

In Defense of Plagiarism, Sort Of

Is stealing ideas immoral?

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November 20, 2019

I committed my first academic crime at the age of six. It occurred against a wider criminal background, namely, that of my parents, who had illegally absconded from communist Hungary to New York City via “a vacation” to Vienna and a brief stay in a refugee shelter in Rome.

The crime I can claim as my own begins with the need to learn English. I had learned some Italian in kindergarten in Rome, and some Russian because that was the language of the refugees we were housed with, but at home we spoke Hungarian, and my parents’ English was not great. From a very young age, well before I learned how to read, I had loved memorizing and reciting (Hungarian) poetry. So when we got to America one of the first things my mother bought me was a book of poetry: Shel Silverstein’s *A Light in the Attic*.

Fast forward to the first grade. By this time we’ve been in the U.S. a few months, so my English is pretty good: I understand the teacher perfectly when she instructs us to sit at our desks and write a poem. I am proud to be the first to finish the task, and rush up to the teacher to show her my work. She reads it, very impressed with the speed with which I had managed to write a rhyming poem. But then something changes in her face. She asks, “Did you write this?” Yes. (What a dumb question—she saw me write it!) “All by yourself?” Yes. (Who could have helped me?) “This is *your* poem?” Yes. (Couldn’t she see it was in my handwriting?!) “You just wrote this now, in the past few minutes?” Yes. (Her voice is sounding less and less pleased, and I am getting more and more confused.)

She interrupts the other students, all of whom were still busy composing, and has me stand before the class, facing everyone, as she reads my poem out loud. She then tells the class I didn’t write the poem myself. I contradict her, insisting that I *did* write it, all by myself, and she says, “No, Shel Silverstein wrote it.” She goes on to describe me as a thief—and one who has also lied, repeatedly, to cover up her crime; she announces to the class, severely, that the kind of theft I performed is called “plagiarism.”

Until that moment, it had never occurred to me that there was any sense in which the poems I memorized were not “mine.”



In academia the immorality of plagiarism is one of the few principles everyone converges on. Many of us are prepared to debate the fine points of questions such as “Under what circumstances it is okay to torture someone?”, but only against a background of unquestioned agreement that representing other peoples’ ideas or phrasings as your own is, always and forever, evil. If you are caught plagiarizing in a class, you will feel the moral hammer of your institution come down on you—just as I did, in the first grade.

The teacher called my mother into school to discuss my behavior. After that meeting, she generously decided to chalk the event up to a “misunderstanding,” which meant no further punishment, over and above the public humiliation, was necessary. My mother

was as confused by the debacle as I was. I recall her suggesting: “American children are too stupid to memorize poetry, so they were jealous that you could do it.”

Notice that in many ways I understood the situation quite well. I was perfectly aware that I had memorized the poem from a Shel Silverstein book; his giant face was on the back cover, impossible to miss. I just didn’t think that fact, or, more generally, the question of who *first* wrote down the poem, was an ethically important one. I thought that when I succeeded in memorizing the poem, it became “mine.” What exactly had I misunderstood?

It is true that I did not know about “intellectual property,” but even if I had, that would not have helped. Intellectual property is a legal concept, specified by laws governing patents, copyrights and trademarks. Those laws protect your right to the fruits of your mental labor by giving a determinate and concrete sense to what it means to “own an idea.” For example, it is illegal for me to publish a novel continuing the *Harry Potter* series. That right belongs exclusively to J.K. Rowling. But what if I want to go around quoting *Hamlet* and claiming the words as my own? In that case, there’s no issue of depriving Shakespeare or his immediate descendants of the money that is rightfully theirs. It is at that point that plagiarism norms kick in.

Plagiarism norms operate in the space the intellectual property laws leave open: they enforce *extralegal* sanctions whose goal is to prevent me from claiming something as “mine” under circumstances when the law doesn’t specify someone else as its owner. Whenever we find a community very harshly enforcing a bunch of extralegal norms, it is reasonable to wonder exactly who is guilty of the “misunderstanding.”

Our sanctions against plagiarism might seem at first to be underwritten by their role in the machinery of grade-assignment and academic promotion. We have designed a system in which plagiarism constitutes cheating, and of course cheating-by-plagiarizing is wrong, just as it would be wrong to (non-plagiaristically) cheat by securing test questions days in advance. Competition of any kind calls for a set of rules that ensure an even playing field for all. The problem lies in the conceit that some subset of our no-cheating rules are underwritten by a moral prohibition—in this case, against “stealing” other people’s ideas.

Consider the possibility of take-home exams. There’s nothing intrinsically wrong with having two days rather than two hours to work on the exam—one would just need to find a way to make it practicable. (Everyone) getting the exam in advance is not a problem. Similarly, there’s nothing intrinsically wrong with a system in which we stop crediting the original source of the idea—one would just need to find a way to make it practicable. There is no moral bedrock in which prohibition of plagiarism is inscribed.

But aren’t citations useful for the reader? Sometimes. But let’s not pretend that the reader’s needs play a substantial role in the mandate of the plagiarism police: outrage against plagiarists is about protecting idea-creators, not readers. If we were primarily worried about informing readers rather than protecting the pseudo-rights of writers, the reaction to a failure to cite would have a very different emotional valence.



Academia has confused a convention with a moral rule, and this confusion is not unmotivated. We academics cannot make much money off the papers and books in which we express our ideas, and ideas cannot be copyrighted, so we have invented a moral law that offers us the “property rights” the legal system denies us.

Here is an analogy. Suppose that I legally own a tree on the edge of my property, but not the apples that fall into the road. I might create a set of norms that shame people who take those apples: if you want one of “my” road-apples, you must first bow down to me or kiss my ring. Otherwise I will call you a “thief,” and if you insist that the apple you have just picked up is your own, I will compound the charge with “liar.”

The academic’s problem is that all of their apples fall into the road. Academia is an honor-culture, in which recognition—in the form of citations—serves as a kind of ersatz currency. In ancient Greek, there is a word “pleonexia,” which means “grasping after more than your share.” Plagiarism norms encourage pleonectic overreach. One can see such overreach in the fact that those with perfect job-security—famous, tenured faculty—do not seem *less* given to touchiness about having “their” ideas surface in the work of another, unattributed. Quite the contrary. The higher one rises, the louder the call for obeisance: kiss my ring! Stigmatizing plagiarism serves those at the top.

But isn’t there some form of reward—respect, gratitude, admiration, eternal life in historical memory—that people are entitled to on the basis of their intellectual work?

No. If you are an academic and you want to feel waves upon waves of gratitude, I have a simple recommendation for you: do a half-decent job teaching undergraduates. You don’t need to—and probably shouldn’t—teach them “your” ideas; if you help them furnish their minds with some of the great ideas of the past few millennia, they will thank you in ways no citation can: gushing notes of heartfelt appreciation, trinkets to fill your office, email messages of remembrance a decade later. They will come to your funeral. They will tell their children about you.

More generally, if I may indulge in some moralism myself, I would insist that no one can be entitled to gratitude or remembrance or appreciation. Write something worth reading. Put your ideas out there, and hope that someone will make something of them. Give with an open hand, and stop thinking about the tokens with which you will be repaid. Be happy to be worth stealing from. The future owes you nothing.



I still remember that Shel Silverstein poem, and I still say it to myself sometimes. I can’t think of a deeper form of gratitude than the fact that I have appropriated it as my own; that it has become part of me; that it’s my poem now.



Notes for the reader’s benefit

1. Any resemblances between this essay and Brian L. Frye’s forthcoming article “Plagiarize This Paper” (*IDEA: The IP Law Review*) are probably due to the fact that I plagiarized it in several places.
2. Brian Frye did not write this column. I, Agnes Callard, wrote it. But I did not write it all by myself. Anastasia Berg, my editor at *The Point*, helped me write it, just as she has helped me write the previous nine columns. I am grateful to her.
3. When was the last time I wrote something without help, all by myself? It might have been that poem I wrote when I was six. This is the poem:

Blame

I wrote such a beautiful book for you
About rainbows and sunshine and dreams that come true
But the goat went and ate it—you knew that he would—
So I wrote you another one as fast as I could
But of course it could never be nearly as great
As that beautiful book that the silly goat ate
So if you don’t like this new book I just wrote
Blame the Goat.

Steal this idea: Tweet your plagiarism story to Agnes (@AgnesCallard) this week for a chance at a free subscription. Ten total giveaways!

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