

INAUGURAL BRITISH ACADEMY LECTURE

# Plagiarism

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WHEN THE PRESIDENT—the previous President—of the British Academy invited me to give this lecture, I took up the terms in which he had written, and proposed the subject of plagiarism: ‘It relates to “scholarly debate”’; it has “general public interest”; and I even like the dark thought that it’s something “the Academy exists to promote” . . .’. Judge then of my pleasure when, in his Presidential Address for 1997, the President announced that the lecture would be ‘on “Plagiarism”, not a subject which the Academy exists to promote, but one in which we all have an interest’.<sup>1</sup>

‘SIR,—I am concerned to see your able correspondent W. H. throwing away his valuable time on so threadbare a topic as Plagiarism’: Thomas De Quincey, or probably he,<sup>2</sup> in 1827. ‘Of plagiarism, little new can be written’: Hillel Schwartz, *The Culture of the Copy* (1996).<sup>3</sup>

The news this very day (10 February 1998) in *The Times* is of a student’s going to the High Court

to try to force Cambridge University to award him a degree after he was accused of cheating. Kamran Beg is believed to be the first student to challenge the university in court over allegations that he plagiarised part of an essay in his postgraduate finance degree at Trinity College. Mr Beg’s

<sup>1</sup> I am grateful to the friends who commented on a draft: Kenneth Haynes, Marcia Karp, Michael Prince, Lisa Rodensky, and Christopher Wilkins.

<sup>2</sup> To the Editor of the *Saturday Evening Post*, 3 November 1827; *New Essays by De Quincey* (1966), ed. Stuart M. Tave, p. 181.

<sup>3</sup> Hillel Schwartz, *The Culture of the Copy* (1996), p. 311.

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solicitor denied his client acted dishonestly and said he had inadvertently omitted attributions or footnotes to passages he had quoted.

Plagiarism is perennial. And annual. 1997 saw the publication here of Neal Bowers's pained book, *Words for the Taking*, the words of which were taken up in many a long review. Subtitled 'The hunt for a plagiarist', it told how some of Bowers's published poems were re-published by another, a pathological tinkerer who had many a name and a squalid criminal record. To Bowers may be added other continuing attentions. In almost every issue, *Private Eye* takes pleasure in exposing plagiarisms, and not only as the regular feature 'Just Fancy That!'. The *Sunday Telegraph* of 3 August 1997 carried a column by Jenny McCartney on the romance novelist Janet Dailey, her plagiarism and psychological problems. A very recent film, *Good Will Hunting*, currently triumphant in the cinemas of Boston Massachusetts (where the film is set), shows in an early scene the hero securing a woman's tender notice by accusing his rival of being about to plagiarise, and the closing words of the film are the retort of rueful friendship, 'He stole my line!'

So much is plagiarism in the air that when the *New Yorker* (22–29 December 1997) printed a cartoon about it (by Joseph Farris), I saw or imagined the cartoon's own doubleness: in a bookstore where there can be seen a section headed HISTORY, a man browses in the section headed PLAGIARISM. Books that are plagiarisms, I take it; but those shelves could as well consist by now of books on PLAGIARISM.

I choose this subject because it combines the enduring and the current, with a further twist: I shall argue that this dishonesty is too often exculpated by dishonesties, by evasive banter and by slippery history.

Definition, first. The *Oxford English Dictionary* rules:

**plagiarism** The wrongful appropriation, or purloining, and publication as one's own, of the ideas, or the expression of the ideas (literary, artistic, musical, mechanical, etc.) of another.

Notice 'wrongful', as constitutive within the definition, and add, constitutive too, that—as Peter Shaw has put it (into italics)—'Throughout history the act of using the work of another *with an intent to deceive* has been branded as plagiarism.'<sup>4</sup>

Marcel Lafollette, in *Stealing into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing* (1992), has said of plagiarism that 'Its definition is simple'.<sup>5</sup> If he is, as I believe, right, why does Peter Shaw grant—too concessively—that 'There will always remain certain gray areas resistant to definition'? Because it is easy, even for someone as morally alert as Shaw, to

<sup>4</sup> 'Plagiarism', *The American Scholar* (Summer 1982), p. 327.

<sup>5</sup> Marcel C. Lafollette, *Stealing into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing* (1992), p. 49.

let one thing slide into another. That the supporting evidence for the accusation of plagiarism may on occasion be elusive, insufficient, or uncertain, is not the same as thinking that the definition of plagiarism is uncertain. The gray areas may remain resistant to adjudication without being resistant to definition. It may be perfectly clear what constitutes plagiarism ('using the work of another *with an intent to deceive*') without its being clear that what faces us is truly a case of this. In his lasting book of 1928, *Literary Ethics*, H. M. Paull admits what we should all admit on occasion, 'the difficulty of deciding what is plagiarism and what is legitimate borrowing',<sup>6</sup> but the difficulty of deciding is not the same as the difficulty of defining. That it may in some cases be very hard to make this accusation—like many another accusation—stick, does not entail there being about the accusation anything loose.

Far from there being, as it suits some people to maintain, insuperable problems of definition, there aren't even any superable problems. The morality of the matter, which asks of us that we be against deceit and dishonesty, is clear, and is clearly defined. Those of us who believe, as to plagiarism, that nothing is more important than *not making excuses* should be more than usually careful not to permit the easy excusing that slides in with the misguided concession that the world has never been able to decide what it means by plagiarism.

One of the most adroit of the exculpators, Professor James Kincaid, wrote of plagiarism in the *New Yorker* in 1997 (20 January): 'As for defining it, we leave that to the officials—in this example, Northwestern University.' Quizzing Northwestern's sentence on the responsibilities of 'a conscientious writer', Kincaid asked: 'But how do I distinguish what I have "learned from others" from what I am "personally contributing"? If I subtract everything I have learned from others (including Mother?), what is left?'<sup>7</sup> These are good questions—essential questions for anyone whose profession is teaching—but only if they are genuinely questions, only if jesting Kincaid were to stay for an answer. For him, though, they are rhetorical questions, inviting abdication. Distinctions the conscientious making of which is crucial are guyed as naive nullities.

Kincaid on occasion has recourse to putting the word *original* within quotation marks, 'original', though not exactly quoting it. He does the same with 'plagiarism'. This is the usual intimation that a particular concept is a coercion by power, acquiesced in by naivety. The hermeneutics of suspicion avails itself of this punctuation of suspicion. Some of us at least, it implies, are aware that this concept—like every other concept—is implicatedly problematic; aware, too, that it is moreover not problematic at all, being nothing more than a construction, as they say, imposed by the powers that be or that were.

<sup>6</sup> H. M. Paull, *Literary Ethics* (1928), p. 126.

<sup>7</sup> *New Yorker*, 20 Jan. 1997, pp. 93–7.

Not plagiarism, then (something that people mistakenly suppose they understand); rather, ‘plagiarism’. But the prophylaxis of quotation marks has itself come under suspicion lately, so the new thing is to announce that one both may be and may not be availing oneself of the nicety.

I do not put the word ‘plagiarism’ in quotation marks most of the time, but perhaps those quotation marks should be imagined. . . . I have been interested, then, in cultural distinctions between legitimate and illegitimate forms of appropriation. For this reason, I may have used the term ‘plagiarism’ to describe a wider range of transgressive appropriations than perhaps the word ordinarily signifies.<sup>8</sup>

Laura J. Rosenthal, in *Playwrights and Plagiarists in Early Modern England: Gender, Authorship, Literary Property* (1996). But what may perhaps be more widely transgressive is assuredly narrower in one way: in that it eschews moral considerations. For what could be less morally open to scrutiny than the transgressive? Professor Rosenthal tells us that her purpose is ‘to question differences between plagiarism, imitation, adaptation, repetition, and originality’. But rhetorical questioning leads to the required answer: that there is no difference between these things other than that power uses the opprobrious term, plagiarism, when the work emanates from those whom power dislikes. Appropriation of appropriations, saith the Preacher, appropriation of appropriations, all is appropriation.

The objection to such arguments is not that they are strongly political but that they are weakly, wizenedly, political. Professor Rosenthal’s book is itself animated by a political fervour that is clearly and duly moral, but her undertaking then requires her to write as if a political reading—in her case, a reading à la Foucault—had to extirpate from a discussion of plagiarism all moral considerations. What would have to be in moral terms a matter of honesty or dishonesty (plagiarism being dishonest) is replaced—not complemented—by a matter of power, necessity, the tyrant’s plea. The ‘cultural distinctions between legitimate and illegitimate forms of appropriation’ become a matter of nothing but ‘the cultural location of the text and the position of the author’,<sup>9</sup> instead of being among several aspects each of them germane. Rosenthal is convincing on particular injustices and prejudices, but her setting does an injustice to politics, in that the room it leaves for conscience is in the animating of the inquiry, not within the inquiry proper.

The consequence of an investigative determination that ‘denaturalizes the distinction between imitation and plagiarism’<sup>10</sup> is that the prefix de- becomes a

<sup>8</sup> Laura J. Rosenthal, *Playwrights and Plagiarists in Early Modern England: Gender, Authorship, Literary Property* (1996), p. 10.

<sup>9</sup> *Playwrights and Plagiarists in Early Modern England*, p. 13.

<sup>10</sup> *Ibid.*

virus, working to demean and to degrade moral thought. That no moral position is natural does not of itself entail that moral positions are nothing but the insistences of power. Moral agreements, though not natural, may be valuable, indispensable, worthy of the respect that they have earned. That plagiarism may valuably be seen under the aspect of politics, and that politics may in turn be valuably seen under the aspect of power at the time, need not and should not issue in the denial that plagiarism asks to be seen too under the aspect of ethics. The extirpation of ethical or moral considerations by such political history is a sad loss, to political history among other needful things.

Plagiarism is a dishonesty. This can be swept to one side, leaving not the dishonest but the culturally conditioned and exclusively power-ruled illegitimate. Or it can be swept to the other side, leaving not the dishonest but—assimilating plagiarism now to copyright—the illegal.

It is natural to move to infringement of copyright when thinking of plagiarism, but crucial that one should be aware of moving. For as Paul Goldstein says in *Copyright's Highway* (1994): 'Plagiarism, which many people commonly think has to do with copyright, is not in fact a legal doctrine.'<sup>11</sup> In a review-article on Goldstein's book and two others (*Times Literary Supplement*, 4 July 1997), James Boyle, a professor of law, pondered 'Problems of defining the limits of copyright in the age of the Internet—and of pop-music parody'. His thoughts on intellectual property are germane to plagiarism, since intellectual property may be seen not only under a legal aspect but under a moral one. Boyle observes that 'there is considerably more dispute about the desirability, role and extent of intellectual property—even among defenders of the free market—than there was about the desirability of private property in general', and he concludes with the justified asseveration that 'intellectual-property law has become the boundary line, or perhaps the hinge, between art and commerce, between "free speech" and economic monopoly, between public culture and private property'.

The subtlety and tenacity of Boyle's thinking discredit James Kincaid's condescension to the law, setting it right; some of us, Kincaid is confident, have learnt from recent literary theory the complexities of intellectual property: 'Still, the law lumbers on as if nothing more complicated than cattle rustling were involved.'<sup>12</sup>

Far from lumbering, intellectual-property law is limber, well aware of the complications. But, to moral considerations the law must always offer a handshake at arm's length. For although the law is a moral matter, being distinguishable from but not distinct from justice, the law acknowledges that there is a moral world elsewhere. A pity, then, that the legal-eyed Alexander

<sup>11</sup> Paul Goldstein, *Copyright's Highway* (1994), p. 12.

<sup>12</sup> Kincaid, *New Yorker*, 20 Jan. 1997, p. 97.

Lindey, in *Plagiarism and Originality* (1952), on occasion grants too much to the legal. 'Since any discussion of plagiarism is, from a realistic standpoint, meaningless without reference to the legal consequences, I've devoted quite a bit of space to court cases.'<sup>13</sup> Granted, legal consequences have a remarkable realism, reality even, but it is misleading to speak as if opprobrium or disapproval, such as should be incurred by plagiarism, are from a realistic standpoint meaningless. Again, Lindey writes, truly, that 'Plagiarism and infringement are not the same thing, though they overlap', but he goes on at once to infringe the moral sphere: 'Plagiarism covers a wider field; infringement involves more serious consequences.'<sup>14</sup> It would be wrong to acquiesce in this implication that the legal is of its nature more serious than the moral. That gambling debts may be legally irrecoverable but are honour-bound was and is a social reality of entire seriousness. The consequences of dishonourable behaviour have been, and fortunately still sometimes are, no less serious than legal proceedings.

Lindey's momentary lapse has its literary counterpart, when Donald Davie writes that 'the hymn-writer did not have copyright in his work as other authors did; and so plagiarism is a concept that does not apply'.<sup>15</sup> But plagiarism is distinguishable from infringement of copyright, and if it were *tout court* the case—which I doubt—that plagiarism is a concept that does not apply to hymns, this would have to be a consequence of something other than the hymn-writer's not owning copyright. The same slide can be seen, not this time in a lawyer or a critic but in a literary theorist. In *Hot Property: The Stakes and Claims of Literary Originality* (1994), Françoise Meltzer sometimes lets her attention slip. 'A good example of how originality and, therefore, plagiarism are governed more by the character of the community than by immutable notions of right and wrong is to be seen in the U.S. Copyright form.'<sup>16</sup> The legal rights and wrongs may be manifest in the copyright form, but there are other rights and wrongs. So it is a pity that in her firm account of the accusation of plagiarism levelled at Paul Celan, plagiarism from Yvan Goll, Meltzer should assimilate the moral question of plagiarism to the legal question of copyright.

So was the widow Goll right about the most notorious of her charges? That is, did the phrase 'black milk' belong to her husband? The answer, of course, must be no. First, for a simple reason: even the American copyright form states that one cannot protect 'titles, names and short phrases'. It is impossible to claim the invention of so few words.<sup>17</sup>

<sup>13</sup> Alexander Lindey, *Plagiarism and Originality* (1952), p. xiii.

<sup>14</sup> *Plagiarism and Originality*, p. 2.

<sup>15</sup> *The Eighteenth-Century Hymn in England* (1993), p. 18.

<sup>16</sup> Françoise Meltzer, *Hot Property: The Stakes and Claims of Literary Originality* (1994), p. 73.

<sup>17</sup> *Hot Property*, p. 74. Meltzer goes on: 'Moreover, Goll's poem was published in New York in 1942, at a time (as Felstiner points out) when Celan was in a Rumanian labor camp and "hardly likely to have seen it".'

This is muddled, muddied. That no one can legally protect short phrases is perfectly compatible with someone's justifiably claiming to have created a short phrase, and this is in turn compatible with someone else's being guilty of plagiarising a short phrase. 'Black milk'—'schwarze Milch'—may be insufficiently remarkable as a short phrase for the charge of plagiarism to be substantiable, but there are equally short phrases which it would be worse than imprudent for me, say, to accommodate in a poem of mine without acknowledgement or allusion. T. S. Eliot offers many: 'maculate giraffe', 'sapient sutlers', 'beneficent spider', 'forgetful snow'. One could grant that none of these could be copyright while at the same time believing that the appearance of them outside Eliot might form the *prima facie* basis of a plagiarism charge.

To the exculations of plagiarism that rest upon a limiting of the necessary judgment to legal judgment (breach of copyright then being the only breach that we need ponder), there have been added the exculations that seek to call, as a witness for the defence, history. Simply: plagiarism is a recent construction in need of demystifying. For a reminder that the construction industry is booming, see *The Construction of Authorship* (1994), in a very up-to-date series called 'Post-Contemporary Interventions'.<sup>18</sup>

This recency claim has at once to deal with an unwelcome witness for the prosecution. Call Marcus Valerius Martialis. Martial's testimony is perfectly clear, is not at all recent, and is notarised in seven poems about plagiarism. Added to which, there is the further inconvenience, for the revisionist historian of plagiarism, that it is to Martial that we owe the very application to literary deception of the word *plagiarius*, the abductor of the child or slave of another.

Th'art out, vile Plagiary, that dost think  
 A Poet may be made at th'rate of Ink,  
 And cheap-priz'd Paper; none e'er purchas'd yet  
 Six or ten Penniworth of Fame or Wit:  
 Get Verse unpublish'd, new-stamp'd Fancies look,  
 Which th'only Father of the Virgin Book  
 Knows, and keeps seal'd in his close Desk within,  
 Not slubber'd yet by any ruffer Chin;  
 A Book, once known, ne'r quits the Author; If  
 Any lies yet unpolish'd, any stiff,  
 Wanting it's Bosses, and it's Cover, do  
 Get that; I've such and can be secret too.  
 He that repeats stoln Verse, and for Fame looks,  
 Must purchase Silence too as well as Books.<sup>19</sup>

The half-dozen other epigrams by Martial take an equally though differently sardonic tack in their contemptuous rebuking of the dishonesty of the plagiarist.

<sup>18</sup> Martha Woodmansee and Peter Jaszi (eds.), *The Construction of Authorship* (1994).

<sup>19</sup> Epigrams i. 66; this translation by William Cartwright was published 1651.

Since copyright is in hock to the cash-nexus and is a relatively recent invention, it would suit a certain political slant if plagiarism were a recent invention too. But what about Martial? He may get reluctantly acknowledged, but will then find himself labelled a distinctly unusual case. Revisionism knows that there is some wresting to be done, some wrestling, the Newest Laocoon. Thomas Mallon, in *Stolen Words* (1989), his study—in detail—of some central plagiarism cases, noticed that ‘scholars will tie themselves up in knots exonerating Coleridge. In one book Thomas McFarland sees his thefts as being not plagiarism but “a mode of composition—composition by mosaic organization”.’<sup>20</sup>

But then the older historians of plagiarism were sometimes off guard. H. M. Paull, for instance, after substantiating the stigma of plagiarism in classical times and thereafter, slips into misrepresenting the history that he himself tells. ‘All this shows that such practices now needed an apology’; ‘But perhaps the best proof that direct plagiarism was becoming discredited . . .’<sup>21</sup> yet Paull had shown that such practices had always needed an apology, that plagiarism had always been discredited. What, then, moved him to put such a gloss upon the history he had given? His progressivism. For Paull was committed, as his closing pages announce, to the conviction that ‘on the whole there has been a distinct progress towards an unattainable ideal: unattainable whilst human nature remains unchanged. Forgery, piracy, and plagiarism, the three most considerable literary crimes, have sensibly diminished.’<sup>22</sup> The closing words of his book are ‘contribute to the advancement of the ‘race’. Paull’s liberal progressivism is the fitting converse, obverse, of the prelapsarian revisionism which claims that, until the invention of the author, *circa* some time like the seventeenth century, there was no such thing as plagiarism and the deploring of it. In pious times, ere Authors did begin, before to plagiarise was made a sin . . .

Exculpations, then, have long been at work. Harold Ogden White, *Plagiarism and Imitation During the English Renaissance: A Study in Critical Distinctions* (1935), opened with a fervid denunciation of ‘modern critics’ for imposing the concept of plagiarism upon the past;<sup>23</sup> but despite his insistence that ‘Englishmen from 1500–1625’ were ‘without any feeling analogous to the modern attitude toward plagiarism’, his book is full of indictments of plagiarism, from classical and Renaissance times, that are entirely at one with what he deplores as the modern attitude toward plagiarism.<sup>24</sup> How does White effect

<sup>20</sup> Thomas Mallon, *Stolen Words* (1989), pp. 32–3.

<sup>21</sup> *Literary Ethics*, p. 110.

<sup>22</sup> *Literary Ethics*, p. 332.

<sup>23</sup> Harold Ogden White, in *Plagiarism and Imitation During the English Renaissance: A Study in Critical Distinctions* (1935), p. 202.

<sup>24</sup> See also Schwartz, *The Culture of the Copy*, p. 311.

this? By the simple expedient of substituting for the word plagiarism the word piracy.

When the poetaster Bathyllus piratically claimed the authorship of an anonymously issued poem of Virgil's—so runs the apocryphal anecdote—Virgil retorted: 'I made the verses, another has stolen the honour.' But Martial's protest at the piracies of which he had been the victim is probably the most famous in all literature, because in it he first used the word *plagiarius*, literally 'kidnaper', for a literary thief.<sup>25</sup>

White quotes Florio on fellow-writers: 'What do they but translate? perhaps, usurpe? at least, collect? if with acknowledgment, it is well; if by stealth, it is too bad.'<sup>26</sup> Is this not the deploring of plagiarism? As so often, a distinction kicked out of the door comes back in through the window. Call all plagiarisms piracy and you have rendered plagiarism non-existent. White certainly shows that imitation was greatly valued in classical times and in the Renaissance, but he does not show that there was no distinction then between imitation and plagiarism, no disapprobation of plagiarism, for he himself reports such disapprobation of unacknowledged, secret, or furtive borrowings. For Donne, White says, and substantiates, 'borrowed matter is to be thankfully acknowledged, not ungratefully purloined by stealth'.<sup>27</sup>

Thomas Mallon acknowledges, as everyone must, that something happened in the seventeenth century, but is it true that 'our basic sense of plagiarism came to be born'—*born*, that exactly—'in the seventeenth century'?<sup>28</sup> Printing had changed something, yes—but 'it was printing, of course, that changed everything'?<sup>29</sup> Everything? Not the nub dishonesty, the claiming credit for a poem someone else has written.

In *Crimes of Writing* (1991), a book that oddly does no more than mention plagiarism, Susan Stewart has a passing comment: 'plagiarism of course arises as a problem at the same time that other issues of writing's authenticity come to the fore'.<sup>30</sup> But 'problem' there has to cover a lot of ground; it is not the case that condemnation of plagiarism arose as late as the new commodification would like to believe. We are assured by Stewart that in medieval times there was no such thing as plagiarism (reprehensible), and yet the assurance, from Giles Constable, does waver rather: 'the term plagiarism should indeed probably'—indeed probably—'be dropped in reference to the Middle Ages, since it expresses a concept of literary individualism and property that is distinctly modern'.<sup>31</sup> And Martial, was he distinctly modern? He lacked a distinctly

<sup>25</sup> *Plagiarism and Imitation During the English Renaissance*, pp. 15–16.

<sup>26</sup> *Plagiarism and Imitation During the English Renaissance*, pp. 168–9.

<sup>27</sup> *Plagiarism and Imitation During the English Renaissance*, p. 128.

<sup>28</sup> *Stolen Words*, p. xii.

<sup>29</sup> *Stolen Words*, p. 4.

<sup>30</sup> *Crimes of Writing* (1991), p. 24.

<sup>31</sup> *Crimes of Writing*, p. 30, quoting Constable.

modern concept of literary property, no doubt, but he certainly had—and named—the concept of plagiarism.

As with other prelapsarian history, as with any telling of the Fall itself, the moment is elusive, contested, often gets pushed further back. Brean Hammond, in *Professional Imaginative Writing in England, 1670–1740* (1997), makes a good case for dating the ‘originality’ debate earlier than usual, retrieving it from the eighteenth century: ‘there is, I would contend, an earlier cultural formation, that of dramatic writing in the 1670s and 1680s, wherein the problematic nature of borrowing from earlier works was already under heated negotiation’.<sup>32</sup> But why stop there, when it comes to negotiating the problematic nature of borrowing? Best, moreover, for Hammond to tread carefully on this ‘original composition’ ground, since there have been heavy investments in the eighteenth-century allocation. So Hammond prudently claims less than he might and should: ‘In this period therefore, earlier than is sometimes supposed . . . there was the *beginning* of an *attempt* to define “originality” in writing and the *ur-conception* of proprietary authorship’ (italics supplied).<sup>33</sup>

Stephen Orgel makes a similar move in his influential article on ‘The Renaissance Artist as Plagiarist’. He claims that the charge of plagiarism did not appear significantly until after the Renaissance. One may grant a premise of his, as to ‘different ages’, without granting the elisions and assimilations that accompany it. Was Inigo Jones a plagiarist?

Jones’s practice may legitimately raise certain questions about the validity, function, philosophic implications of imitation; but such questions will also be profoundly time-bound. Different ages give very different answers to the basic question of what, exactly, it is that art imitates: for example, nature, or other art, or the action of the mind. Modern critics grow uncomfortable when it proves to be imitating other art too closely.<sup>34</sup>

Yes, such questions will be time-bound. But what exactly is Orgel’s dissent from modern critics here? ‘Imitating other art too closely’ might be a matter of the servile, the inability to add anything at all—but then on this the modern critic would be at one with the ancient and the Renaissance critic. Or ‘imitating other art too closely’ ought to apply, given that Orgel’s context is plagiarism (‘The Renaissance Artist as Plagiarist’), to plagiarism. But here too the modern critic is not shown by Orgel to be at odds with the ancient and the Renaissance

<sup>32</sup> Brean Hammond, *Professional Imaginative Writing in England, 1670–1740* (1997), p. 83.

<sup>33</sup> *Professional Imaginative Writing in England, 1670–1740*, p. 21, my italics. This ‘ur-conception’ is later joined by ‘prehistory’, convenient to the historian, and by ‘gestation’: ‘there is a prehistory to the conception of originality, at least in English culture, that suggests a longer gestation period than either [Martha] Woodmansee or [Mark] Rose allow’ (p. 43).

<sup>34</sup> Stephen Orgel, ‘The Renaissance Artist as Plagiarist’, *ELH: A Journal of English Literary History*, 48 (1981), 479.

critic. Such modern critics as equate even very close imitation with plagiarism are unthinking, yes; but that the accusation of plagiarism is often foolishly and ignorantly levelled has no bearing on whether it can be, and could be back then, responsibly and justly levelled. There was, Orgel concedes, ‘a long history of discomfort with Jonsonian borrowing’;<sup>35</sup> nevertheless, if Jonson’s borrowings were scarcely ever deplored as plagiarism (it was Jonson who did the deploring, launching in *The Poetaster* the missile ‘plagiary’ in English: ‘Why? the ditt’ is all borrowed; ‘tis Horace’s: hang him plagiary’), this need not be because the concept of plagiarism was scarcely present to people’s minds but because the distinction between the furtively dishonest (plagiarism) and the openly honourable (imitation) existed and was well understood, with Jonson then judged to be practising not the unhappy former but the happy latter.

But Orgel needs a more dramatic history, a moment to identify, cultural history being one long identification parade. ‘By the time Dryden was writing *Of Dramatic Poesy*, however, Jonson’s borrowings required a defense’: ‘He invades authors like a monarch, and what would be theft in other poets, is only victory in him.’ Orgel says of Dryden’s aphorism: ‘This was written only forty-five years after [Inigo] Jones’s praise of Jonsonian “translation”, and thirty years after Jonson’s death. In that short time translation, imitation, borrowing, have become “learned plagiary”, “robbery”, “theft”.’<sup>36</sup>

Now it may well be that the elapsing of the half-century brought about an exacerbation that ministered to ill-judgement in accusations of plagiarism; that it often became an easy, unjust, and uncomprehending charge. But this is not the same as maintaining that what had earlier been understood as translation and imitation, without reference even to the possibility of the accusation of plagiarism, was succeeded by a world in which the honourable terms ‘have become’ replaced by opprobrious terms understood as posited of just the same practices, now without reference even to the possibility of praiseworthy translation and imitation. It is, to me, impossible to credit Orgel’s insistence that ‘The question of the morality of literary imitation, then, starts to appear significantly in England only after the Renaissance, and on the whole in reaction to it.’<sup>37</sup> Many of Orgel’s most telling instances tell a story that is not the one he retails. Thomas Browne sees in plagiarism a great human failing, ‘the age-old desire “to plume themselves with others’ feathers”’. Orgel remarks: ‘It is a vice, as Brown continually laments, that has always been with us: plagiarism is the Original Sin of literature.’<sup>38</sup>

It is when, à propos of plagiarism, Orgel turns to allusion that the gaps in the argument yawn. ‘We might want to argue that there is a vast difference

<sup>35</sup> Orgel, p. 482.

<sup>36</sup> Orgel, pp. 482–3.

<sup>37</sup> Orgel, p. 484.

<sup>38</sup> Orgel, p. 483.

between adopting the role of a classic poet and copying his words, but is there? The adoption of roles by Renaissance poets involved a good deal of direct imitation and allusion.<sup>39</sup> Well, we might admit that there is not a *vast* difference between adopting a role and (without acknowledgement, since Orgel is discussing plagiarism) copying out words, while still believing that there is a crucial difference. And is not allusion incompatible with plagiarism? 'So, to stay for the moment with simple cases, how would a Renaissance audience have responded to blatant plagiarism? Sometimes, obviously, simply as an allusion: a great deal of Renaissance art offered its patrons precisely the pleasures of recognition.'<sup>40</sup> Hearing 'Come my Celia', did the Renaissance reader 'condemn Jonson for plagiarizing Catullus? or did he, on the contrary, admire a particularly witty adaptation of the art of the past to the designs of the present?'

The latter, for sure. But this is because the Renaissance audience well understood that what it was responding to here, what 'Renaissance art offered' here, was *not* 'blatant plagiarism', was not plagiarism. Allusion, plainly; and the defence that the poet is alluding is one that, should it be made good, must exculpate the poet. That the defence is sometimes unconvincing is a different story. Thomas Mallon is right, I should judge, not to accept the defence of Laurence Sterne that maintains that those moments of his are never plagiarisms but always allusions. But allusion has to be the contrary (Orgel's 'on the contrary') of plagiarism, since allusion is posited upon our calling the earlier work into play, whereas the one thing that plagiarism hopes is that the earlier work will not enter our heads. T. S. Eliot said, in an interview in August 1961:

In one of my early poems ['Cousin Nancy'] I used, without quotation marks, the line 'the army of unalterable law . . .' from a poem by George Meredith, and this critic accused me of having shamelessly plagiarised, pinched, pilfered that line. Whereas, of course, the whole point was that the reader should recognise where it came from and contrast it with the spirit and meaning of my own poem.<sup>41</sup>

The fame of Meredith's line, and the conclusive placing of it by both poets, leave me in no doubt that Eliot tells the truth here; but even those who suppose him being wise after the unfortunate event would grant that, if credited, allusion is a defence that must stanch the accusation of plagiarism. And one reason why plagiarism in, for instance, scientific research is importantly different is that it is not at all clear there what it would mean to claim that one was not plagiarising but alluding to (as against, say, referring to) earlier work.

That such-and-such wording, being an allusion, is not plagiarism, would

<sup>39</sup> Orgel, p. 479.

<sup>40</sup> Orgel, p. 480.

<sup>41</sup> *Yorkshire Post; The Bed Post* (1962), Kenneth Young (ed.), pp. 43–4.

not have to mean that there could not be any infringement of copyright. Paul Goldstein begins *Copyright's Highway* with the copyright conflict in 1990 when the rap group 2 Live Crew issued their derisive parody of the Roy Orbison/William Dees hit, 'Oh, Pretty Woman'. Parody, being allusive, cannot be plagiaristic, but it may still violate someone's rights—among them, copyright. The lawyer, though, needs to be sensitive to the judgments germane to literary allusion. Alexander Lindey, whose book on *Plagiarism and Originality* I value, ends up on one occasion agreeing amiably to overlook (as an authorial inadvertence) a moment that, contrariwise, solicits the reader's advertence:

A reviewer of Evelyn Waugh's *Scott-King's Modern Europe* praised the following excerpt as a 'burst of stylish writing':

He was older, it might have been written, than the rocks on which he sat; older, anyway, than his stall in chapel; he had died many times, had Scott-King, had dived deep, had trafficked for strange webs with Eastern merchants. And all this had been but the sound of lyres and flutes to him.

'Stylish, indeed!' cried a reader with a long memory. The passage, he said, was obviously a paraphrase of the celebrated description of La Gioconda in the chapter on Leonardo in Walter Pater's *The Renaissance*:

She is older than the rocks among which she sits . . . she has been dead many times, and learned the secrets of the grave; and has been a diver in deep seas . . . and trafficked for strange webs with Eastern merchants . . . and all this has been to her but as the sound of lyres and flutes.

John K. Hutchens, the book critic who published this intelligence, did not take it too seriously. It was the sort of thing, he felt, that could have happened to anybody. He was right.<sup>42</sup>

Oh no he wasn't right. Nor is Mr Lindey. Waugh was not covertly plagiarising, but this is because he was overtly alluding. Not waiving but waving.

An honest misunderstanding, this, on Lindey's part. It is the insufficient honesty with which the particular dishonesty that is plagiarism is so often treated that is the increasingly sad business. Samuel Johnson wrote of plagiarism as 'one of the most reproachful, though, perhaps, not the most atrocious of literary crimes'.<sup>43</sup> The reproach has to be for dishonesty, and yet how remarkably unreproached plagiarism usually goes.

The dishonesty is furthermore a point of dishonour. For honour is doubly at issue: the plagiarist hopes to gain honour from a dishonourable practice. 'His honour rooted in dishonour stood'. Peter Shaw, in his essay 'Plagiary', showed how kid-gloved the handling or fingering of plagiarism often is; he limned the psychology or psychopathology of plagiarism, including the embarrassment

<sup>42</sup> *Plagiarism and Originality*, p. 51.

<sup>43</sup> *The Adventurer* No. 95, 2 October 1753.

that so often overcomes those who find themselves faced by its two-facedness. His plea for responsible reproof strikes me as compelling, but it has not slowed down the manufacture of excuses. The usual dealings with this double-dealing are less than ever honest.

Yet then this, too, has a long history. William Walsh opened his entry on plagiarism, in his *Handy-Book of Literary Curiosities* (1909), with a question inviting the answer No: 'Is plagiarism a crime?' He duly arrived at the conclusion from which he had started: 'On the whole, as between the plagiarist and his accuser, we prefer the plagiarist. We have more sympathy for the man in the pillory than for the rabble that pelt him.' Even the case of Neal Bowers (that notable recent victim of one David Jones) incited in reviewers a need to dissociate themselves from his moral urgings. Mark Ford, in the *London Review of Books* (21 August 1997), expressed sympathy with Bowers in some ways (his plight 'considerably intensified by the difficulties he experienced trying to persuade others to take these thefts as seriously as he did'), and yet Ford is moved to mock Bowers ('Bowers assumes the mantle of heroic vigilante defending the integrity of poetry against potentially overwhelming forces of evil'), and proffers an insufficiently vigilant argument: 'It's hard to be as appalled by Jones's poetic kleptomania as Bowers insists one ought to be. This is perhaps partly because the two poems stolen from the 1992 issue of *Poetry* are not in themselves mind-blowingly original.' But a judgement on how appalled we should be by the conduct of the plagiarist (and Jones's continuing behaviour was diversely appalling) need not be commensurate with the degree of originality in the poems dishonestly laid claim to. The calculated indecorum of Ford's phrase 'not in themselves mind-blowingly original' gives vent to something, something that is not the same as finding Bowers's book tonally imperfect. Again, one might concur with James Campbell, in his review of Bowers (*Times Literary Supplement*, 28 February 1997), as to failures of tone in Bowers's wounded account ('a sanctimoniousness about his way of telling' the story, Campbell finds) while still judging it unjust of Campbell to deprecate the fact that 'Bowers frowns at colleagues who dare to smile when they hear about it'. As well Bowers might, I should have said. But then this too is continuous with the long history of casting as priggish those who, with a straight face, deplore plagiarism. For one of the touching moments in Bowers's book tells of how he too used to reach for evasive levity, giving his students what he called his 'thou-shalt-not-steal-spiel', 'mocking myself', staging 'my wise guy presentation'.

If I now refer to the demoralising of plagiarism, I refer to such discussion of it as evacuates morals as well as morale. One form of this might be politics as impervious to individual conscience, with plagiarism 'a cultural category defining the borders between texts and policing the accumulation of cultural

capital'.<sup>44</sup> (Policing, in the mode, being a much scarier thing than theft.) Another form might be the genial throwing up of hands, as when a discussion of plagiarism glides from cake-recipes to cooked books and then to not living by bread alone:

To an equally folk-anonymous tradition [as a recipe] belonged Dr. Martin Luther King, Jr., who in his Boston University thesis quietly integrated a few lines from theologian Paul Tillich and fifty sentences from another's thesis even as he would smoothly merge the rhetoric of evangelical preachers to emerge with his own voice in Montgomery.<sup>45</sup>

Even as? There is a lot of smooth merging going on there. As who should say, *Relax*. '—sure they are unsure. When a young historian, shown to have plagiarized his first book, becomes a Program Officer at the National Endowment for the Humanities, is a high school girl to blame for reworking a magazine piece on who was to blame for Pearl Harbor?'<sup>46</sup> Yes, she may well be. How many wrongs exactly *does* it take to make a right?

The essay that I take as most thoroughly colluding with the greatest number of wrongs is one from which I quoted earlier, that by James Kincaid in the *New Yorker* (20 January 1997). His title was 'Purloined Letters' (once more unto this breach), and his subtitle was 'Are we too quick to denounce plagiarism?' (No, this question does not expect the answer No.) Reviewing Neal Bowers's book, Kincaid speaks roundly ('no doubt about it') and then proceeds to get round it. To follow the moves, one needs an extended quotation.

Sumner/Compton/Jones [Bowers's plagiarist] is a cheat, no doubt about it; and now and then we run across other cases of plagiarism that shut before they are open. For instance, one of my own students turned in a paper on 'Great Expectations' which was an exact copy of Dorothy Van Ghent's essay—an essay so celebrated that I recognized it right off and, at the first opportunity, raised the issue with my student. 'Shit!' she said. 'I paid seventy-five dollars for that.' It did seem a cruel turn of the screw to have term-paper companies selling plagiarized essays for students to plagiarize; but ethics are ethics, I told my student.

I could speak loftily on the subject because the ethical issues in her case were so clear-cut. They aren't always.<sup>47</sup>

The exculpatory bonhomie is unremittingly at play and at work. There is the reassuring assurance that Van Ghent's essay was so celebrated that Kincaid really isn't seeking any credit for recognising it right off. There is the

<sup>44</sup> Laura J. Rosenthal, *Playwrights and Plagiarists in Early Modern England*, p. 3.

<sup>45</sup> Schwartz, *The Culture of the Copy*, p. 313.

<sup>46</sup> *The Culture of the Copy*, p. 314. Another shady business is the use by politicians of ghost-writers; as for 'the most famous political plagiarist of our time', Senator Joseph Biden, see Thomas Mallon's acute pages (*Stolen Words*, pp. 127–30).

<sup>47</sup> Kincaid, *New Yorker*, 20 Jan. 1997, p. 94.

unmisgiving little thrill of “‘Shit!’ she said’ (Tina Brown’s *New Yorker* wouldn’t be printing a stuffed shirt)—Kincaid is a robust man from a robust university where the women students are robust and no professor would take amiss their being so. There is the syntactical *plaisanterie* of ‘but ethics are ethics, I told my student’. And then, at the move into the next paragraph, there is the endearingly disparaging adverb ‘loftily’, disparaging oneself in the nicest possible way and making it clear that, even in the most clear-cut case, to take a moral tone would be a lapse: ‘I could speak loftily on the subject because . . .’ Not that we have been given the chance to hear Kincaid speak loftily on the subject; rather, ‘ethics are ethics’ came across, as it was meant to, as calculatedly mock-pompous. A low move, ‘loftily’.

I find this repellent, and not only professionally (professionally), in its combination of failure of nerve with nerve. ‘The ethical issues in her case were so clear-cut’: and was there any clear-cut dealing with the ethical issues? Nothing is said of what the exposure of her dishonesty meant to and for the forthright swearer; anyway, she deserves a jokey sympathy (\$75? ‘It did seem a cruel turn of the screw . . .’). But then it is clear just where Kincaid’s sympathies are. Apparently all those who are not naive are now aware that building an accusation of plagiarism is akin to ‘building legal castles on what literary theory warns is the quicksand of language’. ‘But, no doubt because there’s so much uncertainty around, fervent denunciations of plagiarists are popular: out-and-out plagiarists are criminals who safeguard the idea of originality they threaten, giving us conscience-clearing villains to hiss. They copy; we don’t.’ Fervent denunciations of plagiarists are popular? Not in the higher intellectual world, they aren’t; there, every conceivable excuse, and many inconceivable ones, will be made for them. True, plagiarists are not criminals (or very seldom are)—they are dishonest, dishonourable, and sometimes sick, people. Kincaid, relishing the problematics of it all, ducks and weaves: ‘Even educators may be learning how not just to punish but to employ plagiarism’—really? . . . and then at once the dodge: ‘how not just to punish but to employ plagiarism, or something very like it’. Ah. ‘Copying or imitating, they say, is vital to gaining initial entry into a discourse.’ Not even the arrival of our comfy old friend ‘discourse’ quite sets my mind at rest. Need no attempt be made to distinguish the dishonesty that is plagiarism from responsible kinds of copying or imitating? ‘What all of this suggests is that we might try to entertain the idea that plagiarism, and even originality, are relative concepts.’ True, anciently true, in one way. Even Edward Young, who is usually blamed these days for having, in his *Conjectures on Original Composition* (1759), set the world on a grievously wrong course, declared himself ‘content with what all must allow, that some Compositions are more so [original] than others’.<sup>48</sup> But

<sup>48</sup> Edward Young, *Conjectures on Original Composition* (1759), p. 7.

not true, Kincaid's point, insofar as it insinuates that disapprobation need not constitute any part of the malpractice that has for centuries been called plagiarism. Kincaid has his thumb in the sliding scales. 'Plagiarism is best understood not as a sharply defined operation, like beheading, but as a whole range of activities, more like cooking, which varies from deliberate poisoning to the school cafeteria to mother's own.'<sup>49</sup> Maybe so, but whether 'sharply' defined or not, plagiarism is, and has always been, defined pejoratively.

Amoral jocularly about dishonesty is, in my judgement, immoral. Kincaid tells us not to 'get ourselves in a tizzy'. This demotic moment is the successor to 'but ethics are ethics, I told my student', and it serves the same end as that mock-composity: the evacuation of responsibility and of honesty. Demoralisation.

In an essay that has been widely cited, 'Two Extravagant Teachings', Neil Hertz subjected to scrutiny and to mockery the Cornell University pamphlet on plagiarism. He wrote of its 'ill-assured moral exhortation',<sup>50</sup> its symptomatic rhetoric. Some of his criticisms strike home—yes, there are lapses of tone, and even gouts of feeling within the admonishments that lend themselves to Hertz's Freudian detections. Even perhaps to his aligning a teacher's anxiety about the young's plagiarism with parental anxiety about the young's masturbation. But there is something wrong with the way in which a concern with the plaintiff's, the teacher's, psyche leaves no room at all for concern with the defendant's, the plagiarist's, conduct. It is the teachers alone who are to be morally judged. What, asks Professor Hertz, of the authorities' motivation?

We might attribute it to justifiable moral indignation, the righteous contempt of the honest for the dishonest, but that wouldn't quite account for either the intensity of this rhetoric or its peculiar figuration—or for the strong fascination that student plagiarism generally seems to hold for academics.<sup>51</sup>

The phrasing is prejudicial: 'indignation' contaminated by 'righteous', and 'righteous' contaminated by the likelihood of self-righteousness, with 'fascination' contaminated by prurience. Not, as might be supposed at least sometimes to be the case, a principled dislike of dishonesty, and the exercise of an essential professional responsibility when it comes to judging (often with lifelong consequences) a student's writing.

About any such matter, yes, there can be impurity of motive in the moral insistence; but shouldn't educators in the American world of Hertz (and of me), where the selling of term-papers is big business and is a threat to education, be against plagiarism? Not if Hertz's line of talk were to be followed (whatever his own practice as a teacher), for he moves on to deprecate the 'uneasiness' in teachers 'that produces the ritual condemnation

<sup>49</sup> Kincaid, *New Yorker*, 20 Jan. 1997, p. 97.

<sup>50</sup> Neil Hertz, *The End of the Line* (1985), p. 144.

<sup>51</sup> *The End of the Line*, p. 149.

of student plagiarists when they are unlucky enough to be caught'. 'Ritual condemnation': this minimises or even extirpates moral responsibility, as does 'unlucky', and as does the ensuing reference to 'such a scapegoating'. Scapegoats are, by definition, innocent, they bear the burden of imputed unjust guilt; a dishonest student, or colleague, or novelist, is something else. But Hertz's exculpatory term 'scapegoating' has caught on, and is put to use, with due acknowledgement, by a later critic when for his own reasons he needs to put in a good word for Pecksniff, Pecksniff who stole Martin Chuzzlewit's architectural plans.<sup>52</sup> All is forgiven. But not to those who make scapegoats of plagiarists.

And the future? More of the same, I fear; and in the immediate future, next month to be precise, there will be a new book by Robert Scholes, *The Rise and Fall of English* (1998). He, too, knows, in the matter of plagiarism, that it is the plaintiff, not the defendant, who is the real enemy:

In the academy the introduction to intertextuality received by most students takes the form of a stern warning against plagiarism. In a culture organized around property, patents, and copyrights, plagiarism has become a sin, occasionally a crime. In other cultures, or in certain contexts within our own, this sin does not exist.<sup>53</sup>

Not a sin, agreed, and not a crime, but that might be thought to leave plenty of room for plagiarism to be (and not just to have 'become', in what passes here for history and for anthropology) morally wrong, and for exculpations of it to be morally wrong too. 'A stern warning against plagiarism': how relaxedly we accede to the assurance that education should be made of less stern stuff.

In her weighing of plagiarism, 'The Wasp Credited with the Honeycomb' (*Theophrastus Such*), George Eliot first granted imaginatively the ways in which it is true that creation is re-creation, true that we are all indeed in debt to the world that went before and the world that is around, and then went on indeflectibly:

I protest against the use of these majestic conceptions to do the dirty work of unscrupulosity and justify the non-payment of debts which cannot be defined or enforced by the law.

Surely the acknowledgement of a mental debt which will not be immediately detected, and may never be asserted, is a case in which the traditional susceptibility to 'debts of honour' would be suitably transferred.

I think it an honour to teach at a university which has returned, in the courts, to the costly fight against term-paper fraud that it began twenty-five years ago, when a victory was duly secured; on 19 October 1997,

<sup>52</sup> Gerhard Joseph, 'Charles Dickens, International Copyright, and the Discretionary Silence of *Martin Chuzzlewit*', in *The Construction of Authorship*, ed. Woodmansee and Jasi, p. 268.

<sup>53</sup> Robert Scholes, *The Rise and Fall of English* (1998), to be published 9 March 1998, pp. 98–9.

Boston University filed suit in U.S. District Court against eight online companies that sell term papers to students in Massachusetts. The University charges that accepting orders and distributing fraudulent term papers by phone, wire, and mail are acts of wire and mail fraud and violate the Massachusetts law prohibiting such sales and other laws.

But let me end by proposing one stubborn consideration that has, ever since Martial, ministered to these dishonourable exculpations. This is simply but crucially that Martial's inspired figure of speech, *plagiarius*, the thief, has itself had a distortive effect. For it must be conceded, not as bespeaking leniency for the crime of theft but as distinguishing one form of theft from most others, that it is importantly not the case that what the plagiarist does exactly is steal your poem. William Walsh in his *Handy-Book of Literary Curiosities* (1909): 'For although we are pleased to say, in our metaphorical language, that a plagiarist shines in stolen plumes, not a plume is really lost by the fowl who originally grew them.'

The *New Yorker* illustration to Kincaid's article showed a rectangle of print (some lines from the article itself), at pocket height, that had been cut away from a man's clothes and is clutched by the pickpocket, no longer the rightful owner's. But the illustration inadvertently brought home that the invocation of the pickpocket (by Coleridge, by Poe, by many others), or of the thief, both is and is not apt. And in being in some respects unapt, it then ministers to special pleading. For it is scarcely ever the case that the rightful owner actually loses possession of, or credit for, his or her creation. Martin Amis did not wrongfully lose credit for his novel; Jacob Epstein wrongfully gained credit for 'his'.

True, every now and then there will be a case which really does constitute theft, and is contrastively helpful for that very reason: a work claimed by X, published by X, not ever credited to its rightful author. Anne Fadiman, in her essay on Bowers's book in *Civilization* (February/March 1997), tells the touching story of how her mother's work was taken by John Hersey: 'The only time she ever saw her dispatches in print was inside a cover that said BY JOHN HERSEY'. But this is best judged to be piracy. Fadiman says: 'after your words—unlike your VCR—are stolen, you still own them. Or do you?' No, her mother didn't, never had been allowed to. But Glyn Jones still possessed, and still possessed credit for, the passage of prose of which Hugh MacDiarmid possessed himself for his poem 'Perfect'. Neal Bowers tells how a bronze cast that carried a poem of his called 'Art Thief' (mourning the theft of a work of sculpture from the site) was itself then stolen. Stolen. But the plagiarising of a poem is not characteristically its being lost to its originator.

What then, if anything, is stolen? We often say 'the credit', but even here there is almost always something misleading, the definite article. The plagiarist does not take the credit, he takes credit, credit to which he is not entitled. This is often despicable and always reprehensible, but it cannot be reprehended in

quite the terms in which theft ordinarily is. To concede this is not to concede anything else, and is not to make any excuse for the wrongful, rather to make clear what the wrong is.

There is no chance of our ever giving up the vivid figure of speech which thought in terms of theft, but we should be aware that the very terms in which we speak (we are all guilty . . . —how delicious) play a part in contributing to the disingenuous discourse through which plagiarism steals.