the other. "Identity" is a name given to the search for a way out of that uncertainty. (Bauman, 2011: 41)

In short, here we find one of the great foundations of both neoliberalism and globalization. If we don't have an identity, then we wander in the world and are at the mercy of their determinations dictated by the big economies. To decree that there is no identity means to go beyond colonialism and imperialism that sought territory and capital to open the doors to the globalized world, that of monoculture in which the dictates of the upper echelons of power must be followed.

In this dissertation, the strong and determining concept of the traditional one is taken as support, the one in which, according to Giddens (1990:37-38) human groups are constituted in societies identified by their origin and the common past, by values, uses and traditions that prolong the customs and lessons learned generation after generation. The idea that is taken up goes beyond the nihilistic moment, returning to the fusion of past, present and future as the alternative of peoples to shape their lives with social practices that make them unique and unrepeatable.

## **2 IDENTITY BASED ON STEREOTYPES**

Coinciding with the ideas expressed by postmodern theorists, in fact, a non-visible power is now exercised to promote people's identification with consumption, applying a series of strategies hidden in advertising propaganda to persuade them to acquire products through which they will "apparently" appropriate a feigned identity. of a social status that allows them to enter a certain standard of living.



The opening up of hidden forms of propaganda is based on pioneering work by Vance Packard (2007), who investigated psychological methods for harnessing our unconscious desires to convince people of what brands and products are offering. The thesis is postulated that unconscious motivation through visual communication is one of the strategies currently used to create stereotypes and false identities using techniques and strategies that emerge from market research.

It is considered that mimetic action, typical of the human condition, leads to the embodiment of a series of characteristics that belong to different spheres, and that allow us to reaffirm the differences that one establishes with respect to the others. "*Identity is affirmed in difference and the subject seeks to make evident this presence that allows him, without affirming exactness, to consolidate the affinities and similarities that coincide with others.*" (Heidegger, 1990: 89) The most important function of social identity is the shaping of cultural paradigms that serve as a meaningful model for communities.

Through origins, understanding of the past, social associations, and transcendent facts for peoples, man grasps the links between temporality, birth, death, sexuality, fertility, and so on to merge the intergroup context with the attraction to social units of which he is a part, fostering the interdependence of beliefs and personalization.

Images participate decisively in the process of forming the identity of groups, making explicit the values in which they are recognized, consolidated and disseminated. They establish our psychological relationship with the visual world in order to recognize and remember it, generating symbolic and representative functions, and projecting it into perceptual schemes that make it possible to give structure to reality, to imagine it or to confront it with the data previously encountered. (Van Knippenberg, 1999)

Stereotypes are an important part of the phenomenon of identity through the image, as they try to be a compendium of substantial characteristics present in the individual and collective memory of the social environment, it is the psychological continuity that guarantees personal identity. On a collective level, our social identity is also shaped by a more or less pattern of memories of the past. (Azuela, 2005)

In the construction of social identity processes, the memory of referents such as customs, activities, objects, people, ideas is used to transform them into stereotypes; it is the persistence of specific cultural charges, which indicate *what one is, or should be, and at the same time what one is not, or should not be*, identities that are validated. they adopt and reproduce. However, the models imposed by the political, economic and cultural domains also weigh heavily, with their ideological connotations that in the background conceive universal prototypes that tend towards Americanization, as Gilberto Giménez (1995) states.



The most important niche of this game of power and subjugation of consciences is advertising and its necessary effect, consumption. Advertising sells, before products, expectations based on the most ambitious persuasive techniques ranging from slogans to subliminal advertisements.

The manipulation and probing of consumers is carried out from the findings of motivational psychologists and some mass psychoanalytic techniques that add more and more explanatory elements of why people act the way they do. Thus, identity advertising strategies are deployed that promise status, beauty, power, sexual attraction, etc., promoting models based on projective tests and statistical studies that have subdivided the population into strata, assigning to each of them specific identity conditions that are reflected in the advertisements and the entire sequence of advertising immersion: "*I am totally Palacio*" is a motto of social identity whose strength is recognized in our society, so we can recognize from the highest social level, to the manipulation of young people with "*Pokémon GO makes the impossible possible*" that at the time directed the eyes and actions of millions of children and adolescents in the world.

An important part of behavioral science has been consolidated in a very important social conjuncture, because far from vanishing, and despite the fact that it is presented in the form of a "*fashion*" or "*trend*", it is strengthening. Advertising, with its techniques of persuasion and the definition of identity patterns, satisfies economic, political and socio-cultural needs arising from the emergence of neoliberal models.

It's not the guidelines of buyers that shape advertising, it's the minds of human beings with deeper approaches and expectations that have nothing to do with product placement. The postulates of advertising forms expand to other spheres that need to be addressed from the ethical derivations of the application of up-to-date knowledge whose origin is found in neurosciences.

### 3 HORIZONS OF POLITICIZED CULTURAL IDENTITY

The term culture has been exhaustively explored by social anthropology and there are multiple definitions of it, which do not doubt that culture is something that is shared, so that it is related to collective life.

Initially, the term culture arose to oppose human creation to nature, that is, it is the total way of life of a given human group. Later, in the nineteenth century, anthropology took it up to distinguish the differences between human groups and to validate existing ways of life, in its anthropological sense, as collective responses to the geographical, social and historical context that a peculiar worldview entails. Although some of these concepts are constantly debated, this view is based on a general consensus.

Culture is defined as "*the set of processes where the meaning of social structures is elaborated, reproduced and transformed through symbolic operations*". García Canclini (1989:25) also defines as



cultural elements "*all the resources of a culture that it is necessary to bring into play in order to formulate and realize a social purpose*", including material aspects (whether they come from nature or civilization), logical, epistemological, semiotic and psychological.

However, it is not enough to recognize that each human group has its own culture, it is necessary to define the semantic field of approach to it, starting with the most important, the political or cultural political dimension. This includes the possible links between the State and tangible or intangible heritage, the relations between society and cultural manifestations, the stimulation of artistic creativity and the dissemination of art and culture, delimiting categories of analysis, planning, development and evaluation of the terms in which culture is understood, in particular the so-called popular cultures.

This is how two ways of conceiving heritage are identified. The first perceives it as one more inventory that can be disposed of regardless of its destination, in the second historical processes are understood in which the memory of the peoples is important for the persistence of uses and customs.

That is to say, even though from the conception of the social sciences and humanities culture encompasses any transformation of nature carried out by human beings in their quests for civilization (a concept that is contained by the category of culture), when speaking of culture in terms of politics, the concept is fragmented by virtue of the fact that one part is subject to legislation and institutionalization while another is possible to remain in the hands of the people. In marginal terms, sometimes alienated. This has indeed been the objective of the cultural policy of many governments and entities linked to culture, particularly in Latin America.

The problem with this approach is, of course, how different actors – governments, groups, individuals – value different cultural manifestations. Under what criteria is it determined which cultural manifestations are considered better than others, which deserve promotion and protection and which do not.

The conception and postulation of cultural policies is a process of articulation and dispute between different social figures and in this, it is common for politics and the public to be considered from reductionist visions, which lead to residues of weakness in the characterization of the public, one of which is linked to popular culture. A horizon that forces us to reflect:

In this polysemy also lies its weakness. The popular does not correspond precisely to an empirical referent, to subjects or situations that are clearly identifiable in reality. It is an ideological construct, whose theoretical consistency has yet to be achieved [...] one of the key problems is the divergence between two opposing scientific tendencies: anthropology and communication studies. (García Canclini, 2013)

It is a presupposition that cultural policies should promote the links of plurality, equality and importance of cultural manifestations, understanding that these projects must be long-term, guaranteeing their continuity. However, we observe the ambiguities in the thinking about culture, since



it includes what it calls "cultural activities": libraries, reading rooms, bookstores, museums, theaters, cinemas, houses of culture and cultural centers; cultural industries or creative industries (radio, television, telephones, computers, etc.) and handicrafts.

In addition, there are divergences between what is understood as immovable heritage – historical monuments, archaeological sites – and what is related to cultural and ethnolinguistic diversity. Special attention is paid to this last concept of diversity because it has to do with the emergence of the concept of "*multiculturalism*". This multiplicity of ways of understanding culture has to do with the conjuncture, history and class traditions that present numerous analogies in the countries that make up Latin America.

### 3.1 CONCEPTUAL HORIZONS FROM A SEMIOTIC PERSPECTIVE

The weight that globalization and neoliberal principles have in the design of public policies is obvious, which is evident in the characterization of international free trade agreements, the power of private initiative and the resistance to this project from local economies. Lourdes Arizpe (2001) adds that we cannot lose sight of "*the power to define and impose meanings about how we see the world*" that is currently concentrated in the large transnational cultural industries.

- *Historical vision*: which is a way of legitimizing certain social activities by giving them meaning because of their links with the development of a region or country.
- *Culture and development*: this orientation supports the autonomy of the development of culture in order to improve the living conditions of human societies and respect cultural diversity.
- *Institutional perspective*: it enunciates the State as the main actor in the definition of cultural policy, reducing the field to what is considered from the institutional point of view. While the importance of social actors is not downplayed, it must be recognized that they are often not participants in the construction of policies.
- *Cultural policies as public policies*: through a negotiation with society and institutionalized discussion that has the effect of treating what is understood as culture, from graffiti to handicrafts, integrating heterogeneous discourses and practices of administration of cultural assets.

Currently, several specialists in the field emphasize the rise of the cultural industries. The fact that today the production, circulation and consumption of cinema, video, theater, music, books and magazines, among others, are mediated by large commercial companies makes the cultural panorama of the Latin American region complex.

On the one hand, there is a diversification of supply and demand, and an acceleration in the circulation of production, which is restricted to a certain sector of the population. On the other hand, a



huge number of inhabitants are excluded: from small producers who find limited spaces for their products and alternative circulation companies, to consumers who do not conform to the rules of the global market.

In the midst of all these factors oscillates the understanding of popular culture, which has diversified, urbanized and expanded without theorists achieving a convergence in their considerations. This is based on the semantic load of certain cultural activities. The division that is made of them is very clear:

The arts are considered those professional disciplines whose object of study and practice corresponds to the development of the sensitive qualities of individuals and are understood as products of the human spirit without utilitarian purposes. They have a playful and aesthetic intention, they are considered fields of knowledge by virtue of the fact that they have their own theoretical corpus, multidisciplinary and interdisciplinary links. These include visual arts, movement arts, performing arts, literature, music, and design.

In art, the following are integrated: creator, work, exhibition or staging, and spectator or receiver. Works of art are valued for their use value and their sign value as well as for their surplus of meaning that transcends into the emotionality, receptivity and hyperesthesia of those who participate in them.

The concept of art has varied substantially according to the era, it has been the subject of multiple studies and disquisitions according to the events, beliefs and needs of each moment in the history of art, its definition has followed diverse lines that can be understood in the text *History of Six Ideas* by Tatarkiewicz. (1995)

Handicrafts are part of the heritage legacies of ancestral cultures, in which collections of objects are made with traditional techniques and are part of the imaginary of indigenous communities or ethnic groups that remain in their places of origin or have moved to large cities without losing their uses and customs. The results of artisanal work have, in addition to use, exchange value and sign value, a symbolic and historical value that is fundamental for understanding the history of culture.

Artisanal objectuality entails peculiar narratives that preserve legends, ceremonial, religious and family customs, as well as preserving vestiges of the worldview of ancestral communities. Among the most important handicrafts are multiple manifestations made with rudimentary textile techniques, ceramics or clay, wood, basketry or fabrics from vegetable sources, glass, metals, etc.

Artisanal models can be considered archetypes because they identify values and virtues of human beings, have their own narratives, and are objects susceptible to semantic readings.

On a different horizon are handicrafts, decorative works considered homemade, made with techniques to make ordinary ephemeral, seasonal or fashionable objects and generally respond to transculturation, to the imitation of models external to the traditions themselves and are also considered



a way of raising resources for people with low incomes. Although on some occasions there are texts that include them, they should not be considered within the term of the arts, it is a conceptual misunderstanding by virtue of the fact that they do not respond in any of their characteristics to that context.

The function of crafts is occupational therapy, job expansion and socialization. School work is also considered in this category. Among its techniques are: pyrography and embossing, waxwork, weaving, embroidery, leading, setting, baking, etc. Crafts are based on commercial stereotypes that are repeated.

From this semantic field, for the purposes of this disquisition, handicrafts are taken up again as cultural heritage and heritage simultaneously tangible and intangible insofar as it adds to their objectual qualities, that impalpable, immaterial but perceptible aspect that nests in the very spirit of the cultures that create them. As Martínez de la Rosa (2016: 13) postulates, "*handicrafts are objects valued on the basis of belonging, their identity produces distinctions*".

#### **4 AFFECTATION OF CULTURAL IDENTITY THROUGH PLAGIARISM**

Painfully considered minor or popular arts, handicrafts tend to disappear due to the low costs at which they are marketed, the indiscriminate theft of their ideas to reproduce or make them in other countries at low prices, or the copies made by unscrupulous designers who print them on expensive supports to place them in markets of the wealthy classes. demeriting the work of the artisans.

Crude copying, without recognition, is called plagiarism, it has existed since the last century, however, nowadays the obviousness is so serious and the actions of plagiarism are so blatant and insulting, that they not only harm entire communities, they are also considered an affront to the cultural heritage of the countries that suffer from these actions.

It is estimated that there are approximately 671 indigenous peoples in the region, many of them living in rugged areas whose geographical features fortunately distance them from civilizations. However, many of them are exposed to the gaze of others, especially when it comes to tourist sites absorbed by the tourism circuits.

Already in this century, *the United Nations Declaration on the Rights of Indigenous Peoples* (2007) was made, on the basis of which the fundamental international norms related to the collective rights of indigenous peoples were established in the following categories:

- Right to non-discrimination.
- Right to cultural integrity.
- Right to own, use, control and access lands, territories and their resources.
- Right to development and social welfare.
- Right to political participation.





In spite of the above, the increase and frequency of plagiarism is observed at the same time. Beyond the fact that plagiarism is internationally considered a violation of copyright, when the work is used for commercial purposes, economic law is affected, which implies the right to the economic exploitation of what one has created. According to Méndez (2012: 2-3), "an original author's work *is one fixed in a tangible means of expression [and] plagiarism consists of presenting someone else's work as one's own and original.*"

A few examples will be mentioned here, but they are not the only or the most important, since any exercise of plagiarism, in any place, is equally serious, to which is added the abuse of people in a state of defenselessness, because indigenous groups do not usually have contemporary communications, nor access to the means of dissemination that we know in civilized centers. This is how we find in this paradigm the following cases:

- The plagiarism by China of representative garments of various entities, resulting in the well-known irruption of numerous apocryphal objects made in China, whose prices are extremely low, but without quality and with materials of dubious origin in terms of ecological considerations.
- Cristina Pineda's commercial use of Mexico's considerable indigenous textile patterns, with which she only prints on silk (made in China) scarves, ties and fabrics for her recent apparel industry at the Pineda-Covalin company.
- The theft of Otomi embroidery by the interior design store Pottery Barn, whose designs were replicated in the 2016 collection of cushions, collections of scarves, swimsuits, etc. released by the brand in its catalog of the year. (Emeequis, 2016)
- The Argentinian brand Rapsodia has been plagiarizing the iconography and traditional patterns of indigenous peoples for some years without their consent, "*without collaboration agreements, without remuneration or recognition*" according to Muñoz (2016) and Ricárdez (2016), and described in the petition through the NGO called Change carried out by authorities and people of the Central Valleys of Oaxaca in Mexico.
- The designer Isabel Marant, of French origin, presented as her own a typical design from Santa María Tlahuitoltepec, a Oaxacan community in the Sierra Mixe, which received a statement in which they were warned that they would not be able to produce or market their blouses since they had been patented by Marant. Thanks to the support of the singer Susana Harp, who realized that the authorship of the same garment had been claimed from the French by the firm Antik Batik, the right to the plagiarized textile was recovered. Marant sold the copy for 230 euros when the price in the indigenous community barely reaches the equivalent of 10 euros. (Martínez Neri, 2016)



The above examples are just a few examples of the vulnerability of traditional Latin American designs, whose patents can be obtained in other countries of the world to formalize plagiarism and market in regions far removed from the peoples who created the objects. It seems that the concept of popular culture implies *per se* an attitude of discrimination towards certain sectors of society because of their origins, geographical and ethnic location, and thus also marginalizes their cultural expressions, whatever they may be.

## 5 CONCLUSIONS

According to cultural experts and the recommendations of UNESCO reports (2000), the main challenge is how to turn culture not into a product of the market but into a subject of development. Apparently, the discussion has been opened to the different sectors of the population, and participation in decision-making to a diversity of actors.

There are many ways to evaluate this assumption, but both the objective dimension of cost-benefit and the subjective dimension of the loss of identity of the communities that are targeted must be taken into account. Stealing their creations is stealing the memory of their peoples, the legacy of their ancestors. Plagiarism fractures the unity of distinctive, mystical, tangible, philosophical, and emotional traits that distinguish each of the indigenous ethnicities.

It is essential that the Latin American design communities get involved in the defense of the cultural heritage of the entire region, because therein lies the being and understanding of the divergences and convergences that make up this part of the American Continent. Culture must be understood as a whole, from an analogical perspective that maintains the balance between the equivocation and univocity of the conceptions already described and their antagonisms.



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