In Defense of Plagiarism (Sort of . . .)

Plagiarism. Literary piracy. On the face of it, there wouldn’t seem to be much room for discussion here. Stealing somebody else’s words or ideas and using them as one’s own in scientific publications clearly breaches the boundaries of proper professional conduct—it’s cheating, pure and simple, unethical and unacceptable by any explanation or excuse. Plagiarism is “a serious violation of collegial trust” (2), “the capital intellectual crime” (8), “a threat to the integrity of the scientific community” (4). Among scholars it’s “the worst of bad behavior” (7), “a sin” (6). And, so, Pediatric Exercise Science might well join the long list of journals which have published editorials lamenting how the blatancy of plagiarism disgraces not only the perpetrator but sadly damages, as well, the journal, the reader, and the profession itself. We all collectively suffer from acts of plagiarism. The obvious conclusion: as journal editors, or reviewers, or readers, we have a collective responsibility to detect plagiarism, expose those responsible, and discipline them appropriately. There seems to be no question about that.

But. . . . .

While driving my car the other day, I was suddenly jolted by the music coming out of the radio from the local classical music station. Hey! I know that piece! It went something like this:

The tune was not just familiar; there was something about it that resonated in my memory, had some deep meaning. What was it? As it finished, the music was identified by the announcer as “Espana. Joyeuse Marche” composed by Emmaneul Chabrier back in 1883. Well, I had never heard of M. Chabrier, and his Marche was unknown by me. My nervous system had been electrified by something else. Something in my past. For days I couldn’t get it out of my mind. Sleepless nights, tossing and turning, bouts of heavy wine consumption. And, finally, it hit me. 1956. On TV. The Perry Como Special. It was none other than his number one hit record Hot Diggity!

Oh, hot diggity, dog ziggity, boom what you do to me.

It’s so new to me, what you do to me!

(I mean, who could forget lyrics like those? Eminem this was not.) And, if you look up this work on the Internet, it states right there on the music—“Melody based on Chabrier’s “Espana Rhapsody.” Now, there is not a person in the world who would consider accusing the composers of Hot Diggity of “plagiarism,” yet the tune had, in fact, been borrowed, or at least adapted, from the ideas of another.
Hmm. Are there shades of plagiarism? Are some acceptable, others not? After all, at one level of thinking, everything we think about, or create, or write is in some way an expression, a synthesis, a “borrowing” from sensory input that we have accumulated from our surroundings—other people—over the years of our lives. We do not live in a vacuum. Name the greatest “creators” in human history—Albert Einstein, William Shakespeare, Woody Allen—none of their ideas would have been possible without borrowing, molding, reconsidering the works of others. Perhaps, in fact, “at some level of generality there are no new ideas” (8). Maybe the issue of plagiarism is not quite as straightforward as one might think.

That’s the whole premise of a short, fascinating book by Richard Posner entitled “The Little Book of Plagiarism” (Pantheon Books, 2007). After you finish reading this issue of PES, rush out and buy this book. You will find that many of its ideas are straightforward and “comfortable,” while others will perhaps challenge your woefully narrow vision of what plagiarism really means.

You’ll end up pondering questions like these: Why do writers plagiarize others’ works when it seems so obvious they will be caught (“what were they thinking!?”). Can one plagiarize unconsciously? Can ideas be plagiarized as well as words? Is it legitimate to plagiarize oneself? The discussions in this book are challenging, a real problem for scientists and their publishing world, since philosophical as one might want to get, it oftentimes comes down to some difficult decisions as to just what constitutes right and wrong that individual authors, readers, and editors need to make.

To start with, Posner points out that it’s important to recognize that copyright infringement and plagiarism, though closely linked, are not necessarily one and the same thing. The distinction is not necessarily trivial, since if you’re guilty of the former, you’ll probably end up in court. Copyright violation is a crime. On the other hand, plagiarism itself is not generally against the law; the perpetrator instead risks public embarrassment, loss of professional reputation, disgrace and ostracism from the scientific community.

Literary plagiarism is generally regarded as verbatim copying of words from another’s publication without quotation marks or citation, or paraphrasing an author’s work without attribution (12). Implicit in this definition is an “intent to deceive,” but this aspect has not been included in recent federal policy statements, since actively attempting to fool the reader is difficult to prove (6). Copyright law states that one cannot reproduce written material for which the other holds the copyright (unless permission is expressly granted), but there are a good number of loopholes. An author can use short sections of a copyright-protected work (usually 300–500 words) without permission—that’s called the “fair use doctrine.” But such an act of overt copying without attribution would probably constitute plagiarism.

The copyright laws generally do not prohibit you from copying the idea written by someone else. But most would agree that expressing someone else’s written idea in an effort to make the reader think it was your own constitutes plagiarism. We would have no problem identifying plagiarism when entire sections of text are reproduced word-for-word from another work. But failure to attribute sources of ideas to their original source becomes more problematic. As Posner points out, the difference between idea and expression (i.e., the written word) is not often clear-cut. Indeed, in court cases of copyright infringement, this often precisely the issue.
In his discussion of different forms of plagiarism of ideas, Armstrong effectively used a series of examples to point out this difficulty (1). Which of the following statements, he asked, would be considered acts of plagiarism if not accompanied by a proper reference citation?

A) The primary function of the lung is to exchange gas between the inspired air and the venous blood.

B) A major cause of arterial hypoxemia is inequality of lung ventilation and perfusion.

C) The normal adult lung contains $33 \times 10^6$ alveoli with a total alveolar surface area of 150 m$^2$.

D) It is widely recognized that physical inactivity is a risk factor for coronary artery disease.

E) Plagiarism has evoked considerable concern over the past decades in the medical literature.

Armstrong suggested that statements A, and maybe B, did not require citations, but the rest refer to the intellectual property of others and, yes, could be considered plagiarism if not accompanied by an appropriate attribution. He suggests other acts that might be considered plagiarism: “second generation references” where author A cites a reference of author C which he found in the work of author B, presentation of graphic material during slide presentations without attributing the source, and incorrect references.

But precautions are in order. Posner would argue that not all copying of ideas represents plagiarism. How about a written or theatrical parody? It’s very obvious to the audience that the theme is not original, but, in fact, that’s the idea the author is using for the sake of humor or criticism. And textbooks. The material is not original (in fact, original ideas would be inappropriate), yet the information is not all referenced. Certainly great ideas, essentially identical, have been independently “discovered” (Darwin and Wallace published simultaneously on evolution, as did Leibniz and Newton on calculus).

And then there is this concept of “creative imitation.” Shakespeare’s description of Cleopatra in *Antony and Cleopatra* seems to be a clear-cut paraphrase of Sir Thomas North’s translation of Plutarch’s life of Marc Antony, but few would disagree with Posner’s comment that “if this is plagiarism, we need more plagiarism.” (8). According to Posner, when accused of plagiarizing in “The Wasteland,” T.S. Eliot replied “Immature poets imitate; mature poets steal; bad poets deface what they take, and good poets make it into something better, or at least something different. The good poet welds his theft into a whole of feeling which is unique…” So, imitation may have serious artistic value, and Posner would argue that this does not constitute plagiarism.

[In the musical world, examples of material which has been “borrowed” by another or the same composer in the name of creativity would fill a catalog. Listen to Beethoven’s “Choral Fantasy” and see if it doesn’t remind you of something. Or Chuck Berry’s “Sweet Little Sixteen” and “Surfin’ USA” by the Beach Boys. Have a couple of beers and see if you can tell me the difference.]

Posner argues that “the reader has to care about being deceived about authorial identity in order for the deceit to cross the line to fraud and this constitutes plagiarism.”
This is called “inducing reliance”—would the reader act differently if he or she knew it was a plagiarism? If not, it’s no harm, no foul. Examples of such are plentiful. Ghost writers routinely compose politicians’ speeches and produce books (usually “by” some celebrity). Posner reminds us that Rembrandt commonly signed his name to works painted by his assistants. In the Bible, the Gospel According to Matthew was not written by Matthew. General Omar Bradley’s autobiography was largely written after his death. Were you affronted that My Fair Lady” was really “Pygmalion,” West Side Story was Romeo and Juliet, that the movie Roxanne was Steve Martin playing Cyrano de Bergerac? I would guess not.

Can you plagiarize yourself? We do, in fact, tend to repeat ourselves. If it comes down to the written word, the answer is definitely “yes,” from the standpoint that lifting sections out of your previously published work would almost certainly constitute copyright violation. But the biggest concern here among scientific ethicists is wholesale reproduction of entire works—so called “duplicate publication.” This practice is abhorrent from standpoints of both plagiarism and copyright violation. But even here maybe there a place for a more relaxed view. Might duplicate publication be legitimate (with proper permission) when it is reasonable to approach two different reading audiences, for instance, or populations reading in different languages?

Maddox quite appropriately called plagiarism “the most tangible of academic misdemeanors” (7). Why would anyone in their right mind copy another’s material when their act will almost certainly be discovered? Indeed, the author whose work is being plagiarized may likely be among the reviewers of the manuscript. Is it because, as would seem most evident, the powerful demand to publish and the quest for professional reputation simply blinds these people? (Certainly we see parallels in the use of performance-enhancing drugs by athletes, and scandalous behavior in politicians.) So, “how can established academics, almost by definition not neuronally deficient, be so artless in their intellectual burglary. . . . One would expect that somebody bent on stealing another’s text would at least embellish it with original prose, and that it would be an elementary precaution to make sure the references are correct” (7). Skandalis and Mirilas concluded that “the only rational explanation for colleagues exposing themselves to the danger of professional disaster is that they are in an irrational state, that they are guided by a primitive, but overwhelming, academic motivation: the desire to enhance their reputation” (9). Posner agrees, concluding that plagiarism is “less likely to reflect a serious larcenous intent than a loose screw” (8).

One of the traditional defenses of persons accused of plagiarism is that they were not aware that they were actually copying someone else’s material. That wouldn’t seem to hold water for actually copying, word-for-word, sections of written material. But for ideas, yes. Research psychologists have reported that this cryptomnesia, or unconscious plagiarism, actually occurs, and that previously heard or read ideas can get imbedded in your subconscious brain, to be drawn out later as material you consider as original (11). That would make common sense. If you are a voracious reader, or listen to a lot of music, it would seem not unlikely that ideas or swatches of tunes could unconsciously end up in your “creative” mind. Research studies using different models of timing and repetition of introduced information have suggested, in fact, that up to 10–40% of subjects’ “new” ideas can be mistakenly considered their own (10).
Taylor contended that “it is at least conceivable” that such cryptomnesiac acts could also occur with word-for-word duplications (11). He cites two fascinating cases in which unintended verbatim copying of another’s material seem to be explained by an exceptional (but mistaken) memory in one case and careless note-taking in another.

Posner’s argument that plagiarism should be viewed as a broad spectrum of acts with differing levels of gravity is a convincing one. Such occurrences can be judged and their importance stratified according to factors such as intent, reliance, and detectability. By these criteria the identification of an act of plagiarism, its seriousness, and the nature of its punishment can be rationally defined. “The subject of plagiarism,” Posner concludes, “requires cool appraisal rather than fervid condemnation or simplistic apologetics.”

In efforts to curb acts of literary plagiarism, should we make it a crime? No, says Posner. “The harm it causes is too slight to warrant cranking up the costly and clumsy machinery of the criminal law. And plagiarists rarely have sufficient assets to making suing worthwhile. . . .” Amen to that.

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Epilogue

French pathologists were recently surprised to discover that an autopsy report of Napoleon Bonaparte, published by the Emperor’s personal physician Francesco Antonmarchi in 1825, was largely a verbatim copy of a report by a Prof. Rullier that appeared two years earlier in the Archives generales de medicine (5).

It is said that Pythagorus, in announcing that business about the square of the hypotenuse, was simply copying ideas he had stolen from a group of learned priests during his travels to Egypt (7).

A German author named Heinz von Lichberg wrote a story in 1916 entitled Lolita, which concerns an elderly gentleman who becomes obsessively enamored with a young nymphet. Forty years later, Vladimir Nabokov published a book entitled Lolita, which concerns an elderly gentleman who becomes obsessively enamored with a young nymphet. Coincidence or plagiarism? You be the judge.

When Isaac Newton presented his Principia to the Royal Society in 1687, his long-time adversary Robert Hooke (he of the “cell” fame) cried foul, claiming that Sir Isaac had, in fact, stolen his own ideas. In response, the angered Newton eliminated all references to Hooke from the work. It was Newton who made that celebrated statement that “if I have seen further it has only been by standing on the shoulders of giants.” While seemingly a gentlemanly expression of humility, this may have been, in fact, a deliberate knock on Hooke, who was a very short person (3).

References