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BOOKS

Plagiarism: Everybody Into the Pool

By [CHARLES McGRATH](#)

THE club of people accused of plagiarism gets ever larger. High-profile members include Stephen Ambrose, [Doris Kearns Goodwin](#), [Kaavya Viswanathan](#) — of chick-lit notoriety — and now even Ian McEwan, whose best-selling novel “Atonement” has recently been discovered to harbor passages from a World War II memoir by Lucilla Andrews. Plagiarism is apparently so rife these days that it would be extremely satisfying to discover that “The Little Book of Plagiarism,” by Richard A. Posner, has itself been plagiarized.

The watchdogs have been caught before. The section of the [University of Oregon](#) handbook that deals with plagiarism, for example, was copied from the Stanford handbook.

Mr. Posner, moreover, is a judge on the United States Court of Appeals for the Seventh Circuit and a law professor at the [University of Chicago](#) who turns out books and articles with annoying frequency and facility. Surely, under deadline pressure, he is tempted every now and then to resort to a little clipping and pasting, especially since he cuts members of his own profession a good deal of slack on the plagiarism issue. In the book he readily acknowledges that judges publish opinions all the time that are in fact written by their clerks, but he excuses the practice on the ground that everyone knows about it and therefore no one is harmed. What he doesn't consider much is whether a judge who gains a reputation for particularly well-written opinions or for seldom being reversed — or, for that matter, who is freed from his legal chores to do freelance writing — doesn't benefit in much the same way as a student who persuades one of the smart kids to do his homework for him.

Sadly, however, “The Little Book of Plagiarism” appears to be original. It's a useful and remarkably concise overview of the subject, and is in almost every respect a typically Posnerian production: smart, lucid, a little self-satisfied and tilting noticeably toward the economic-analysis end of legal theory. In defining exactly what plagiarism is, for example, Mr. Posner insists on two main criteria: not just deceit but fraudulence, in the sense that the reader is tricked into behaving differently — into buying a book, say, that he would have ignored had he known it was copied. For plagiarism to be wrong in the Posner sense it has to be materially harmful, in other words, and yet bookbuyers seldom act as if originality matters much to them. Mr. Ambrose's and Ms. Goodwin's sales didn't slip much when they were accused of plagiarism, and it's hard to imagine that, in the long run, Mr. McEwan's borrowings, which amount to only a couple of hundred words in a long and brilliant novel, will do much to change the esteem in which “Atonement” is generally held.

Most of the time, if we readers care about plagiarism, it's because it seems cheesy and a little embarrassing. We'd rather not think that Doris Kearns Goodwin, of all people, was guilty of scholarly shoplifting. Of course, there is sometimes a moral component to plagiarism — as when a student cheats by turning in a term paper not his own — but in the public sphere it more often seems like an aesthetic offense, a crime

against taste.

This is how the Romantics, supposedly the first generation to conceive of literary ownership in the modern sense, really thought about the issue, according to Tilar J. Mazzeo's "Plagiarism and Literary Property in the Romantic Period." In style and methodology, Ms. Mazzeo's new book is an academic wheezer, a retooled dissertation perhaps, but it's also smart and insightful, and points out that 18th-century writers took a certain amount of borrowing for granted. What mattered was whether you were sneaky about it and, even more important, whether you improved upon what you took, by weaving it seamlessly into your own text and adding some new context or insight.

Interestingly, the Australian novelist Thomas Keneally recently defended Mr. McEwan in just this way, writing, "Fiction depends on a certain value-added quality created on top of the raw material, and that McEwan has added value beyond the original will, I believe, be richly demonstrated." In the case of "Atonement," the principle seems inarguable, but it's also a slippery slope. You could argue that Kaavya Viswanathan improved upon the raw material of the Megan McCafferty novel she relied on so liberally, and yet no one is rushing to her defense.

Perhaps Ms. Viswanathan's other great failing, besides cluelessness and the belief, surprisingly common among plagiarists, that you can get away with copying something that practically everyone has read, is that she doesn't have tenure and friends in high places.

At the same time that he is letting judges off the hook, Mr. Posner acknowledges that in academic circles there is a double standard for plagiarism, with professors often getting off far more lightly than their students. The reason, he says, is that the left, which dominates the professoriate these days, is soft on plagiarism because the left is uncomfortable with ideas of individual creativity and ownership. (Surprisingly, he fails to take a whack at French theorists like Barthes and Foucault, who argued that in the strictest sense there is no such thing as an "author," because all writing is collaborative and produced by a kind of cultural collective.)

In "Historians in Trouble" (published in 2005 but due out in paperback this coming spring), Jon Wiener argues the same thing in reverse, claiming that though underrepresented in academe, the right nevertheless has more power to make public fuss about academic misconduct. He points out that it was The Weekly Standard that flung the most mud in the direction of Stephen Ambrose, even though Mr. Ambrose, no lefty, was a celebrant of patriotism and the military.

No wonder young people are confused, and no wonder they continue to plagiarize in record numbers, with more than 40 percent of college students admitting to copying from the Internet in 2001. We talk to them about plagiarism in absolute terms, as if we were all agreed on what it was, and yet the literature suggests that once you're out of school, it proves to be a crime like any other, with the punishment partly depending on whom you know and on how well you pull it off.

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