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What Is Plagiarism?

 γ 0 just what is plagiarism, anyway? The Oxford English Dictionary defines plagiarism as "the wrongful appropriation or purloining, and publication as one's own, of the ideas, or the expression of the ideas ... of another." It is derived from the Latin plagiarius, meaning "one who abducts the child or slave of another." The word was first used in its current sense by the Roman poet Martial, in the first century AD, as a sarcastic put-down of another writer who had cribbed some of Martial's verse.

Outright copying of someone else's writing is only the most clear-cut form of plagiarism. The Modern Language Association provides a succinct but sweeping catalog of varieties of plagiarism in its MLA Handbook for Writers of Research Papers: "A writer who fails to give appropriate acknowledgment when repeating another's wording or particularly apt term, paraphrasing another's argument, or presenting another's line of thinking is guilty of plagiarism."

The term "plagiarism" applies to "the imitation of structure, research, and organization," notes Laurie Stearns, a copyright lawyer in "Copy Wrong: Plagiarism, Process, Property, and the Law," an essay appearing in the California Law Review in 1992. "Even facts or quotations can be plagiarized," writes Ms. Stearns, "through the trick of citing to a quotation from a primary source rather than to the secondary source in which the plagiarist found it in order to conceal reliance on the secondary source." In the sciences, "accusations of plagiarism may center on the content of discoveries or the interpretation of data rather than on specific phraseology."

Defining just where influence ends and plagiarism begins can be a difficult question. Ralph Waldo Emerson, who wanted the American scholar to live in a state of radical originality, ended up conceding that "all my best ideas were stolen by the ancients."

Even when an offender is caught red-handed, plagiarism itself is not a matter for the courts. Strictly speaking, plagiarism, as such, is not illegal-although copyright infringement is. Some forms of plagiarism also count as copyright infringement. Yet the terms are far from identical.

The OED defines plagiarism as the expropriation of either "the ideas, or the expression of the ideas ... of another" As Ms. Stearns notes in her law-review article, copyright statutes make a clear distinction "between 'expression,' which the law protects against

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copyright intringement is Some forms of plagiarism also count as copyright infringement. Yet the terms are far from identical.

The OED defines plagiarism as the expropriation of either "the ideas, or the expression of the ideas... of another." As Ms. Steams notes in her law review article, copyright statutes make a clear distinction "between 'expression,' which the law protects against copying, and 'ideas,' which it does not."

If Smith copies a chapter from a book by Jones without permission, then the rights of the copyright holder have been violated. But suppose Smith paraphrases the chapter, argument by argument. In that case, Smith will have copied the ideas, but not the expression, of a copyrighted work. If no credit is given, then Jones has every reason to complain about being plagiarized. Still, assuming that Smith has been careful not to borrow any of the language of the original, it will not be an infringement of copyright.

In his essay "Plagiarism, Norms, and the Limits of Theft Law: Some Observations on the Use of Criminal Sanctions in Enforcing Intellectual Property Rights," appearing in the Hastings Law Review in 2002, Stuart P. Green, a professor of law at Louisiana State University at Baton Rouge, writes that copyright law "protects a primarily economic interest that a copyright holder has in her work ... whereas the rule against plagiarism protects a personal, or moral, interest."

Mr. Green provides an extensive survey of the cultural history and legal implications of the concept of plagiarism. Perhaps the most intriguing, if puzzling, of his citations comes from the Talmud. There, an ancient scholar wrote that the person "who reports something in the name of the one who said it brings redemption into the world."

In a footnote, Mr. Green quotes a contemporary rabbi, Joseph Telushkin, who explains the reasoning: "If a person presents as her own an intelligent observation that she learned from another, then it would seem that she did so only to impress everyone with how 'bright' she is. But if she cites the source from whom she learned this information, then it would seem that her motive was to deepen everyone's understanding. And a world in which people share information and insights to advance understanding, and not just to advance themselves, is one well on its way to redemption."

—SCOTT MCLEMEE

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