

The Owl and the Plagiarist:

Academic Misrepresentation
in Contemporary Education

Geoffrey E. Buerger

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy in Education
at Dalhousie University, 17 June 2002.

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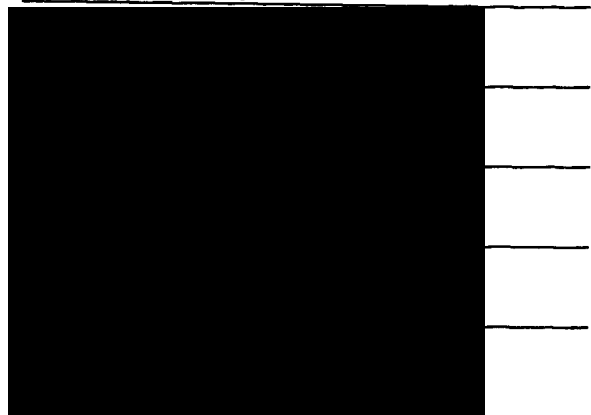
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Dated: July 15, 2002

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DALHOUSIE UNIVERSITY

DATE: 15 JUNE 2002


AUTHOR: GEOFFREY EDWARD BUERGER

TITLE: THE OWL AND THE PLAGIARIST: ACADEMIC
MISREPRESENTATION IN CONTEMPORARY EDUCATION

DEPARTMENT: EDUCATION / SCHOOL OF GRADUATE STUDIES

DEGREE: PH.D. CONVOCATION: OCTOBER YEAR: 2002

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Dedicated to my parents,
Joseph Francis Buerger and Madeline DeSole-Neal Buerger,
with love, admiration, and gratitude.

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ABSTRACT

“The Owl and the Plagiarist: Academic Misrepresentation in Contemporary Education” describes academic plagiarism, distinguishes it from other forms of plagiarism, and proposes a conceptual framework for the universal application of two essential principles of scholarship: students should receive credit only for their own work, and sources and assistance must always be appropriately acknowledged.

Chapter One surveys the evolving public conception of plagiarism, and the identification of public expectations. The emphasis is on the late twentieth century, although the chronological emergence of the concept is addressed in broad terms. Chapter Two discusses the nature and unappreciated breadth of academic plagiarism, and introduces the idea that “false claim of credit” is the standard that we should adopt for academic plagiarism. A value/credit paradigm is introduced to provide a conceptual framework for a consistently rational response to academic malfeasance. In this view a paper, project or test has no worth except as a receipt attesting that a student has received the learning value inherent in the assignment. Credit is given only when a student presents a valid receipt; a plagiarized assignment—which is a fraudulent receipt—earns no credit. Intent is irrelevant to the fact of plagiarism. Chapter Three is a discussion of plagiarism as it has evolved in colleges and universities, from its roots in the eighteenth century through contemporary case studies. Chapter Four is an analysis of plagiarism as it has evolved at the secondary level, from its roots in “cribbing” and “telling” to modern high-stakes testing. Included in this chapter are the concept of third-party plagiarism and an examination of the factors that contribute to endemic plagiarism in pre-university education. Chapter Five explores the commercial traffic in essays before the internet, and institutional responses to the term paper industry. Chapter Six identifies the technological challenges posed by commercial traffic in term papers in the age of the computer, and an academic challenge to the concept itself by postmodern theorists. This thesis concludes both that neither challenge warrants reconsideration of the established view that academic plagiarism is unacceptable, and that the “false claim of credit” definition is sufficient to meet future challenges.

Acknowledgements

When I began my doctoral studies the School of Education at Dalhousie was in the throes of its final year, a victim of the Halliwell Commission's recommendation that the number of Nova Scotia institutions preparing teachers be reduced by three. Despite the convulsions which accompanied the termination of the program my extraordinary supervisor, Robert Bérard, and the other members of my committee, William Hare and Stuart Semple, selflessly stood by me, and continued to do so even after all three had left Dalhousie for other universities. Joseph Murphy, for whom I had years before written the essay which contained the germ of this thesis, also continued to take a keen interest in its progress, and stepped in to complete my committee when Dr. Semple could not continue. Their guidance and support have been essential to the development and completion of this text, and its shortcomings have persisted only because I failed to heed some of their recommendations.

During this diaspora Eric Ricker, who assumed responsibility for winding up the School of Education's affairs, was a bulwark of encouragement and optimism, and kept me going despite the occasional setbacks that inevitably beset doctoral studies. Dr. Ricker also persuaded Dean Peter Ricketts to award the scholarship that made possible a year's leave from employment, for which I am grateful to both.

Two long-time friends contributed materially to this thesis. Joe Pollender, Reference Librarian at Palmer & Dodge, repeatedly located legal references, case law, and state legislation that I had struggled to find, and even (as a point of professional pride, I think) tracked down such unexpectedly obscure materials as the *Steve Roper & Mike Nomad* comic strips mentioned in Chapter Five. His patient assistance and persistence were instrumental in the completion of my research. David McLoughlin, who never met a sentence of mine that could escape unscathed, subjected a number of drafts to his relentless eye for detail. If

obscurities in expression or errors in syntax have survived into this version, it is no fault of his: his careful reading caught a great many typographical and other mistakes, including one major gaffe in which the concluding sentence of an important paragraph flatly contradicted the topic sentence.

Others friends also paid the price of my acquaintance during the preparation of this dissertation. Michael DuBroy, Brenda McLoughlin, Leigh Rader, and Tim Shaw were all subjected to long discussions about the nature of plagiarism, and each helped me better understand its complexities. Kate McMullan kept me apprised of events at Dartmouth by sending *Valley News* articles covering the CS4 scandal. Margaret Smith kindly attended a conference presentation of mine, and afterward made cogent observations which helped focus the chapter on secondary schools. Robert Merriam generously gave up an afternoon to discuss prep school and collegiate teaching and discipline from the 1940s through the 1970s, and explained in detail developments at Deerfield and Dartmouth.

The staff of Dartmouth College's Baker Library sets the standard for all others in terms of public service. I am especially grateful to Sue Mercoulier, Anne Ostendarp, and the staff of Rauson Special Collections for their hospitable and occasionally miraculous assistance. Cathy Jacob, Assistant Archivist at the University of Wisconsin—Madison, was especially helpful during my visit there to investigate the 1972 term paper mill problem. In Hartford, Connecticut, archivist Peter Knapp generously helped me trace the strange history of the Honor Code at Trinity College, despite his own impending deadlines. My research at Yale University's Sterling Library was assisted by Nancy F. Lyon, William R. Massa, Jr., Danelle Moon, and the staff of the Manuscript and Archives division. Jennifer Pascarella, paralegal in the office of Boston University General Counsel Robert Smith, provided me with access to materials pertinent to B.U.'s

1997 lawsuit, while at Special Collections Katherine Kominis both brought to my attention a treasure trove of material about the Joachim Maitre case, and copied for me the committee report on Martin Luther King, Jr.'s dissertation. Edouard Desrochers kindly provided access to eighty years of student handbooks in the Phillips Exeter Academy archives, and Elaine DeVoss of the Loomis Chaffee School's Katharine Brush Library helped orient my internet search and obtained several obscure titles for me.

Archivist Suzanne Dubeau was my first contact at York, and helped advance my research by alerting me to key materials, suggesting fruitful lines of enquiry, and helping arrange interviews with others. During my visit to York Mark Webber was exceptionally generous in sharing his material as well as his morning, and arranged for Marla Chodak to join us for a review of those events. Shirley Katz rescheduled a meeting to accommodate my awkward travel schedule, stayed late discussing the central issues of the case with me, and kindly provided me with copies of pertinent materials. Detective Graham Hanlon at 31 Division and Sergeant Brian Dickson at 21 Division, Metropolitan Toronto Police (now the Toronto Police Service), kindly put other work aside to meet with me to discuss the police operation against Custom Essay Service. Barry Fox, who represented the Sims in that case, generously provided copies of agreed facts which were submitted in that case, as well as of his arguments on points of law. Julie Kirsh at the *Toronto Sun* provided copies of that newspaper's vertical file on the case, which spared me hours of reading microfilm looking for that material. My research was also advanced by President Tom Traves of Dalhousie University (who had been Dean at York during the CES campaign), who kindly agreed to an interview on little notice and at an inconvenient time. The assistance of all these was especially important because court records of the case were purged years ago, and neither Custom Essay Service nor the Council of Ontario

Universities would help in any way.

Susan Bartkiw (who several times dropped everything to discuss developments with me, and who generously provided several key references), Michael E. McCulloch, Margaret McKown, Lynn Snowden, and the staff of the University of Toronto Archives all went out of their ways to answer questions about historical and current regulations at the University of Toronto, as well as patterns of student behaviour and institutional response. My expeditions to Toronto were always supported by the kind hospitality of my parents-in-law, Joseph and Kathleen McBride, who endured several flying trips characterized by short notice, irregular hours, and cantankerous company.

No one with a family to support manages to complete a Ph.D. without a means of earning a living which somehow accommodates the demands of the doctoral program. At The Forman School, Headmaster Peter Henry generously gave me the release time I needed to complete my coursework and begin the research which has culminated in this thesis, and provided encouragement and support throughout. School administrators rarely value staff scholarship, but Peter was a rare headmaster. In this past year, Anthony Biegler has also been both understanding about the need to write despite a host of other pressures, and supportive of my efforts.

There are long-term debts to be acknowledged, too. Bryce Lambert, who taught my junior English class at Deerfield Academy, not only awakened my interest in plagiarism but taught me the difference between shoddy work and good. At the University of Toronto Richard Toporoski (whose remarkable classes rejuvenated my spirits, saved my B.A., and made possible my admission to graduate work), W. J. Eccles, and the late Angus Cameron pulled me out of my undergraduate lethargy and motivated me to pursue scholarly projects. During my early graduate work in the Master of Arts in Liberal Studies program

at Dartmouth, I had the privilege of working with Calvin Martin, who not only encouraged my work but went to great lengths to create opportunities for me. The research begun under his tutelage came to fruition under the editorial direction of James A. Clifton, whose confidence and encouragement I deeply appreciate.

Michael E. Buerger of Bowling Green State University helped in innumerable ways to keep this thesis (and its author) moving forward: by making a number of timely and useful suggestions, including the criminal justice taxonomy of intent; by keeping me apprised of events in academe through his network of colleagues; by sending along relevant articles from such disparate sources as the Northeastern campus newspaper and the *Toledo Blade*; by reading drafts in various states of disarray; and by keeping my nose to the grindstone by periodic reminders of the invaluable mantra, "it doesn't have to be perfect, it just has to be done." Without his example and support I never would have finished.

My greatest thanks of all must go to my wife Paula (a lawyer and librarian who has both helped keep me from error and read more of my writing than anyone should have to endure) and our sons Colin, Brendan, and Ian, who have lived with my plagiarism incubus for seven years (and with me for even longer). Their forbearance and encouragement have been the *sine qua non* of this entire undertaking.

Introduction

This started out as a B.Ed. essay about plagiarism in secondary schools, and got a little out of hand.

I have been aware of plagiarism for more than thirty years, though I learned even earlier that to turn in work which is not one's own is *verboten*. In junior high a satirical poem of mine, which owed its metre and closing couplet to one which graced the pages of MAD magazine, found itself in the local paper—unexpectedly submitted to those august pages by the well-meaning teacher to whom I had shown it for an opinion. No one detected it, but I was (and remain) mortified. Two decades later, in quite a different context, I found that my own work on the ersatz dauphin Eleazer Williams had been shamelessly lifted without attribution by a tenured scholar with whom I had once shared a panel discussion. To make an issue of it was beyond my means at the time, but I was (and remain) disgusted. In between, and probably nearer the source of the interest which culminates in this dissertation, a remarkable high school English teacher piqued my curiosity (and taught me much about scholarly writing) by waging an effective pre-emptive campaign against plagiarism.

During my own teaching career I encountered several different varieties of plagiarism in the work of my students, ranging from the blatant (one such was merely a photocopied worksheet with the name of the original author whited-out and overwritten) to the impudent (such as the eight identical essays that I received from pupils in my Canadian History class¹). As an administrator I have been involved in developing, explaining, applying, and defending academic honesty policies in both public and independent schools, but even so I suspect that my store of anecdotes pales in comparison to those of experienced colleagues whose whole careers have been spent in the classroom. Virtually

¹ I marked the paper, and gave each student one-eighth of the grade. Even were I inclined to handle the situation in the same way today, my hands would probably be tied by a more prescriptive policy. In those days teachers had far greater latitude to deal with such issues.

every teacher has a tale (or many) to tell about academic dishonesty, and experience has taught me that even the most outrageous must be considered plausible until proven otherwise.

“The Owl and the Plagiarist,” then, is the result of a long and sometimes idiosyncratic interest in student plagiarism. It seeks to help arrest the fragmentation and marginalization of an important academic principle, and to provide the foundation for a renewed understanding of what once was simple enough and broadly understood: that no student should claim or receive credit for work which is not his own.

* * *

The origins of the concept of plagiarism are not academic, but rather artistic and commercial. In the classical world it was more a lapse of taste than a sin against intellectual rights, and even when authors began to turn their hands to the written word as a means of subsistence, property rights and commercial considerations were paramount. For centuries plagiarism had an existence quite independent of the academy (not until the eighteenth century do we find traces of plagiarism as an academic sin), and it continues to do so today. This parallel plagiarism has influenced academic plagiarism for some time, but most especially in recent times as postmodernists and other apologists cite irrelevant examples from other walks of life to justify what is, at the end of the day, simply an exercise in falsely claiming credit for work which is not one's own.

Thus Chapter One, “In the Public Eye,” undertakes to sketch plagiarism outside academe, from its origins through famous controversies (such as those which touched Gibbon and Poe) to the present day. Particular attention is paid to developments in the last quarter-century and especially to those in the last decade. Included in this discussion are recent controversies such as that which swirled around Martin Luther King, Jr.'s dissertation (a politically charged issue

in 1991), the film *Amistad*, and the work of historians Stephen Ambrose, Joseph Ellis, Doris Kearns Goodwin, and Stephen Oates.

Chapter Two, “The Trackless Wastes of Theory,” examines academic plagiarism, rejects the inaccurate metaphors that have confused the discussion, and suggests a unifying principle which may be the basis for conceptual agreement on definition: that plagiarism is the false claim of credit. This chapter argues for a far broader application of the term plagiarism because of this straightforward definition, so that “cheating” and other forms of malfeasance are brought together as varieties of plagiarism. Also presented is a value/credit paradigm, which maintains that a paper, project, or test has no worth except as a receipt attesting that a student has received the learning value inherent in the assignment. Credit is recorded by the instructor only when a student presents a valid receipt for work done and value received; a plagiarized assignment—which is a fraudulent receipt—earns no credit. This intent-neutral standard does not preclude disciplinary action when proof of intent is manifest, but nullifies the most common rationalizations for plagiarism in academic work (which are also discussed).

Chapter Three, “In the Groves of Academe,” discusses plagiarism within the university setting, from its origins in the eighteenth century to contemporary scandals at famous universities. Evidence of plagiarism is found in university rule books, administrative documents, student newspapers, and the mainstream press. Yale, Dartmouth, Virginia, Toronto, and the American service academies are among the institutions that receive detailed attention in this chapter. Included in this discussion is the wide range of institutional culpability, from general indifference to near-entrapment to the athletic tutoring scandals at Minnesota and Tennessee.

Chapter Four, “Homework and Projects and Tests, Oh My!” considers

plagiarism at the secondary level, beginning with its origins in the “cribbing” of the old classical curriculum in independent schools and the “telling” of the recitation-based curriculum in public schools. Included in this discussion are the relationship of secondary education to the expectations of universities, and the vexing question of third-party plagiarism, which is increasingly significant in this era of high-stakes testing.

Chapter Five, “Pens for Hire,” assesses the commercial trade in academic work, from the “ghostwriting” industry of the 1930s through the term paper mills’ heyday of the mid-1970s. The investigative reporting of Alex Benson in 1961 receives close attention, as do the institutional responses of the University of Wisconsin at Madison in 1972 and York University in 1989. Included in this discussion are legislative and judicial attempts to curb the traffic in bogus essays.

Chapter Six, “Contemporary Challenges,” addresses the technological and theoretical challenges to the concept of plagiarism: the internet and postmodernism. The internet represents a quantitative rather than qualitative change in the commercial term paper industry—while the means of delivery have been modernized, the nature of the transaction has not changed—but the very increase in access to material which can be plagiarized conveniently must be acknowledged. Just as more material is readily accessible than ever before, so too have the means of detection been modernized; current anti-plagiarism measures (and their legal implications) are discussed in this chapter.

The theoretical challenge is led by the postmodernist Rebecca Moore Howard, who dismisses plagiarism as a “gendered” concept based on invalid assumptions of property rights. This view, and its associated criticism of the academy as a reactionary establishment which constructs abstruse gatekeeping measures to exclude less privileged or more collaborative “others,” are considered, and rejected.

* * *

A few words about usage are in order.

During the course of this work I have had to deal with a great number of ancillary issues, some of which are dealt with in the text, others (with a pang of regret) not at all, and some in footnotes. Among the principal systems of notation, footnotes are best, allowing the writer to explicate a point as well as indicate a source. Endnotes are inconvenient and unsatisfactory; and the APA's parentheses intrusive and unhelpful. Both endnotes and the APA's parenthetical abomination are anachronisms dating to the era when scholars dependent upon typewriters found it onerous to gauge the amount of space required at the bottom of a page for footnotes. In this era of software which automatically adjusts text we can dispense with these ugly and unscholarly methods of citation, and return to the handy and versatile footnote. I have done so in this thesis.

In keeping with traditional usage, the masculine pronoun is employed when reference is made to a hypothetical or representative individual. This does not imply that all students (or even all plagiarists) are male, or that females are not included in this discussion; it is merely a long-established convention used here for simplicity and clarity.

The alert reader will note that this thesis sometimes uses American and at other times Canadian spelling. I hope that the American usage appears only in quotations from American sources.

Finally, this thesis was prepared on a Macintosh computer using first the ClarisWorks application and then its successor, AppleWorks. The text is set in 12-point Palatino type, with footnotes in 10-point Palatino.

Chapter One

In the Public Eye

Plagiarism is as old as literature.¹ Homer and his contemporaries borrowed from older sources, and later authors in turn borrowed copiously from Homer and his contemporaries, with satisfaction all around. According to H. O. White, the Greco-Roman tradition placed a premium on borrowing:

[T]he classical theory of literary production... encourages imitation, avoids independent fabrication, and holds the subject-matter of literature as common property. But it insists that imitation is not enough, and demands that individual originality be shown by choosing and using models carefully, by reinterpreting borrowed matter, and by improving on those models and that matter.²

Only those who simply claimed the unimproved work of others as their own were reviled, for “[a]ttempts to conceal indebtedness [we]re flagrant violations of the classical principles that imitation is a matter to be proudly avowed, and that the imitator should write in open rivalry of his models.”³ The most famous of these outright thieves stole from the Roman poet Martial, who first applied the word *plagiarius* (kidnapper) to the robber and thus gave posterity our word for literary theft.⁴

The bardic tradition of the Middle Ages followed a similar course of individually interpreted versions of well-known themes, though it is doubtful if the bards themselves would have articulated a philosophy for their

¹ H. M. Paull, in fact, goes so far as to claim that “[t]he history of plagiarism is indeed the history of literature.” *Literary Ethics: A Study in the Growth of the Literary Conscience* (London: Thornton Butterworth Ltd., 1928): 103.

² Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 18.

For a more geographically and culturally diverse discussion of the development of plagiarism as a concept, see Carla Hesse, “The rise of intellectual property, 700 B.C.-A.D. 2000: an idea in the balance,” in *Daedalus*, Spring 2002: 26-45.

³ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 16.

⁴ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 16. The original reference is in Martial’s *Epigrams*, i, 53.

appropriations of material.⁵ While there is a tradition that Saint Columba was rebuked for copying without permission a psalter which belonged to his abbot Finnian,⁶ there is no known example of a charge of plagiarism being laid against an artist during this period.

During the Renaissance the classical model of imitation improved by originality was consciously reasserted on the Continent in the sixteenth century,⁷ culminating in “the appearance of an English critical canon, [in which] the ancient insistence on the individual contribution was asserted as a cardinal point.”⁸ It is important to note, however, that “[n]ot only were Englishmen from 1500 to 1625 without any feeling analogous to the modern attitude toward plagiarism; they even lacked the word until the very end of that period.”⁹

The origins of our own idea of plagiarism as blameworthy are subject to debate. According to Maurice Salzman, the crucial change was the invention of the printing press in the fifteenth century, which made it possible for writers to contemplate the commercial distribution of their work.¹⁰ Thomas Mallon considered that the origin of modern sensitivity about ownership of words

⁵ For a good introduction to this subject see Roger Sherman Loomis, *The Grail from Celtic Myth to Christian Symbol* (London: Constable and Company Ltd., 1992; first published 1963): 8-12. White skips over this period except for one brief, unsubstantiated reference: “The Middle Ages adopted [classical] theory in an imperfect form, burying [safeguards for originality] beneath an overwhelming reverence for authority.” Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 201.

⁶ Maurice Salzman, *Plagiarism: The “Art” of Stealing Literary Material* (Los Angeles: Parker, Stone & Baird Co., 1931): 12-14. Salzman cites as his sources for the story George Haven Putnam, *Books and Their Makers in the Middle Ages*, and Bowker, *Copyright, Its History and Law*, but I have found neither reference.

⁷ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935):19-37. This philosophy was still being espoused in the twentieth century; see W. A. Edwards, *Plagiarism: An Essay on Good and Bad Borrowing* (Cambridge, UK: The Minority Press, 1933).

⁸ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 201.

⁹ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 202.

¹⁰ Maurice Salzman, *Plagiarism: The “Art” of Stealing Literary Material* (Los Angeles: Parker, Stone & Baird Co., 1931): 10-11.

coincided with the emergence of writing as a profession (“plagiarism didn’t become a truly sore point with writers until they thought of writing as their trade”¹¹), which he dates to the early seventeenth century. Filling the gap between these is White’s discussion of the sixteenth century, during which writers abused each other with vigour and vitriol without placing any premium on originality beyond that espoused in classical sources.¹²

White identified Sir Philip Sidney¹³ as the first English writer to theorize about the role of originality, but noted that Sidney and his contemporaries “up[h]eld imitation, rightly understood, as not only proper but praiseworthy and even essential.”¹⁴ According to White, in the seventeenth century “[t]he test of originality [wa]s the degree of reinterpretation, of individualized transformation achieved by the author,”¹⁵ with the gentle praise or withering scorn of his peers riding on the result. At the end of that century came Thomas Churchyard, whose “neurotic territoriality”—Mallon’s phrase¹⁶—seemed a strategy designed to award him laurels as the only honest writer, since his limited ability handicapped him in the more conventional methods employed by more successful rivals.¹⁷ Though perhaps “a bit mad,”¹⁸ Churchyard was the first

¹¹ Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 3-4

¹² Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): Chapter II, “The Theory of Imitation Before Sidney,” 38-59.

¹³ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): Chapter II, “The Theory of Imitation from Sidney to Jonson,” 60-119.

¹⁴ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 78.

¹⁵ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 112.

¹⁶ Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 5.

¹⁷ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 115-118.

¹⁸ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 116.

certain anti-plagiarist of early modern times. His contemporaries, however,

opposed only what classical critics had pointed out as incorrect: piracy, secrecy, perversity, servility, superficiality. And of all those who demanded originality of invention, not one used the term in its modern sense of individual fabrication. All sought originality just as classical critics declared it should be sought: through individual adaptation, reinterpretation, and, if possible, improvement of the best which each writer could find in the literature of his own and earlier days.¹⁹

Only around the turn of the seventeenth century did the word “plagiarism” enter the vocabulary of English writers.²⁰

In the early seventeenth century accusations of plagiarism (by name or not) multiplied, which may have as much to do with the proliferating corpus of English writing available for appropriation as with changing artistic sensibilities. White implied that ability was the chief factor distinguishing Ben Jonson from the literary thieves he excoriated,²¹ but it seems likely that the increasing number of vernacular writers who lacked the ability to read classics fluently made more accessible works the prime target for literary thieving.

Certainly tastes were changing. Both Richard Burton’s *Anatomy of Melancholy* (1621) and Izaak Walton’s *Compleat Angler* (1653) made efforts to acknowledge miscellaneous indebtedness.²² By the middle of the seventeenth century “ambivalence about [plagiarism] had given way to scornful opprobrium,” and before the century was out both Dryden and Milton had been accused of plagiarism.²³ This transformation was neither a steady nor a smooth

¹⁹ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 119.

²⁰ Use of the term resumed with Joseph Hall in 1598 (White, pp. 120-124; Paull gives 1597 as the date, p. 102). Ben Jonson’s 1601 use of *plagiarism* is also cited (Concise OED, p. 932; Mallon, p. 6).

²¹ Harold Ogden White, *Plagiarism and Imitation during the English Renaissance* (Cambridge, MA: Harvard University Press, 1935): 128-129.

²² Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 6-7.

²³ Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 8.

one, however. L. J. Rosenthal explored the conflicting standards of attribution which obtained during the seventeenth century, and concluded that “the difference between legitimate and illegitimate forms of appropriation often [had] less to do with the amount of text repeated than with the identity of the author.”²⁴ Indeed, inconsistent application of the concept of intellectual property and ineffective means of redress made possible the depredations which led to demands for, and the eventual appearance of, copyright protection for authors.

That appearance occurred in 1709, when the Statute of Queen Anne gave writers their first legal recognition of the ownership of literary property—copyright protection. In large measure because of the creation of copyright, greater attention was paid to the question of authorship in the eighteenth than in preceding centuries. The detection of plagiarism became less a matter of personal vendetta and more a matter of scholarship than in the days of Sidney and Jonson, though as early as 1750 such efforts earned an evil name when fabricated evidence tainted great reputations. Perhaps because of his unwitting involvement in William Lauder’s accusation of Milton,²⁵ Samuel Johnson addressed the issue of plagiarism with mixed emotions: while he recognized plagiarism as a form of perfidy, he urged caution in levelling accusations.²⁶ By the end of the century the denunciation of plagiarism (real and imagined) had become a tiresome exercise, and exposers like John Ferriar did well to tread lightly.

²⁴ Laura J. Rosenthal, *Playwrights and Plagiarists in Early Modern England: Gender, Authorship, Literary Property* (Ithaca, NY: Cornell University Press, 1996): 4 and *passim*.

²⁵ William Lauder, *An essay on Milton’s use and imitation of the moderns, in his Paradise Lost* (London: J. Payne and J. Bouquet, 1750), was exposed so quickly that the retraction appeared in 1751. This was an embarrassment for Samuel Johnson, who wrote the preface to the book and subsequently forced Lauder to publish the retraction. I am grateful to Ximenes Rare Books in Kempford, Gloucestershire, for this reference.

²⁶ Samuel Johnson, in (respectively) *Adventurer* 95 (1753) and *Rambler* 143 (1751). See Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 10-11.

The object of Ferriar's pursuit was Laurence Sterne, the English literary world's first problematic plagiarist, whose *Tristram Shandy* contains a number of obvious plagiarisms from (among others) Burton's *Anatomy of Melancholy*. Ferriar patiently identified these, but his efforts have generally been dismissed as having failed to comprehend Sterne's wit—as having missed the joke. Sterne's supporters suggest that his blatant plagiarisms were intentional invitations to appreciate a clever reference, though Mallon makes a convincing case that this rationalization can be applied to few of Sterne's purloined passages.²⁷

This reaction among Sterne scholars to Ferriar's and subsequent denunciations of *Tristram Shandy* is of interest, because excuses frequently are made when an admired writer is accused of appropriating someone else's work. While there is no lack of material on the psychology of the plagiarist, the psychology of the apologist has thus far received little attention, notwithstanding suggestive consistencies over time. The assertion that Ferriar did not appreciate Sterne's wit, for example, anticipates the claim by Stephen B. Oates's defenders that Robert Bray did not understand the genre of popular biography (of which more below). Partisanship is as much a feature of the literary and academic worlds as it is characteristic of the political sphere, and few points of contention are as partisan as the suggestion of plagiarism.

The Emergence of the "Literary Conscience"

Both the proliferation and the sophistication of accusations show that by the end of the eighteenth century we can speak of "the literary conscience." The best survey of its development (replete with scores of examples) is provided by H. M. Paull, who identifies the principal forms of fraud in the world of letters as

²⁷ For the best discussion of Ferriar's exposure of Sterne, see Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 15-20. His discussion of Sterne runs through p. 24.

theft, piracy, forgery, and plagiarism.²⁸ Of these four crimes against intellectual property the first two are the most easily confused; Paull distinguishes between them by using “theft” to describe one writer baldly claiming as his own an entire work written by another (pieces published anonymously or under pseudonyms were particularly vulnerable to such poaching). Piracy, while equally larcenous, is commercial rather than intellectual in nature—Paull notes that “[i]n the seventeenth century the thief was not so often the literary man as the bookseller (publisher)”²⁹—as it involves using an author’s name to sell the author’s book without allowing the author any share of the proceeds. This form of stealing was particularly rife during the nineteenth century and was the greatest single impetus behind the Berne Convention on International Copyright.³⁰

Forgery is plagiarism stood on its head, with the actual writer claiming for his work the authorship of another to provide it with status, or a ready audience. In the late eighteenth century Thomas Chatterton’s bogus medieval works by “Rowley” and James Macpherson’s “Ossian” poems enjoyed a tremendous vogue before being exposed, and in the nineteenth century *Vortigern*, a counterfeit Shakespeare play by William Henry Ireland, opened to great

²⁸ H. M. Paull, *Literary Ethics* (London: Thornton Butterworth, Limited, 1928): chapters I-IX.

²⁹ H. M. Paull, *Literary Ethics* (London: Thornton Butterworth, 1928): 14. Paull’s implication that the passage of copyright laws solved this issue is problematic. For nineteenth century struggles between authors and publishers, see James Hepburn, *The Author’s Empty Purse & the Rise of the Literary Agent* (London: Oxford University Press, 1968), chapter II.

³⁰ A good layman’s introduction to copyright is in Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 95-104. Salzman includes a chapter on it: 7-21, as does Paull: 166-170. Mallon briefly addresses the issue: 39-40. For a thorough if dated guide to the subject for professional writers, see Philip Wittenberg, *The Protection and Marketing of Literary Property* (New York: Julian Messer, Inc., 1937).

excitement before the fraud was discovered.³¹ Paull was familiar with the activities of all three men, though he was unaware that, even as he was writing *Literary Ethics*, T. J. Wise was fabricating the nineteenth-century pamphlets which would eclipse the records of all other known forgers.³² Even in more recent years, episodes such as the purchase of the spurious "Hitler's diaries" by prominent journals (and their "authentication" by Hugh Trevor-Roper) should remind us that our own age is not proof against the depredations of plausible rogues.³³

Of the fourth transgression, Paull concedes that even today "[t]o define plagiarism is not easy,"³⁴ and his discussion of eighteenth- and nineteenth-century practices shows how the literary world struggled with the limits of acceptable appropriation. One of the ironies is that some of those who were the most vociferous in their denunciation of plagiarism were themselves among the grossest plagiarists.³⁵

During the late twentieth century, fabrication of sources as well as

³¹ The most famous literary forgers were Thomas Chatterton, specialist in bogus medieval materials; William Henry Ireland, author of *Vortigern* and other works putatively by Shakespeare; and T. J. Wise, manufacturer of scores of spurious pamphlets. Bibliographies of these are extensive, but a good introduction is Anthony Grafton, *Forgers & Critics: Creativity and duplicity in western scholarship* (London: Collins & Brown, 1990). Many scholarly works on forgery deal instead with the visual arts, and are inclined to consider artistic forgery the most significant abuse of intellectual property (e.g., Denis Dutton, "Plagiarism and Forgery," in *The Encyclopedia of Applied Ethics*, volume 3 [New York: Academic Press, 1998]: 503-510).

³² For the fullest explication of T. J. Wise's career, see Wilfred Partington, *Forging Ahead: The True Story of the Upward Progress of Thomas James Wise, Prince of Book Collectors, Bibliographer Extraordinary, and Otherwise* (New York: G. P. Putnam's Sons, 1939).

³³ See Robert Harris, *Selling Hitler* (New York: Pantheon Books, 1986). There was even plagiarism within the forgery; one of "Hitler's" poems was identified immediately as a plagiarism of a 1936 work by a known author, which nearly led to the exposure of the entire fraud (p. 135).

³⁴ H. M. Paull, *Literary Ethics* (London: Thornton Butterworth, Limited, 1928):102; chapter IX is entirely devoted to this discussion.

³⁵ Charles Reade, for example, led the campaign to protect French plays in *The Eighth Commandment* (Boston: Ticknor and Fields, 1860), but Mallon shows him to have been a prolific plunderer of those very works. Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 41-88. See also Mallon's discussion of Coleridge, 26-37.

substance has become the fifth sin. (This will be discussed in due course below.) Paull, however, was concerned with a world in which invention was the basis of production, and thus did not anticipate the emergence of this kind of academic and journalistic fraud.

This is not to say that academic writers were immune from being raked over the critical coals. The great historians of the eighteenth century were men of letters, and both as writers and as scholars they were liable to accusations of inappropriate practices. The most significant of these is the case of Edward Gibbon, whose watershed *Decline and Fall of the Roman Empire* transformed historical writing.

The Historians, Part I

Gibbon, who was prepared to be attacked for having “connect[ed] the progress of Christianity with the civil state and revolutions of the Roman Empire,”³⁶ was stung by the criticism of Henry Edward Davis, who “prosecutes [his] attack through an octavo volume of not less than two hundred and eighty-four pages with the same implacable spirit; perpetually charges his adversary with perverting the ancients, and transcribing the moderns; and, confidently enough, imputes to him the opposite crimes of art and carelessness, of gross ignorance and wilful falsehood.”³⁷ The attack hit home because Davis struck at Gibbon not for his controversial thesis but for his scholarship: “Had he confined himself to the ordinary, and indeed obsolete charges of impious principles, and

³⁶ Edward Gibbon, “A VINDICATION of Some PASSAGES in the Fifteenth and Sixteenth Chapters of the *History of the Decline and Fall of the Roman Empire*” in *Miscellaneous Works of Edward Gibbon, Esquire, with Memoirs of His Life and Writings, Composed by Himself: Illustrated from his Letters, with Occasional Notes and Narrative, by John Lord Sheffield*. In Two Volumes. Vol. II. (London: Printed for A. Strahan, and T. Cadell Jun. and W. Davies, (successors to Mr. Cadell,) in the Strand. MDCCXCVI): 552.

³⁷ Henry Edward Davis, Preface, *An Examination of the Fifteenth and Sixteenth Chapters of the History of the Decline and Fall of the Roman Empire* (London: J. Dodsley, 1779): iii, quoted in Edward Gibbon, “A VINDICATION of Some PASSAGES...: 551. I have been handicapped in this discussion by having to work solely with quotations from Davis’s *Examination* which appear in Gibbon’s reply.

mischievous intentions, I should have acknowledged with readiness and pleasure that the religion of Mr. Davis appeared to be very different from mine....” Instead, although he had resolved to leave the matter to the court of public opinion rather than answer his many critics, Gibbon found himself “compelled... to give an answer to [Davis’s] *criminal Accufations*.”³⁸

Davis’s pamphlet is of particular interest because of the nature of his critique, as well as the prominence of his target. For the first time an eminent scholar was publicly impugned for being too casual about citations, and for the first time the integrity of a major work of scholarship was called into question on the grounds of questionable academic practice. These criticisms, as one might expect, also led to the first major refutation of a charge of academic misconduct.

Although Davis attacked more than footnotes, Gibbon seized on criticism of his citations to launch a long defence of the work in general, which is worth quoting at length:

I have confessed that a critical eye may discover *some loose* and general references; but as they bear a very *inconsiderable* proportion to the whole mass, they cannot support, or even excuse, a false and ungenerous accusation, which must reflect dishonour either on the object or on the author of it. If the examples in which I have occasionally deviated from my ordinary practice were specified and examined, I am persuaded that they might always be fairly attributed to one of the following reasons. 1. In *some rare* instances, which I have never attempted to conceal, I have been obliged to adopt quotations, which were expressed with less accuracy than I could have wished. 2. I may have accidentally recollected the sense of a passage which I had formerly read, without being able to find the place, or even to transcribe from memory the precise words. 3. The whole tract (as in a remarkable instance of the second apology of Justin Martyr) was so short, that a more particular description was not required. 4. The form of composition supplied the want of a local reference; the preceding mention of the *year* fixed the passage of the annals; and the reader was guided to the

³⁸ Edward Gibbon, “A VINDICATION of Some PASSAGES... (1796): 553.

proper spot in the commentaries of Grotius, Valesius, or Goderoy, by the more accurate citation of the original author. 5. The idea which I was desirous of communicating to the reader, was sometimes the general result of the author or treatise that I had quoted; nor was it possible to confine, within the narrow limits of a particular reference, the sense or spirit which was mingled with the whole mass. These motives are either laudable, or at least innocent. In two of these exceptions, my ordinary mode of citation was superfluous; in the other three, it was impracticable.³⁹

It is unlikely that a thesis supervisor would today accept these arguments as a justification for sloppy citations, but neither is there reason to suppose that these were any more convincing then than they sound now. Gibbon's defensiveness, however, strikes a remarkably contemporary note.

As would later be accused, Gibbon lashed out at his accuser ("[Davis] styles himself a Bachelor of Arts, and a Member of Baliol College in the university of Oxford. His title-page is a declaration of war; and in the prosecution of his religious crusade, he assumes a privilege of disregarding the ordinary laws which are respected in the most hostile transactions between civilized men or civilized nations"⁴⁰). By invoking the *auctoritas* of his formidable reputation, Gibbon dismissed the 21-year-old Davis as a presumptuous young man who "undertook to *write* before he had *read*." In the end, Davis and his critique were forgotten, without a blemish on Gibbon's memory.

It should be noted that the discussion of Gibbon's use of sources has been renewed by contemporary literary critics. In his *Impartial Stranger*, the most recent work of scholarship to treat Gibbon's *Decline and Fall*, Peter Cosgrove refers to the historian's "practice of silently citing the sources"⁴¹ and suggests that

³⁹ Edward Gibbon, "A VINDICATION of Some PASSAGES...(1796): 557.

⁴⁰ Edward Gibbon, "A VINDICATION of Some PASSAGES...(1796): 551.

⁴¹ Peter Cosgrove, *Impartial Stranger: History and Intertextuality in Gibbon's Decline and Fall of the Roman Empire* (Newark: University of Delaware Press, 1999): 254.

“he seems too indebted to the materials at hand.”⁴² By the standards of modern scholarship, Davis’s central contention has itself been vindicated.

Historians writing for the literary market were not the only writers who found authorship a contentious issue. The authors of textbooks were also apt to become embroiled in controversy, particularly when market share was at stake. An example is the dispute between Mr. Marcius Willson and Mrs. Emma Willard—which seems to have been waged principally by pamphlet—in which each accused the other of various forms of incompetence and misconduct.⁴³ Nor was plagiarism limited to books; in fact, periodicals (especially newspapers) probably stole material far more often and far more blatantly than the worst of the literary robbers described by Paull and Mallon.⁴⁴

Pulpit Plagiarism

The issue of originality and the sting of a charge of plagiarism were not limited to professional writers; by the beginning of the nineteenth century it had even become an ecclesiastical question. In 1817 the Rev. Hooper Cumming was removed from his position as pastor of the Third Congregational Church in Albany, New York, for plagiarism (“[i]n preaching the compositions of other men, and endeavouring to induce a belief that they were his own”), breach of promise (“not to make so free use as he had done of other men’s labours”) and deliberate falsehood and prevarication (“in denying that he had preached

⁴² Peter Cosgrove, *Impartial Stranger: History and Intertextuality in Gibbon’s Decline and Fall of the Roman Empire* (Newark: University of Delaware Press, 1999): 250.

⁴³ See Emma Willard, “An Appeal to the Public, especially those concerned in Education, against the wrong and injury done by Marcius Willson, in his pamphlet, entitled, ‘Report on American Histories, etc.; published by Mark H. Newman & Co., New York, 1847’” (New York: A. S. Barnes & Co., 1847), and Willson’s “A Reply to Mrs. Willard’s ‘Appeal,’ as lately published by A. S. Barnes & Co.” (New York: Mark H. Newman & Co., 1847).

⁴⁴ For a discussion of magazine writing in this period, including Poe’s campaign against Longfellow, see Ronald Weber, *Hired Pens: Professional Writers in America’s Golden Age of Print* (Ohio University Press, 1997).

[another man's sermon]").⁴⁵ This is of interest both on its own merits, and because of its apparent inconsistency with common clerical practice.

One issue to be settled was whether "public fame did so loudly proclaim the charges as to require the judicial interference of th[e] presbytery"⁴⁶—that is, whether Cumming's plagiarism had created a scandal, or whether his transgressions were sufficiently private that they could be dealt with *in camera*. The Presbytery concluding that their intercedence was justified, Cumming subsequently declared that "he had nothing to acknowledge," insisted on a public trial, and grounded his defence on "persecution."⁴⁷ This defence took the form of countercharges against other ministers, principally that the Rev. Mr. Chester was responsible for "the industrious circulation of reports, injurious to the character of the Rev. Hooper Cumming."⁴⁸

After a lengthy discussion of the definition of slander, Chester's trial began with the defendant's account of apparent plagiarism by Cumming in February 1816. A hundred pages of testimony by scores of witnesses later, the charges against Chester and the other defendant were dismissed outright, and the court then turned its attention to the original charges against Cumming. In large part because of a motion by a delegation from the Third Congregational Church of Albany—since "his faults are plagiarism, and denying the charge when made [; not] intemperance, nor immorality... charity demands

⁴⁵ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; together with the Whole Case of the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 5-6.

⁴⁶ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 7.

⁴⁷ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 9-10.

⁴⁸ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 15.

forebearance"⁴⁹—to return him to his calling, the Presbytery undertook an extensive investigation of Cumming's past. This led to the revelation that Cumming had been sacked by his previous superiors, the Presbytery of New Jersey, for the same offence, in 1814.⁵⁰ The Presbytery concluded that Cumming suffered from "partial derangement"—believed to have been brought on by the shock of his wife's sudden death⁵¹—and refused to reinstate him. The Third Congregational Church appealed to the Synod, which not only supported the Albany Presbytery but also revoked Cumming's status as a minister of the gospel.⁵²

Of particular interest is the Presbytery's discussion of plagiarism, which casts light on the understanding of plagiarism current in the early nineteenth century. In addressing themselves to Cumming's alleged transgression, the Presbytery noted that

...by common consent, it is allowed, not indeed, in printed, but in spoken discourses, to appropriate an incidental thought, or transfer some peculiar expression, without interrupting the unity of the argument, by indicating the source from which it is drawn. It were quite superfluous to refer to Matthew or Isaiah, or to any other writer, either sacred or profane, so universally familiar as to be recognized without such reference; and even where the writers are not familiar, if there be any thing in the matter or in the form of what is taken therefrom, that indicates its transfer, (as is often the case with history and poetry) it were unnecessary to indicate it. Nor is it ordinarily

⁴⁹ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 183.

⁵⁰ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 56-61.

⁵¹ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; together with the Whole Case of the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 186, 195, 212-220.

⁵² *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 254-255.

expected in the discussion of hackneyed subjects, that the materials are original. But even on these subjects, and whencesoever the materials are drawn, it is expected that the fabric into which they are wrought is, and of right it ought to be, unless the contrary is announced, the speaker's own.⁵³

In addition, the Presbytery—in what may be the first known example of a professional body specifically decrying plagiarism by its members—articulated the case against permitting the plagiarism of sermons:

[w]ere it declared allowable by our judicatures, for their members to preach at pleasure... the sermons of other men... the declaration, itself, would inflict a wound, both on literature and religion, deep, lasting, and difficult to heal.

To say nothing of the danger to which the doctrines of our church would be exposed, were her ministers to be allowed, instead of studying the word of God for themselves, to beg, borrow, or, take their discourses ready made from the booksellers shelves, such a license would tend to discountenance industry; to paralyze exertion, and reduce, in the public estimation, so far as sermonizing was concerned, the ignorant and the learned, the diligent and the slothful, the foolish and the wise, to the same unenvied level.... [A]ll that would be required of the licensed [minister] would be, to assume the manner and repeat the language of other men. Though there were no guilt, there would be much degradation in such a state of things.⁵⁴

Having thus raised and dismissed the spectre of permitting plagiarism, the Presbytery went on to make an unequivocal statement about the requirement that clergy preach their own sermons:

So intelligible and so well defined is the obligation imposed on the presbyterian minister to preach his own compositions, that whenever he preaches the compositions of others, he can only absolve himself from the imputation

⁵³ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 133.

⁵⁴ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 131-132.

of deception by an avowal at the time, of the fact. For from the tenure of his office, his auditors have the right to presume, *unless he informs them to the contrary* [italics added], that the discourses he delivers from the pulpit are substantially his own productions, and not the productions of another.... Such is the implied obligation under which every minister in our connection preaches.⁵⁵

The importance of this is underscored by the effect that charges of plagiarism have on the credibility of the minister thus accused:

[T]here are few more cruel or more effectual methods of traducing a minister of the gospel, than by falsely reporting against him, that he preaches not his own but other men's sermons. It tends directly to impeach his talents or his virtue; to weaken his respectability and influence, and render him an object of pity or contempt; it does even more than this, it excites suspicion generally; it tends to embolden the profane, and to lessen men's reverence for religion itself, by lessening their respect for its accustomed teachers.⁵⁶

Nor did the Presbytery restrict itself to the religious sphere; indeed, it made specific reference to

the disgrace every where attached to plagiarism. It sinks the character of an under graduate, and even of a school boy, to attempt to pass off as his own the production of his play fellow. The reason is obvious. It is the duty of every accountable being, to be candid and honest; and an attempt to deceive, under whatever disguise it is made, always crosses our moral feelings.⁵⁷

These passages have been quoted at length because they demonstrate a remarkable appreciation of the range of plagiarism's subtleties. There is an

⁵⁵ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 132-134.

⁵⁶ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 135.

⁵⁷ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; [and] the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 134.

acknowledgement of the difference between the spoken and the written word; an explicit statement about the value of originality; recognition of the professional importance of a practitioner's doing his own work; and explicit references to plagiarism in schools and colleges. Most important of all, there are frequent references to the literate public's expectations, which indicate that by 1818 the concept of plagiarism was broadly understood. Thus Edgar Allan Poe's attacks on Henry Wadsworth Longfellow (among others) in the popular press thirty years later⁵³ were more than cranky columns churned out and recognized as filler; they would have appeared in the context of an informed readership already hostile to plagiarized work.

Also of interest are the tactics employed by Cumming himself in his own defence. He variously attacked his accusers, minimized his transgressions, and explained the similarities of his sermons to others as being the influence of the "large and valuable library [which he had purchased] for the purpose of... improving [himself] by its perusal."⁵⁴ Cumming was also a repeat plagiarist, with a five-year known history of poaching the work of others and presenting it as his own. On all these counts Cumming anticipated the patterns and strategies of many of those accused of similar misdemeanours in more recent times.

Cumming's case stands out because preaching other clergymen's sermons was neither uncommon nor generally unacceptable. In illiterate rural or slave communities, "a highly oral tradition of folk preaching" created a repertoire of

⁵³ For Poe's attacks on Longfellow, see "Mr. Longfellow and Other Plagiarists" (1846?), reprinted in *The Works of Edgar Allan Poe*, volume III (New York: W. J. Widdleton, 1849 and 1865): 292-334. Poe's attacks are analyzed in Kenneth Silverman, *Edgar A. Poe: Mournful and Never-ending Remembrance* (New York: HarperCollins, 1992).

⁵⁴ *Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; together with the Whole Case of the Rev. Hooper Cumming* (Schenectady, NY: Henry Stevens & Co., 1818): 199, and *passim*.

sermons that made the rounds as no man's property.⁶⁰ Even in propertied congregations with seminary-educated ministers it was routine for clergy to lend each other sermons,⁶¹ for sermons to be handed down in a family from one generation of preachers to the next,⁶² and even for borrowed sermons to be handed down in families other than the author's.⁶³ What brought opprobrium upon Cumming was that he helped himself to the published sermons of Toplady and Channing rather than obtaining their assistance through these more acceptable means, or acknowledging his indebtedness.

This fine distinction continues to pertain to pulpit plagiarism. In early 2002 the Rev. Edward Mullins was suspended by his bishop when staff and parishioners complained of ten instances of plagiarism from liturgical Internet sites.⁶⁴ Professional opinion was as divided as the congregation. One charitable colleague recalled Benjamin Franklin's remark when the Rev. Samuel Hemphill faced a similar accusation in 1735 ("I rather approved his giving us good sermons

⁶⁰ Keith D. Miller, "Martin Luther King, Jr., and the Black Folk Pulpit," *The Journal of American History*, June 1991: 121. Miller also refers readers to his own *Voice of Deliverance: The Language of Martin Luther King, Jr., and Its Sources* (New York: 1991), and Bruce Rosenberg, *The Art of the American Folk Preacher* (New York, 1970).

⁶¹ Indeed, John Higham suggests that the seminaries themselves encouraged this practice, by cultivating "a subculture of tacit rhetorical license." John Higham, "Habits of the Cloth and Standards of the Academy," *Journal of American History*, June 1991: 107.

Ministers certainly loaned and swapped sermons in the eighteenth and nineteenth centuries, but to date no useful study of the practice has been published. This phenomenon has been the subject of popular humour into this century; see, for an example, P. G. Wodehouse, "The Great Sermon Handicap," chapter 13 in *The Inimitable Jeeves* (Penguin Books: 1980): 122-141.

⁶² For an example, see the discussion of Gilbert White's sermons in Verlyn Klinkenborg, "From the Pulpit, a Borrowed Word," *New York Times*, 16 March 2002. Online at http://www.nytimes.com/2002/03/16/opinion/_16SAT4.html.

⁶³ Eleazar Williams (the notorious Lost Dauphin) of Green Bay, Wisconsin, for example, preached a sermon written more than fifty years before by Jonathan Ashley of Deerfield, Massachusetts. Its presumed line of descent went through Stephen Williams of Longmeadow (who had been born in Deerfield), and thence through Deacon Ely of Longmeadow, who had taken Eleazar in as a boy and helped him through the first steps of his divinity studies. Eleazar Williams Papers, Neville Muscum, Green Bay, Wisconsin. See also the handing down in the White family of sermons by Isaac Cox, in Verlyn Klinkenborg, "From the Pulpit, a Borrowed Word," *New York Times*, 16 March 2002.

⁶⁴ Danny Hakim, "Clergyman Is Accused of Plagiarism," *New York Times*, 13 March 2002. Online at <http://www.nytimes.com/2002/03/13/national/12SERM.html>.

composed by others, than bad ones of his own manufacture"),⁶⁵ while another brushed this aside by noting that "[c]anned thoughts do not make good sermons.... to write something new every week of their preaching lives is exactly what ministers are called to do."⁶⁶ It may be that this sets too high a bar; another clergyman thought that "if plagiarism of the sort that Ed Mullins is accused of is punishable, there would be no one preaching on Sunday."⁶⁷

Two and a half centuries of ecclesiastical plagiarism thus gives us a range of opinion about the act of presenting a colleague's sermon as one's own. When the work is freely given as a form of collegial assistance; when the sermon is understood to be one of a body of familiar themes; when the quality of the preaching is more important than the originality of the text; or when acknowledgement is made of the source, there appears to be no controversy. When, on the other hand, an expectation of originality is disappointed, or when only the taker is party to the taking, then the borrowing is generally found to be blameworthy, and unworthy of the cloth.⁶⁸

Victorian Times

It is clear that by Victorian times plagiarism had become the basis for outright opprobrium, and as a result was used by writers as a stick for beating

⁶⁵ The Rev. David S. Blanchard, "Secondhand Sermons," Letter to the Editor dated 13 March 2002, *New York Times*, 19 March 2002. Online at <http://www.nytimes.com/2002/03/19/opinion/L19PLAG.html>.

⁶⁶ The Rev. Hugh H. Knapp, "An Honest Sermon," Letter to the Editor dated 17 March 2002, *New York Times*, 23 March 2002. Online at <http://www.nytimes.com/2002/03/23/opinion/L23SERM.html>.

⁶⁷ The Rev. Harry T. Cook, quoted in Danny Hakim, "Clergyman Is Accused of Plagiarism," *New York Times*, 13 March 2002. Online at <http://www.nytimes.com/2002/03/13/national/12SERM.html>.

⁶⁸ "[T]he plagiarism of his spiritual messages causes us seriously to doubt his fitness for the ordained ministry. How can a priest of the church lay claim to a defense of such dubious morality as 'everybody does it' and 'I paid to use those materials?'" Quoted in Danny Hakim, "Clergyman Is Accused of Plagiarism," *New York Times*, 13 March 2002. Online at <http://www.nytimes.com/2002/03/13/national/12SERM.html>.

each other.⁶⁹ In some cases there may have been an element of an unknown writer attacking the reputation of a more famous figure in order to establish his own—Poe’s denunciations may belong to this category—but on the whole the issue seems to have been moral judgment rather than professional jealousy. The fact of the matter is, however, that the identification of plagiarism had become such a commonplace by the latter half of the nineteenth century as to rob the accusation of its moral force:

[T]he air is full of accusations of plagiarism, and the bringing of these accusations is a disease which bids fair to become an epidemic in literary journalism....

With a proper understanding of what is and is not plagiarism, there should go a greater circumspection in bringing the accusation. Plagiarism is the worst of literary crimes. It is theft, neither more nor less. All who desire to uphold the honor of literature, and to see petty larceny and highway robbery meet with their just punishment, are concerned that the charge shall not be idly brought or carelessly answered. But now so often has the amateur literary detective cried “Wolf” that patience is exhausted, and accusations of literary theft have been flung broadcast, until they may be met with a smile of contempt. This is not as it should be. It is contrary to public policy that the literary conscience should become callous.⁷⁰

Become callous it did, however, and by the turn of the century the stream of

⁶⁹ Mallon’s discussion of the plagiarisms of Coleridge and Sterne vividly illustrates this; see Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 12-37. Paull notes that in the nineteenth century “condemnation [of plagiarism] became more decided and general,” and observes that “the pages of various Literary Gazettes and Magazines abound with... exposures.” H. M. Paull, *Literary Ethics* (London: Thornton Butterworth, Limited, 1928): 118.

It should be noted that this goes on still. Perhaps the most striking recent example was the case of “Helen Demidenko”—actually Helen Darville—whose first novel, *The Hand that Signed the Paper*, won prestigious literary prizes in Australia but provoked outrage because of its perceived apologia for Ukrainian participation in the Holocaust. The discovery that Darville had plagiarized a number of passages became an instrument in the hands of those whose principal concern may have been to discredit the work on political grounds. See Andrew Reimer, *The Demidenko Debate* (St. Leonards, Australia: Allen & Unwin, 1996), esp. 190-214.

⁷⁰ Brander Matthews, *Pen and Ink: Papers on Subjects of More or Less Importance* (New-York and London: Longmans, Green, & Co., 1888): 23, 47. In this chapter (“The Ethics of Plagiarism”), Matthews upholds the traditional view that to improve a theme developed by earlier writers is a legitimate use of common property.

denunciation and defence had slowed to a trickle in literary circles.

Twentieth Century Developments

Concern about plagiarism did not enter broad public discourse until the nature of literature expanded to include first cinema, then radio, and finally television. In the twentieth century, infringement of copyright became the public face of plagiarism. The two principal surveys of plagiarism were written by Maurice Salzman and Alexander Lindey⁷¹—both lawyers—and both focused almost exclusively on questions of intellectual property. While Salzman and Lindey distinguished between them,⁷² public discourse discerned little difference between plagiarism and infringement.

The cases which shaped contemporary understanding of plagiarism began with suits in the entertainment industry in the 1920s and 1930s. In *Fred Fisher Inc. v. Dillingham* (1924), Judge Learned Hand held that the eight-note refrain of Jerome Kern's "Kalua," was identical to, and thus violated the copyright of, "Dardenalla," an earlier tune. Hand conceded that the notes could have been plagiarized unconsciously, but held that infringement was not dependent on intent. On the other hand, in *Nichols v. Universal Pictures Corp.* (1930), the same appellate court ruled that superficial similarities between the play *Abie's Irish Rose* (then the longest-running show on Broadway) and the film *The Cohens and the*

⁷¹ Maurice Salzman, *Plagiarism: The "Art" of Stealing Literary Material* (Los Angeles: Parker, Stone & Baird Co., 1931) and Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952).

⁷² "Plagiarism and infringement are not the same thing, though they overlap. Plagiarism covers a wider field; infringement involves more serious consequences. For purposes of plagiarism, the material need not be in copyright; for infringement, it must be. There can be no plagiarism without the thief's posing as originator; infringement may occur even though proper authorship credit is given. The essence of the wrong in either case is the appropriation of the fruits of another's mental labor and skill." Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 2.

Kellys were not sufficient to constitute infringement.⁷³ These cases, each involving popular works familiar to a mass audience, brought plagiarism into the public eye.

Since then there has been a steady stream of well-publicized suits involving equally famous entertainment property, from litigation over the tune "Rum and Coca-Cola" in 1947⁷⁴ to the controversy over Stephen Spielberg's *Amistad* fifty years later. Prominent artists as diverse as the Beatles' George Harrison and Alex Haley, the author of *Roots*, have landed in court, and many have done badly there.⁷⁵

The *Amistad* case concerned the 1997 film about an 1839 mutiny aboard a slave ship of that name.⁷⁶ A month before its release the production was hit by a \$10 million lawsuit filed by Barbara Chase-Riboud, who alleged that Spielberg's *Amistad* script plagiarized *Echo of Lions*, her 1989 novel based on the same incident.⁷⁷ Forming the basis of the suit were several similarities between book and film which were not in the historical record, including the participation of a black abolitionist in the 1839 court case and the personal relationship between former President John Quincy Adams and Cinque, the leader of the escaping slaves.⁷⁸ The press took up the story immediately, with *Time* magazine heading

⁷³ See Gerald Gunther, *Learned Hand: The Man and the Judge* (New York: Alfred A. Knopf, 1994): 321-325. See also Maurice Salzman, *Plagiarism: The "Art" of Stealing Literary Material* (Los Angeles: Parker, Stone & Baird Co., 1931): 82-89. See also Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 157-159 and 191-192.

⁷⁴ *Khan v. Leo Feist*. For an insider's view of the case, see Louis Nizer, *My Life in Court* (Garden City, NJ: Doubleday & Company, 1961): 233-286. Nizer successfully represented the plaintiffs.

⁷⁵ I know of no monograph on the *Roots* controversy, but see Tim Appelo, "News and Notes: Author Alex Haley's Uprooted" in *Entertainment Weekly*, 5 March 1993: 8, and James Kent, "The Arts: Hero who betrayed his roots" in *The Sunday Telegraph*, 7 September 1997: 8, for contemporary coverage. The Harrison case is discussed below.

⁷⁶ For a contemporary review of the film, see Janet Maslin, "'Amistad': The Pain of Captivity Made Real," *New York Times*, 10 December 1997.

⁷⁷ Bernard Weinraub, "Spielberg's 'Amistad' Faces Charge of Plagiarism," *New York Times*, 13 November 1997.

⁷⁸ Weinraub, "Spielberg's 'Amistad' Faces Charge of Plagiarism." In fact the existence of this character was also used by conservative critics to attack Spielberg for blurring the line between history and fiction. See Frank Rich, "Who Stole History?" *New York Times*, 13 December 1997.

its coverage, "Steven Spielberg?"⁷⁹

In response, DreamWorks SKG, Spielberg's production company, counterattacked. They claimed that *Echo of Lions* also included misappropriated passages from *Slave Rebellion* (the novel by William A. Owens which had been optioned for the film),⁸⁰ and apparently hired researchers to comb through Chase-Riboud's own works for evidence of literary theft. When her *Valide: A Novel of the Harem* was found to include passages taken verbatim from a 1936 British book entitled *The Harem*, it made front-page news.⁸¹ Chase-Riboud showed a somewhat elastic understanding of the term when she argued that her borrowings from *The Harem* did not constitute plagiarism because "that book [*The Harem*] is not a novel [but] a nonfiction book which I used as a reference."⁸² She also alleged that the producers were conducting a "smear campaign" against her, which, given the irrelevancy of *Valide* to the *Amistad* suit, seems a justified complaint.⁸³

Chase-Riboud was denied a preliminary injunction blocking release of the film on December 8, and *Amistad* duly opened across the nation four days later.⁸⁴ The judge allowed Chase-Riboud's suit to proceed, but the parties settled out of court on February 9, 1998 and the litigation disappeared as a news item. Whatever the merits of the case, the *Amistad* suit illustrated some of the difficulties of proving plagiarism in the adaptation of a work from one medium to another, particularly when the works in dispute are based on historical events.

⁷⁹ Bruce Handy, "Steven Spielberg?" *Time*, 11 August 1997: 99.

⁸⁰ Bernard Weinraub, "Filmmakers of 'Amistad' Rebut Claim by Novelist," *New York Times*, 4 December 1997.

⁸¹ Margaret Loke, "Writer Who Cried Plagiarism Used Passages She Didn't Write," *New York Times*, 19 December 1997: A1 and A34.

⁸² Quoted in Margaret Loke, "Writer Who Cried Plagiarism Used Passages She Didn't Write," *New York Times*, 19 December 1997: A1.

⁸³ Margaret Loke, "Writer Who Cried Plagiarism Used Passages She Didn't Write," *New York Times*, 19 December 1997: A34.

⁸⁴ Bernard Weinraub, "Judge Rejects Author's Plea to Block Spielberg Film," *New York Times*, 9 December 1997.

In an instance of life imitating art, Chase-Riboud's suit mirrored the events related in Evan Hunter's novel *The Paper Dragon*, which thirty years earlier had recounted the tribulations of a writer attempting to sue a film company for plagiarism.⁸⁵

The growing presence of plagiarism as a subject of popular literature is further evidence that the concept has entered mainstream culture. Paull cites three titles⁸⁶ which base their plots on varieties of plagiarism, and many others have appeared since *Literary Ethics* went to press. Given that ferreting out the original source of a suspicious text is a common element in the discovery of plagiarism, it is not surprising that several of these have been in the detective genre. Rex Stout's *Plot It Yourself* centers around planted evidence of plagiarism in publishing houses,⁸⁷ and J. J. Fiechter's *Death by Publication* features a sinister plot to destroy a reputation through a contrived accusation of plagiarism.⁸⁸ Both Edward Mackin's *The Nominative Case* and Batya Gur's *Literary Murder* place their murderous events in the context of academic jealousies.⁸⁹

On a less homicidal note, David Leavitt's novella "The Term Paper Artist" describes the affairs of a man who writes academic essays in return for homosexual favours.⁹⁰ *Himmelfarb* treats the appropriation by a German anthropologist of his assistant's work in the Amazon,⁹¹ May Sarton's *The Small Room* centres around an incident of plagiarism in a private college,⁹² and Benjamin Cheever's *The Plagiarist* is a thinly-disguised *roman à clef* about the 1943-44 spat

⁸⁵ Evan Hunter, *The Paper Dragon* (New York: Delacorte Press, 1966).

⁸⁶ Anstey's *The Giant's Robe*, Locke's *Tale of Triona*, and Milne's *The Truth about Blayds*. H. M. Paull, *Literary Ethics* (London: Thornton Butterworth, Limited, 1928): 17.

⁸⁷ Rex Stout, *Plot It Yourself* (New York: The Viking Press, 1959).

⁸⁸ J. J. Fiechter, *Death by Publication* (New York: Arcade Publishing, 1993).

⁸⁹ Edward Mackin, *The Nominative Case* (New York: Walker and Company, 1991); Batya Gur, *Literary Murder* (New York: HarperCollins, 1993).

⁹⁰ David Leavitt, "The Term Paper Artist" in *Arkansas* (Boston: Houghton Mifflin, 1997).

⁹¹ Michael Kruger, et al., *Himmelfarb* (New York: G. Braziller, 1994).

⁹² May Sarton, *The Small Room* (W. W. Norton & Co., 1961).

between *Reader's Digest* and *The New Yorker*.⁹³ Nor have books on the theme of plagiarism been undistinguished; *A Frolic of His Own*, William Gaddis's novel about plagiarism and intellectual property,⁹⁴ won the 1994 the National Book Award.

Fictional plot devices are not the only vehicles for plagiarism in contemporary literature. Neal Bowers tracked down the man who had been systematically republishing Bowers' poems under various pseudonyms, and *Words for the Taking*, his book about that process, attracted a good deal of attention.⁹⁵ Periodically, too, major authors have become embroiled over accusations of plagiarism—sometimes with cause,⁹⁶ at other times without result⁹⁷—and these spats now receive immediate attention. Nor have “niche” authors been immune; Richard S. Prather, the originator of the Shell Scott action series, had a number of his books republished under different titles by another man.⁹⁸ In the romance genre the work of Danielle Steele graced the pages of a Spanish writer,⁹⁹ and Janet Dailey admitted plagiarizing the work of rival author Nora

⁹³ Benjamin Cheever, *The Plagiarist* (New York: Atheneum, 1992). For a straight treatment of the original brouhaha, see Thomas Kunkel, *Genius in Disguise: Harold Ross of The New Yorker* (New York: Random House, 1995), especially 284-288. I am grateful to David McLoughlin both for correcting my misunderstanding of this issue and for finding this text.

⁹⁴ William Gaddis, *A Frolic of His Own* (New York: Poseidon Press, 1994).

⁹⁵ Neal Bowers, *Words for the Taking: The Hunt for a Plagiarist* (New York: W. W. Norton & Company, 1997). Bowers' earlier “Plagiarism and Silence” appeared in *The American Scholar* (Autumn 1994): 545-555.

⁹⁶ Mallon describes Jacob Epstein's theft from Martin Amis, which became *Wild Oats* (Boston: Little, Brown and Company, 1979): 89-143. Fifteen years later the poet Stephen Spender took exception to David Leavitt's appropriation of his autobiography as the basis for Leavitt's book *While England Sleeps*. See James Atlas, “Who Owns a Life? Asks a Poet, When His Is Turned Into Fiction,” *New York Times*, 20 February 1994.

⁹⁷ Occasionally the suggestion of plagiarism will disappear. One good example of this involved *Outerbridge Reach*, which was fiercely attacked in the U.K. (though not the U.S.), and which survived. For reflections on this, see Michael Sheldon, “The Hard Road to Damascus,” in *The Daily Telegraph*, 17 October 1998: 7.

⁹⁸ Richard S. Prather brought suit in two states (Florida in 1968; Illinois in 1972) against Jerry Goff, who plagiarized the Shell Scott books wholesale for two different publishers. See *Prather v. Neva Paperbacks, et al.*, and *Prather v. Camerarts Publishing Co.*

⁹⁹ Associated Press, “Spanish Author Blames Self For Error,” *New York Times*, 9 October 2000.

Roberts.¹⁰⁰

Music has had an even broader range of activities muddying the idea of authorship. Classical composers borrowed each other's themes with much the same impunity as classical writers,¹⁰¹ and popular musicians plagiarized just as readily as popular authors. Nearly fifty years after Kern copied "Kalua," for example, George Harrison was held to have plagiarized the Phil Spector tune "He's So Fine" in his "My Sweet Lord"—though, like Kern (with whom he otherwise had little in common), the suggestion was accepted that Harrison's theft was "unconscious."¹⁰² In this context it is important to note that the concept of infringement has now utterly displaced the classical view that themes which have been improved cannot be held to be stolen. Even many of those who stayed on the right side of infringement openly adapted earlier melodies and riffs from composers as disparate as Chuck Berry and Sergei Rachmaninoff,¹⁰³ leaving the extent of their indebtedness for musicologists to determine.

Adaptation taken to its logical conclusion is "sampling," the contemporary phenomenon in which snippets of earlier artists' works are included in new songs by active musicians.¹⁰⁴ There is no intent to deceive in sampling—the listener is expected to be familiar with the older tune, and to appreciate the appropriateness of its inclusion—but the practice blurs the line even though it is closer kin to homage than to plagiarism. Like literary allusion, it is sometimes

¹⁰⁰ See Diane Patrick-Wexler, "Romance Author Admits Plagiarism," *Publishers Weekly*, 1 August 1997. See also "People" in *Time*, 11 August 1997.

¹⁰¹ Michael Walsh, "Essay: Has Somebody Stolen Their Song?" *Time*, 19 October 1987: 86.

¹⁰² *Bright Tunes Music Corp. v. Harrison's Music*, 420 F. Supp. 177 [S.D.N.Y. 1976]. In this case, it was found (on the basis of a "shared... distinctive note progression") that Harrison had unconsciously infringed the Chiffons' "He's So Fine" when he wrote "My Sweet Lord". Almost every article since 1976 on musical copyright refers to the case, but perhaps the most accessible piece on plagiarism in pop music is Michael Walsh's essay, "Has Somebody Stolen Their Song?" in *Time*, 19 October 1987: 86.

¹⁰³ Michael Walsh, "Essay: Has Somebody Stolen Their Song?" *Time*, 19 October 1987: 86.

¹⁰⁴ See Nelson George, *Hip Hop America* (New York: Viking Press, 1999), reviewed by Jonathan V. Last in "An inside look at 'hip hop America,'" *The Washington Times*, January 31, 1999: B7. I am indebted to Tim Shaw and Leigh Rader for this suggestion.

difficult to determine where the line is between what the audience (reader or listener) is intended by the borrowing artist to recognize, and what has been cleverly re-packaged under an intended guise of originality.

Even lip-synching in concert¹⁰⁵—the practice of pretending to sing while the audience hears pre-recorded music—is only the latest in a long line of dubious music-industry practices that have included the notorious Milli Vanilli (“two handsome, talentless dweebs”¹⁰⁶ who were stripped of their Grammy in 1990 when it was revealed that they were merely lip-synching for three studio vocalists¹⁰⁷) and the proliferation of “oldies” bands with the same names as famous groups but no other connection.¹⁰⁸

The Milli Vanilli case is especially worth noting, because it indicates the line between what is acceptable and what is not in an industry in which ethical standards seem particularly elastic. Popular music is known to be heavily produced, with magic in the mixer being as important as the talent of the featured artist: “every song is a collection of tracks laid down by assorted musicians, edited together by producers, and fronted by charismatic performers.”¹⁰⁹ In such a culture, it was not until Milli Vanilli were exposed that the limits of tolerance for dubious credit were identified. The difference between Rob Pilatus and Fab Morvan (the “two talentless dweebs”) and other artists whose sound relies on studio musicians and electronic manipulation was that Pilatus and Morvan deserved no credit at all for the Milli Vanilli sound—they

¹⁰⁵ Mariah Carey lip-synched “The Star-Spangled Banner” at the 2002 Super Bowl because of the importance of getting it right.

¹⁰⁶ In the opinion of the ArtistDirect website, <http://ubl.artistdirect.com/music/artist/card/0,,468485,00.html>.

¹⁰⁷ Ted Friedman, “Milli Vanilli and the Scapegoating of the Inauthentic,” *Bad Subjects*, # 9, November 1993; online at <http://eserver.org/bs/09/Friedman.html>. Setting Milli Vanilli in the context of the American music industry is Charles Paul Freund, “Milli Vanilli only followed in others’ phony footsteps,” *Star Tribune*, 29 November 1990: 21A.

¹⁰⁸ See, for example, Sacha Pfeiffer, “The great pretenders,” *Boston Globe*, 28 July 1999: B1, B8.

¹⁰⁹ Ted Friedman, “Milli Vanilli and the Scapegoating of the Inauthentic,” *Bad Subjects*, # 9, November 1993; online at <http://eserver.org/bs/09/Friedman.html>.

made no melodic contribution to the music they claimed was theirs. The moral of their story was that, while a singer may be heavily fortified with secondary voices or artificial enhancements, it is beyond the pale for an entertainer who purports to be a vocalist to avoid singing altogether. In short, credit shared only implicitly with anonymous partners is accepted as part of the entertainment industry, while credit wholly undeserved is an object of contempt.

This question of how to define the line between acceptable and unacceptable reliance on anonymous collaborators has become of increasing interest since the end of the Second World War. In a seminal discussion of changing cultural mores, Ari Posner examined the extent to which “ghosts” have come to dominate the public word—in business, broadcast journalism, judicial decisions, editorial columns, academic science, celebrity “autobiographies,” advertising, and of course politics.¹¹⁰

Politicians and Plagiarism

Although even politicians conflate plagiarism with the political practice of employing speechwriters,¹¹¹ the nature of authorship in the political sphere is qualitatively different than in the worlds of letters or scholarship. Because the idea has been articulated that a double standard exists when students are disciplined for what is universal practice among the leaders of the nation,¹¹² it is appropriate to discuss the issue here.

At first glance politics appears to be exempt from ordinary standards of

¹¹⁰ Ari Posner, “The Culture of Plagiarism,” *The New Republic*, 18 April 1988: 19-24.

¹¹¹ See the facetious heckle made by Morton Shulman in the Ontario Provincial Parliament when a private members bill to outlaw term paper mills was introduced: “It should also outlaw politicians’ ghost-written speeches!” *Legislature of Ontario Debates*, no. 91, Second Session, 29th Legislature (Toronto: The Queen’s Printer and Publisher, 1972), for Wednesday, June 14, 1972: 3651. Like most private member’s bills, “An Act respecting Ghost-Written Term Papers and Examinations, 1972” apparently died on the paper.

¹¹² Representative is the declaration of Derek Sim, proprietor of the Custom Essay Service discussed in Chapter 5, who defended his business by noting that “[t]he Prime Minister of Canada has a professional speech writer.” Quoted in Adrian Humphreys, “Mac students in essay scam,” *Silhouette* (McMaster University), 25 May 1989: 1.

attribution—"a universe apart" because "rhetorical theft is a time-honored political tradition."¹¹³ We all expect a political speech to be written by someone other than the politician who delivers it, and we accept this phenomenon as a fact of life in the modern world. If any rationalization is required by this, it is that today far more speeches are required, on questions which require more specialized expertise, of political figures who have got far more to do, than ever before. In short, we accept that politicians are simply too busy to write their own speeches, and we make allowances for that fact by granting them a tacit exception to our expectation of originality. The same is true for columns published under a politician's byline: "in the world of politics, a gentleman's agreement [exists] by which the speech, the eulogy, the magazine article, the op-ed essay, or even the letter to the editor is assumed to be approved by the person to whom it is credited, but not necessarily written by him."¹¹⁴

That the work of government is often—perhaps usually—prepared by subordinates is a fact of life. Political speeches, departmental studies, and judicial opinions are all commonly drafted by assistants of varying seniority, and delivered over the *imprimatur* of elected officials, bureaucrats, and judges, each of whom accepts responsibility for the text promulgated in his or her name. This is simply the contemporary manifestation of royal charters, which bore the monarch's seal and perhaps his signature, but were the work of his ministers (or their assistants). Such a system long predates plagiarism as a construct, which may account in part for the fact that politics seem immune to any requirement for originality.

The other common manifestation of "plagiarism" in politics is the unattributed cogent phrase. There is a general acceptance of rehashed imagery

¹¹³ Cathleen Decker, "Unoriginal Sins of the Candidates' Speeches," *Los Angeles Times*, 19 October 1998: A1.

¹¹⁴ Jack Thomas, "Do politicians write their own columns?" *Boston Globe*, 31 January 2001: A17.

or outright quotation in political addresses. In his 1963 speech at the Lincoln Memorial, Martin Luther King, Jr., famously included borrowed imagery, language and cadence from two immediately recognizable sources: the patriotic hymn "My Country 'Tis of Thee," and Lincoln's Gettysburg Address. More recently, Ronald Reagan abstracted from a poem by John Gillespie Magee, Jr. the line, "...and slipped the surly bounds of Earth to touch the face of God"¹¹⁵ to honour the dead astronauts during his eulogy in the wake of the *Challenger* disaster.¹¹⁶ In the first case, the appropriation of imagery was both obvious and intentional—ironic allusions to promises which had gone unfulfilled for African-Americans. In the Reagan case, the beauty of the image and the appropriateness of its application at that moment and in that context put it beyond the ordinary restrictions of language.

On the other hand, the world of politics is not exempt from some expectations of genuineness, and politicians do not enjoy *carte blanche* to make use of the words of others. Accusations of plagiarism have been levied at political rivals not just at the state and local levels,¹¹⁷ but also on the national stage. Delaware Senator Joseph Biden's presidential ambitions were seriously compromised in 1987 when it was revealed that he had plagiarized a speech by former British Labour Party leader Neil Kinnock.¹¹⁸ Biden's offense aroused the public wrath not because the words were not his, but for two other reasons: they

¹¹⁵ John Gillespie Magee, Jr., "High Flight."

¹¹⁶ Reagan's use of this text is discussed in the context of visual imagery by Kathleen Hall Jamieson, *Eloquence in an Electronic Age: The Transformation of Political Speechmaking* (New York and Oxford: Oxford University Press: 1988): 132-133.

¹¹⁷ See, for example, the 1992 Senate race in Connecticut: Michelle Jacklin, "Plagiarism charged in Senate race," *Hartford Courant*, 5 September 1992: A1; Hilary Waldman, "Debate discloses few differences," *Hartford Courant*, 9 September 1992: D1; Hilary Waldman, "Burnham, Johnson turn up the insults in their last debate," *Hartford Courant*, 12 September 1992: B1; Michelle Jacklin, "Money defines Johnson, Burnham campaigns," *Hartford Courant*, 13 September 1992: A1.

¹¹⁸ K[eith]. R. St. Onge discusses the Biden case in *The Melancholy Anatomy of Plagiarism* (Lanham, MD: University Press of America, 1988): 79-89. Biden's case was further weakened when the press discovered (and revealed) that he had plagiarized a paper in law school.

were clearly someone else's, and the information that they conveyed did not apply to him. That Biden's speech was clearly a knock-off of Kinnock's was bad enough; that Biden abstracted Kinnock's very personal content was even worse. Thus while the employment of a speechwriter to produce original work in a politician's name and (for his specific approval of the sentiments and text—a speechwriter, after all, seeks to write the words that the master would have written had he or she had time) is an acceptable practice, to take a speech from an identifiable source outside the candidate's office constitutes a particularly odious form of plagiarism.

The Biden example underscores the thesis that claiming undue credit is the essence of plagiarism. Politicians do not take credit for the originality of speeches, which are intended as nothing more than vehicles representing their views. On the other hand, the public does demand a valid resume, and the revelation of false credentials is sure to derail the aspirations of a public figure. It was Biden's appropriation of Kinnock's *experience* that felled him, not the mere fact that the words he read were not his own.¹¹⁹

Journalism

While journalists have played a central role in the past quarter-century revealing the plagiarisms and fabrications of public figures from politicians to athletic coaches,¹²⁰ however, journalism has suffered significant scandals of its

¹¹⁹ The question of whether or not Biden actually wrote the speech at issue remains an open one. If the actual plagiarist were a speechwriter rather than the Senator, Biden would be the only known example of a public figure brought down by the plagiarism of another.

¹²⁰ Tim Johnson, manager of the Toronto Blue Jays professional baseball team, lost his job shortly after it was revealed that he had invented details of military service which appeared on his résumé. See "Removal of Blue Jay skipper ends a saga of lies and deceit," *The Toronto Star*, 18 March 1999. More recently, George O'Leary was obliged to give up the position of head football coach at the University of Notre Dame when his collegiate credentials were revealed to have been exaggerated to the point of outright invention. John W. Fountain with Edward Wong, "Notre Dame Coach Resigns," *New York Times*, 15 December 2001. Online at <http://www.nytimes.com/2001/12/15/sports/ncaafootball/15IRIS.html>. Sports Illustrated later ran a feature story about O'Leary's résumé; see Gary Smith, "Lying in Wait," *Sports Illustrated*, 8 April 2002: 70-87.

own. In 1975, columnist Rick Soll was suspended by the *Chicago Tribune* for reproducing, under his own byline, material that had been published in the *New York Post* in 1967.¹²¹ Not long thereafter, Soll was fired for a column in which he changed the subject's name without so informing his readers. Though the second offense was less significant than the first, the fact that it *was* the second moved the newspaper to act. In dismissing Soll, the *Tribune* editorialized that

the standards that we [journalists] look for in others, particularly public officials, cannot, in fairness, be denied application to us. We condemn deception in others; we cannot accept it among our own without penalty.¹²²

Since that time a litany of journalistic abuses have fallen short of this standard; so many, indeed, that plagiarism can be said to be "the skeleton in journalism's closet."¹²³ Within a generation the *Washington Post*, *The New Republic* and the *Boston Globe* all joined the *Chicago Tribune* as periodicals of national stature profoundly embarrassed by plagiarism.

That Soll was both a plagiarist (as that term is traditionally understood) and a fabulist is significant, because in journalism those two forms of deception have been closely related. The most spectacular of the fabulists was Janet Cooke of the *Washington Post*, whose "name still gets trotted out in newsrooms and journalism schools as a synonym for ignominy."¹²⁴ In 1980 Cooke broke a story about an eight-year-old heroin addict which won her the Pulitzer Prize; shortly thereafter, Cooke confessed that she had invented the boy, his mother, and the

¹²¹ Sue Lindsay Roll, "The Painful Departure..." *The Quill*, February 1976: 22-27.

¹²² Clayton Kirkpatrick, quoted in Sue Lindsay Roll, "The Painful Departure..." *The Quill*, February 1976: 24.

¹²³ Roy Peter Clark, quoted in Mark Jurkowitz, "Plagiarism's many shades of gray," *Boston Globe*, 27 July 2000: F6.

¹²⁴ Samuel G. Freedman, "Caught concocting facts? No problem -- fame will ensue," in *USA Today*, 6 July 1998: 13A.

entire story.¹²⁵ The Pulitzer was returned and Cooke was fired, but not before becoming “an instant ethics lesson for a generation of journalists”¹²⁶ and an “80s icon.”¹²⁷

The New Republic, “a weekly journal of opinion” dedicated to analysis of policy and politics, was burned twice by promising young writers. In 1995 Ruth Shalit incorporated chunks of other writers’ work in her columns, which she claimed were the result of carelessness in handling files on her computer.¹²⁸ Shalit survived these mistakes made when she was “a dippy 23-year-old,”¹²⁹ but when her name was invariably raised three years later in articles about another *New Republic* writer she concluded that plagiarism would “be a data point about me as long as I stayed in journalism.” Shalit then changed to a profession less demanding about absolute truth—advertising.¹³⁰

That second *New Republic* whiz kid was Stephen Glass, who had been hired as a fact-checker in the wake of Shalit’s embarrassment. Like Cooke before him, Glass fell to earth with a story that was too good to be true—and wasn’t. An article he wrote about a hacker who was hired by the firm he had hacked into was found to be entirely fictitious, and *TNR* fired him immediately.¹³¹ Glass

¹²⁵ The best description of the Cooke case is in Ben Bradlee, *A Good Life: Newspapering and Other Adventures* (New York: Simon & Schuster, 1995): 435-452. Cooke’s serial began its run on page one on 28 September 1980, and the saga came to an end with “The Story”, *Washington Post*, 19 April 1981: A12-A15.

¹²⁶ Belinda Luscombe, “Making Up Is Hard To Do,” in “People,” *Time*, 20 May 1996. Online at <http://www.time.com/time/magazine/archive/1996/dom/960520/people.html>.

¹²⁷ See “Janet Cooke,” online at http://www.80s.com/Icons/Bios/janet_cooke.html.

¹²⁸ Samuel G. Freedman, “Caught concocting facts? No problem -- fame will ensue,” in *USA Today*, July 6, 1998: 13A. References to Shalit’s plagiarisms were made in most pieces on Stephen Glass’s fabrications, in part because of the irony that Glass had been assigned as a fact-checker in the wake of Shalit’s embarrassment.

¹²⁹ Ruth Shalit, quoted in Matthew J. Rosenberg, “Media Talk: A Writer With a Past Turns to Advertising,” *New York Times*, 15 March 1999.

¹³⁰ Matthew J. Rosenberg, “Media Talk: A Writer With a Past Turns to Advertising,” *New York Times*, 15 March 1999.

¹³¹ New York Times News Service, “Magazine writer caught in Web of lies: New Republic editor says piece on computer hackers was fabricated,” *Dallas Morning News*, 12 May 1998: 4A. See also Howard Kurtz, “Editor Says Article On Computer Hacker Is Entirely Fictitious,” *Washington Post*, 11 May 1998: D01.

was subsequently found to have fabricated all or substantial parts of more than two dozen articles.¹³² The explanation was widely held to be his chronic overextension—Glass was writing for half a dozen other major journals in addition to *TNR*, and apparently found that it was “just not possible” to turn out all the copy he was expected to.¹³³ Like Stephen Ambrose later, Glass seems to have been seduced by the glamour of success.

The *Boston Globe* cases involved three popular columnists—first Patricia Smith, then Mike Barnicle, and most recently Jeff Jacoby—and generated more animus than any in recent memory. Smith’s disgrace began with the exposure of one fabricated story about a young cancer patient,¹³⁴ became an admission of invented characters in four columns,¹³⁵ grew to 52 columns in which not all information could be verified, and resulted in her departure from the newspaper.¹³⁶ Smith had had a history of questionable work; in 1986 she wrote a review for the *Chicago Sun-Times* of an Elton John concert which she did not attend,¹³⁷ and in 1995 *Globe* editors, concerned about some questionable pieces submitted by Smith, read her “the rules of the road” about substantiation.¹³⁸

¹³² See Eric Pooley, “Press: Too Good to Be True at the New Republic, a young star crashes when some of his best stories turn out to be lies,” *Time*, 25 May 1998: 62; and Robin Pogrebin, “Rechecking a Writer’s Facts, A Magazine Uncovers Fiction,” *New York Times*, 12 June 1998. *The New Republic* acknowledged and enumerated the fabrications in “To Our Readers” in the June 29, 1998 issue. It is worth noting that the piece which brought down Glass, like the one which doomed Cooke, was an especially attractive story. Glass claimed to have the inside story of a computer hacker, an elusive breed very much in the news.

¹³³ Howard Kurtz, “Stranger Than Fiction,” *Washington Post*, 13 May 1998: A1.

¹³⁴ The story which broke Smith was a moving piece about a nonexistent cancer patient. The column which ultimately cost Barnicle his job was about two boys in a cancer ward.

¹³⁵ The most comprehensive account of this process is given by Mark Jurkowitz, “The Globe, columnists, and the search for truth,” *Boston Globe*, 21 June 1998: A1, A28-A29.

¹³⁶ Mark Jurkowitz, “Admitting fabrications, Globe columnist resigns,” *Boston Globe*, 19 June 1998: B1, B6; Patricia Smith, “A note of apology,” *Boston Globe*, 19 June 1998: B6. The accounting was made in a brief item headed “To our readers,” which appeared on 30 July 1998: B1.

¹³⁷ This was not a unique event. In 2001 actor David Soul won damages from *The Mirror* when their theatre critic, Matthew Wright, savaged Soul’s play “The Dead Monkey” without having seen it. Reuters, 11 December 2001. This appeared online at <http://news.findlaw.com/entertainment/s/20011211/peoplesouldamagesdc.html>.

¹³⁸ Mark Jurkowitz, “The Globe, columnists, and the search for truth” *Boston Globe*, 22 June 1998: A28.

There was a public outcry at her dismissal, and it was suggested that a double standard was in effect which had for years protected Barnicle (an established white male writer with a wide blue-collar following) and victimized Smith (a young African-American woman).¹³⁸

Like Shalit at *The New Republic*, Barnicle's end at the *Globe* was precipitated by the fall from grace of another writer at the same journal. Like Smith, Barnicle had a history of questionable columns, and had also been read "the rules of the road" by his editors. When Smith resigned Barnicle lashed out at the "despicable... pack of parasites... in a feeding frenzy over the misfortune of others"¹³⁹—probably a reference to the rival *Boston Herald*, whose columnists savaged Smith and the *Globe*.¹⁴⁰ The dismissal of Patricia Smith placed Barnicle's work under a microscope, and the end came when he used jokes out of comedian George Carlin's book in his column. Barnicle denied having even read the book, but when he was shown to have promoted it on television calls for his head mounted until the *Globe* finally acted.¹⁴¹

In their turn Barnicle's supporters claimed that filching a joke was venal

¹³⁸ Kate Zernike, "Dershowitz hits Barnicle column: Sees a 'double standard'." *Boston Globe*, 20 June 1998: B1, B6. For a discussion of the two cases published after Smith's departure but before Barnicle's, see Mark Jurkowitz, "The *Globe*, columnists, and the search for truth," *Boston Globe*, 22 June 1998: A1, A28-A29. Barnicle did not resign at that time, leading to the events covered in Mark Jurkowitz, "Protests greet decision not to oust Barnicle," *Boston Globe*, 13 August 1998: A1, A25. See also David Weber, "Hub black leaders keep heat on *Globe*," *Boston Herald*, 14 August 1998: 7.

¹³⁹ Mark Jurkowitz, "The *Globe*, columnists, and the search for truth" *Boston Globe*, 22 June 1998: A29.

¹⁴⁰ See, for example, Howie Carr, "Sorry Patricia, let's face facts... you didn't," *Boston Herald*, 21 June 1998. The tenor of Carr's text can be seen in this extract: "We all understand how this tragedy unfolded. That two-column-a-week schedule was too arduous. And legwork was out of the question. It's so soul-deadening."

¹⁴¹ The most savage coverage of Barnicle's fall was in the pages of the rival *Boston Herald*, which ran a banner front-page spread under the headline, "Globe's writer asked to resign" on August 6, 1998, with more on p. 7. Barnicle refused to quit over the Carlin brouhaha and was suspended by the newspaper, only to have his resignation demanded, tendered, and accepted two weeks later when more questions about his reporting surfaced. The *Globe* ran the story of his resignation on August 20, 1998.

compared with Smith's outright inventions,¹⁴³ and certainly "the taking of a single copyrighted joke does not constitute infringement. *De minimis non curat lex*. The law doesn't bother with trifles."¹⁴⁴ While he might have kept his job had there not been a perceived need for racial balance¹⁴⁵—always a sensitive subject in Boston—Barnicle's history of misquotations, recycled one-liners,¹⁴⁶ and plagiarism of other columnists¹⁴⁷ made him vulnerable. In the end, although the Carlin fiasco may have been the catalyst, the real reason for Barnicle's firing was his history of playing fast and loose with facts.¹⁴⁸

While fabrication is not plagiarism (though one might argue that it is closely akin to forgery), journalistic fabrication made periodicals, and indeed the public, particularly sensitive to ethical issues, and set the stage for dismissals because of plagiarism. Each of these cases is also of interest because the rationalizations made for these individual writers are similar to those made on behalf of academic plagiarists. Shalit blamed her computer, Glass was overextended and always under pressure, Smith's work was so good that mistakes should be overlooked, Barnicle's misstep was no big deal. In addition,

¹⁴³ Representative of this sentiment are Letters to the Editor from John Coyle, John Finlayson-Fife, and David W. Farr in the *Globe*, August 9, 1998.

¹⁴⁴ Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 204.

¹⁴⁵ Certainly there were calls from black leaders for Barnicle's head, claiming that Smith would have been fired for what Barnicle did. See David Weber, "Hub black leaders keep heat on Globe," *Boston Herald*, 14 August 1998: 7, and Howell Raines, "The high price of keeping Barnicle," *Boston Herald*, 14 August 1998: 31. Even within the *Globe* staff opinion was divided over the race issue; see Thomas Farragher, "The decision: To some, a bad one; to others, right call," *Boston Globe*, 22 August 1998: A6. Barnicle himself acknowledged in his final column that editor Matthew Storin had been put "in the difficult position of proving to the *Globe* staff that there was no double standard." Mike Barnicle, "My way," *Boston Globe*, 29 October 1998: A27.

¹⁴⁶ Jason Gay with Shirley Zilberstein and S. I. Rosenbaum, "Diary of a hack," *Boston Phoenix*, 21 August 1998: 19.

¹⁴⁷ Robin Washington, "Embattled *Globe* turns the spotlight on Barnicle," *Boston Herald*, 20 June 1998: 1, 6. Barnicle's chequered history was again reprised by Jules Crittenden, "Paper trail's been questioned: Embattled Barnicle accused of indiscretions in the past," *Boston Herald*, 6 August 1998: 7.

¹⁴⁸ As Dan Kennedy summed it up, "[t]he point about Barnicle isn't that he strayed at some point in his career, but that he's been caught violating the standards of his profession over and over without ever paying much of a price." *Boston Phoenix*, 21 August 1998: 22.

conservatives cite these episodes as evidence of the moral decay in the notoriously liberal media, much as do conservative critics of the academy.¹⁴⁴

Ironically, the right wing were obliged to reverse course and make allowances when Jeff Jacoby, their principal voice on the *Boston Globe*, was also suspended, for actual plagiarism. Jacoby's column on the signers of the Declaration of Independence, "56 great risk-takers,"¹⁵⁰ was deemed to be so similar to a piece by Paul Harvey and an anonymous Internet version (which appeared in print in Ann Landers' syndicated column the next day), as to constitute "serious journalistic misconduct." Jacoby was suspended for four months, which resulted in "an ambitious campaign by the legitimate conservative movement and also by the radical right in America to rescue Jacoby as the New England conduit for their ideology."¹⁵¹ The *Globe* stood by the suspension—apparently having learned from the Smith and Barnicle fiascos that indecision can be the worst decision of all—commenting only that "[i]t is simply unacceptable to knowingly merge the structure and content, including many instances of very similar wording from one or more sources without warning... the readers."¹⁵²

Jacoby's case is of individual interest not merely because it completed a trilogy of sorts for the *Globe*, but also because he took refuge behind the concept of public domain, claiming that one cannot plagiarize uncopyrighted material that is already in general circulation.¹⁵³ This specious reasoning, which would

¹⁴⁴ The May/June 1999 issue of *The American Enterprise*, for example, includes prominent pieces on both "Media Fakes" (by Eli Lehrer, pp. 40-42) and "Untruth in Academe" (by Kenneth Lee, pp. 43-47.)

¹⁵⁰ Jeff Jacoby, "56 great risk-takers," *Boston Globe*, 3 July 2000: A15.

¹⁵¹ Jack Thomas, "Was Jacoby's punishment excessive? No, it wasn't" *Boston Globe*, 17 July 2000: A11.

¹⁵² *Boston Globe* Publisher Richard H. Gilman, quoted in Jack Thomas, "Was Jacoby's punishment excessive? No, it wasn't" *Boston Globe*, 17 July 2000: A11.

¹⁵³ Jeff Jacoby, "Statement by Jeff Jacoby on his recent suspension from The Boston Globe," FrontPageMagazine.com, 10 July 2000, <http://frontpagemag.com/frontlines/july00/jacoby07-10-00.htm>.

allow any material to appear under the byline of a person other than its author provided it were unprotected by copyright, moved no one. It would have been just another vain attempt to rationalize a false claim of credit were it not evidence that mere infringement falls far short of an acceptable definition of plagiarism.

Less significant, though not without interest, were the rationalizations mustered by the political right in Jacoby's defense. One memorable column held that he had not committed "anything so serious as plagiarism... but, rather, [the] simple failure to note that his July 3 piece... drew from similar essays by Paul Harvey, by Rush Limbaugh's father, and on the Internet."¹⁵⁴ Another suggested, recent history at the *Globe* notwithstanding, that it was "self-evident that no one but a conservative would have been treated this way."¹⁵⁵ Yet another claimed that the *Globe's* action amounted to an attack on the Declaration of Independence itself.¹⁵⁶ Jacoby's defenders also rationalized that he had not committed plagiarism because he had in fact corrected some of the errors native to the material he lifted¹⁵⁷—an explanation logically akin to Bill Clinton's famously disingenuous claim that the proof he had done nothing wrong in the Whitewater scandal was that he had lost money on the deal.

Worth noting is the lesson drawn by the *Boston Globe's* ombudsman, who concluded the common factor linking Smith, Barnicle, and Jacoby was that

none of the three columnists had experience in a newsroom, and none of them had the opportunity, therefore, to learn the craft of reporting and the culture of newspapering, including fundamental ethics.¹⁵⁸

¹⁵⁴ Dan Kennedy, "Cruel and Unusual," *Boston Phoenix*, 20-27 July 2000.

¹⁵⁵ David Horowitz, "An Unfree Press: The Jeff Jacoby Affair," <http://www.frontpagemag.com/notepad/hn07-10-00.htm>.

¹⁵⁶ Steven Yates, "Of Bryant Gumbel, Jeff Jacoby and Liberal Double-Standards," 15 July 2000, online at http://www.tysknews.com/Depts/gov_philosophy/liberal_dbl_standards.htm.

¹⁵⁷ Dan Kennedy, "Cruel and Unusual," *Boston Phoenix*, 20-27 July 2000.

¹⁵⁸ Jack Thomas, "Was Jacoby's punishment excessive? No, it wasn't" *Boston Globe*, 17 July 2000: A11.

The suggestion that three professional writers had learned nothing of the ethics of their craft, yet were held responsible and punished when they transgressed those standards, implies that the *Globe* concluded not just that ignorance of the law was no excuse, but that ignorance of the law was itself blameworthy. If Smith, Barnicle, and Jacoby did not know that what they did was wrong, they should have.

The print media have not been the only journalists with issues arising from problematic documentation and attribution. The television branch suffered notoriety of its own when CNN ran a story on its June 7, 1998, *NewStand* program alleging that nerve gas had been used to kill American defectors in Laos in 1970 during "Operation Tailwind." The story proved to rest on evidence too flimsy to withstand either an investigation by the Department of Defense¹⁵⁰ or the furious denials of veterans who served in Laos, and was ultimately disavowed by the network.¹⁵¹ Of greater significance to this study, however, is the role of Peter Arnett, the reporter who presented the story—though he had played no role at all in developing it. This practice of "bigfooting" by "name" reporters¹⁵² is similar to the practice in scientific publishing in which distinguished professors are listed as coauthors of articles which they did not write.¹⁵² Like some of those, Arnett was embarrassed when the CNN story was retracted, and he was left defending himself on the ground that the story really wasn't his.¹⁵³

¹⁵⁰ Department of Defense Review of Allegations Concerning "Operation Tailwind," 21 July 1998. Online at <http://www.defenselink.mil/pubs/tailwind.html>.

¹⁵¹ CNN, "CNN retracts Tailwind coverage," 2 July 1998, online at <http://europe.cnn.com/US/9807/02/tailwind.johnson/#1>.

¹⁵² Gil Gross, *The Osgood File* (syndicated radio program), 10 July 1998. See also David Bauder's Associated Press story, "Are TV Reporters Really Reporters?" AP, 9 July 1998.

¹⁵³ Marcel C. LaFollette, *Stealing Into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing* (Berkeley, CA: University of California Press, 1992), especially chapter 4, "Authorship," p. 91-107. See also Steven M. Cahn, *Saints and Scamps: Ethics in Academia* (Totowa, NJ: Rowman & Littlefield, 1986), 44-45.

¹⁵⁴ CNN's retraction was released to the news services on July 2, 1998. See the AP line of that date. Arnett's defense was reported by Reuters on July 8, 1998, in "CNN says Arnett faces no further action over report."

Plagiarism in Academe

Some of the cases cited were obscure even in their own day (Hooper Cumming's, for example), but most attracted a good deal of public attention, and all illustrate to some degree the contemporary understanding of plagiarism. While many of these examples have analogues in the scholarly world, a discussion of plagiarism within the academy has thus far been conspicuous by its absence. This is so because, until recently, scholarly transgressions have rarely been the stuff of headlines.

Neither of the two lawyers who wrote the standard works on plagiarism seriously addresses it as an academic phenomenon. One refers slightly to the Victorian practice of "annotating all the sources of [one's subject]" and to those scholars as literary "parallel-hunters,"¹⁶⁴ but in distinguishing infringement from plagiarism he is frankly dismissive of the latter's importance:

In a non-legal sense, most of us plagiarize at one time or another... In school we sometimes copy one another's homework. In college some of us make too-liberal use of reference texts in preparing our term papers, and a few of us are not above cribbing at examinations.... Appropriations of this kind are, for the most part, innocuous enough.¹⁶⁵

This is a far cry from academe's belief that plagiarism is "anathema."¹⁶⁶ Part of the reason is that until very recently academic plagiarism had not become a matter for the courts, and was thus outside the somewhat circumscribed purview of lawyers. A more important part, however, is that the academy's condemnation of plagiarism—while it may be consistent with prevailing public values—developed separately from the notion of intellectual property. Seen from the perspective of infringement, plagiarism is indeed "innocuous enough,"

¹⁶⁴ Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 52- 55.

¹⁶⁵ Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 12-13.

¹⁶⁶ Robert Hauptman, "Editorial: Plagiarism and Scholarship," *Journal of Information Ethics*, 3, 1 (Spring 1994): 3.

because it does no harm according to the fundamental tenet of intellectual property law: that the plagiarist's gain must be the true author's loss. Seen from the perspective of fraudulent acquisition of credit, however, plagiarism strikes at the heart of institutional standards of scholarship.

Prestigious Ivy League colleges, the military academies, and less-exalted public universities all periodically suffer cheating scandals, ranging from traffic in exam answers to the purchase of papers off the internet. Nor are the institutions themselves beyond collusion with student cheaters: in 1999 it was revealed that tutors at the University of Minnesota had for several years actually written papers for basketball players in order to maintain NCAA eligibility.¹⁶⁷ In the last half-century plagiarism has been a common aspect of the academic life.

The academy has had to confront dishonesty in its own ranks, as well as among students. Mallon describes the case of Jayme Sokolow, whose blatant plagiarisms were repeatedly swept under various institutional rugs.¹⁶⁸ Some universities, among them Ithaca College, have fired faculty for engaging in plagiarism, and subsequent case law has upheld those dismissals.¹⁶⁹ Even lawsuits alleging slander and libel on the part of accusers—and accusers have never been popular¹⁷⁰—have been lodged, and dismissed.¹⁷¹

¹⁶⁷ For a general discussion of NCAA violations, see Walter Byers, *Unsportsmanlike Conduct: Exploiting College Athletes* (Ann Arbor, MI: The University of Michigan Press, 1995). The University of Minnesota basketball scandal was broken by the *Pioneer Press* on March 11, 1999 (Blake Morrison, "4 players benched, questioned as U promises swift investigation"). Since then the *Pioneer Press* and rival *Star-Tribune* have carried scores of articles chronicling the scandal.

¹⁶⁸ Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): chapter 4 ("Quiet Goes the Don: An Academic Affair"): 144-193.

¹⁶⁹ *Peter Klinge et al., v. Ithaca College et al.*, 167 Misc. 2d 458; 634 N.Y.S.2d 1000, 30 Oct. 1995.

¹⁷⁰ In Alexander Lindey's view, "[the parallel-hunter] is destined... to persist until Judgment Day, when he will doubtless find resemblances in the very warrant that consigns him to the nether regions" (61). *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 51-61.

¹⁷¹ See, for an example, *Philip A. Childress, Jr. v. Mary J. Clement, David P. Geary, and Eugene P. Trani*. Case No. LC-2078-3, Circuit Court of the City of Richmond, Virginia, 44 Va. Cir. 169; 1997 Va. Cir. (LEXIS 465), 9 December 1997. Not all suits are unsuccessful, however. See *Wafeek Abdelsayed v. Murty Narumanchi*, 39 Conn. App. 778; 668 A.2d 378; 1995 Conn. App. (LEXIS 489), argued 18 September 1995; decided 5 December 1995. Also Curtis Lawrence, "professors' plagiarism suit settled for \$250,000," *Chicago Sun-Times*, 21 April 2001: 4.

The Historians, Part II

The greatest of controversies within the academy, which embroiled the American Historical Association (and, before it petered out beneath a cloud of the scholarly equivalent of libel chill, much of the academic community in the United States), began when Stephen B. Oates was accused of plagiarizing substantial portions of his biography of Abraham Lincoln, *With Malice Toward None*.¹⁷² The Oates case is perhaps the most significant discussion of plagiarism of contemporary times, both because of its unparalleled public nature (it involved a great many professional writers, widely-accessible work, and the undivided attention of the *Journal of Information Ethics*), and because of the disparate views of plagiarism that it revealed within the scholarly profession.

Oates published *With Malice Toward None* in 1977.¹⁷³ On November 30, 1990, he was accused of plagiarism by Robert Bray at the annual conference of the Illinois State Historical Society. Bray's central contention was that

[Benjamin] Thomas's *Abraham Lincoln* is in fact a major unacknowledged source—an informing subtext—for *With Malice Toward None*, especially in the first two hundred pages or so... approximately the two-fifths of the book treating Lincoln's life before the presidency. [...] Oates, for whatever reason, has freely used Thomas's information, his language, and even his narrative structure at many points in *With Malice Toward None*. And he has done so without crediting Thomas's work.¹⁷⁴

To support this contention Bray cited both specific passages and the organization

¹⁷² The Oates case was the exclusive subject of consecutive issues of the *Journal of Information Ethics*, vol. 3, no. 1 (Spring 1994) and vol. 3, no. 2 (Fall 1994), with articles from supporters and detractors as well as general discussion of the issues involved. For two looks at some of the collateral damage from that case, see also Paul Gray and Elizabeth Rudolph, "Ethics: The Purloined Letters," in *Time*, 26 April 1993: 59, and Doug Levy, "Two scientific watchdogs are leashed," in *USA Today*, 30 March 1994: 5.

¹⁷³ Stephen B. Oates, *With Malice Toward None: The Life of Abraham Lincoln* (New York: Harper & Row, 1977).

¹⁷⁴ Robert Bray, "Reading Between The Texts: Benjamin Thomas's *Abraham Lincoln* and Stephen B. Oates's *With Malice Toward None*," *Journal of Information Ethics* 3, 1 (Spring 1994): 9.

of common points which he found to be strikingly similar between the two texts. He acknowledged that the passages which he quoted as evidence of “the intertextual relation” between Thomas’s book and Oates’s might have been taken “independently from a common ancestor, in which case Oates might not have been re-writing Thomas and *both* biographers were plundering the same source,” but dismisses this as unlikely.¹⁷⁵

Bray went on to attack Oates’s “theory and practice of biography,” particularly the historian’s “assertions of fact supporting a characterization,” his tendency to “dramatiz[e] the emotions of characters,” and the dubious practice of “entering the mind of the subject”¹⁷⁶ before returning to the central issue: his assessment of Oates’s book as “an imitation of an imitation.”¹⁷⁷ Bray acknowledged that the field of Lincoln biography is so crowded that some similarities between books will exist to some extent because of the commonality of the subject, but concludes that the intertextuality of the two volumes in question is so great as to exclude subject matter and coincidence as the cause. Collum Davis, the chair of the session at which Bray presented his paper, announced his support of Bray’s conclusions and his intention of referring the matter to the American Historical Association.¹⁷⁸

Oates’s rebuttal addressed this accusation on a number of levels, and with varying success. He is most convincing when he shows that the examples used by Bray and other critics have origins in Lincoln biographies other than

¹⁷⁵ Robert Bray, “Reading Between The Texts: Benjamin Thomas’s *Abraham Lincoln* and Stephen B. Oates’s *With Malice Toward None*,” *Journal of Information Ethics* 3, 1 (Spring 1994): 10-11.

¹⁷⁶ Robert Bray, “Reading Between The Texts: Benjamin Thomas’s *Abraham Lincoln* and Stephen B. Oates’s *With Malice Toward None*,” *Journal of Information Ethics* 3, 1 (Spring 1994): 17-20.

¹⁷⁷ Robert Bray, “Reading Between The Texts: Benjamin Thomas’s *Abraham Lincoln* and Stephen B. Oates’s *With Malice Toward None*,” *Journal of Information Ethics* 3, 1 (Spring 1994): 21.

¹⁷⁸ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 25.

Thomas's, and certainly his insistence that citing the older source is sufficient when he and Thomas each follow a common predecessor seems reasonable.¹⁷⁴

He is least convincing when he attempts to suggest that these works—a century's worth of accumulated writings on Lincoln to which both Thomas and he are indebted—constitute “a single network of writing” so profound that the similarities identified by Bray are inevitable. His claim that “there are intertextual similarities among Lincoln books as a whole [because] they derive from and are part of a common body of recorded knowledge”¹⁷⁵ is special pleading, plain and simple. Quite apart from the fact that, even if true, this would not absolve him of the obligation to attribute, Oates's reasoning flies in the face of one of the most basic assumptions of the academy. One unimpressed commentator succinctly addressed this assertion of inevitable similarity:

Were this to become an allowable explanation, three things must follow: undergraduate and graduate students would develop into mindless scribes; English Departments could promptly rename all “Composition 101/102” courses “Copying 101/102”; and everyone could abandon the belief that scholarship emanates as a creative act, an original contribution, from the mind of an author fully in command of pertinent data and sources.¹⁷⁶

The assertion of necessary duplication of structure and language is especially curious given Oates's parallel claim that Thomas's book and his are profoundly different.¹⁷⁷

In support of his position Oates quoted Alexander Lindey and K. R. St. Onge on the nature of plagiarism and three court cases on the legal definition of

¹⁷⁴ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 28-32, 34-36 (especially 32 and 34).

¹⁷⁵ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 28.

¹⁷⁶ Robert L. Zangrando, “A Crying Need for Discourse,” *Journal of Information Ethics*, 3,1 (Spring 1994): 66

¹⁷⁷ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 27.

infringement before addressing what he described as Bray's "devious technique" designed "to create the appearance of plagiarism."¹⁵¹ Never mind that the Oates, Lindey, and St. Onge definitions of plagiarism do not wholly agree, or that infringement and plagiarism, though related, are not the same thing;¹⁵² Oates gave the impression that he was intent on delivering such an overwhelming retort that the accusation would be buried once and for all. What he succeeded in doing instead was raise questions about why he protested so much.

Oates supplemented his contentions about following a well-travelled trail with several very different points. The first is that he had been treated shabbily, not having been notified about the attack beforehand, and then having learned about it from a reporter, which he calls "a disgrace to the entire academic profession."¹⁵³ He goes on to launch an *ad hominem* attack on his accusers:

Bray is not a Lincoln scholar or a historian; he is a literary critic, apparently known mostly in Illinois. While Davis is a historian, he has published little. Significantly, their attacks against me seem to have commanded more attention than their own scholarship.¹⁵⁴

Other evidence adduced by Oates to refute the allegations include the fact that he is not a member of the American Historical Association; that Thomas's book is in the public domain; and that Thomas had himself borrowed some of the phrases that Oates is accused in turn of lifting from Thomas. None of these points, of course, is any more relevant to the question of any plagiarism by Oates than Bray's remarks about Oates's literary devices.

Curiously, Oates—a professor at the University of Massachusetts who

¹⁵¹ Stephen B. Oates, "A Horse Chestnut Is Not a Chestnut Horse," *Journal of Information Ethics* 3, 1 (Spring 1994): 26-27.

¹⁵² Both points are addressed in greater detail in chapter 2.

¹⁵³ Stephen B. Oates, "A Horse Chestnut Is Not a Chestnut Horse," *Journal of Information Ethics* 3, 1 (Spring 1994): 26.

¹⁵⁴ Stephen B. Oates, "A Horse Chestnut Is Not a Chestnut Horse," *Journal of Information Ethics* 3, 1 (Spring 1994): 26.

must be familiar with a higher standard¹⁵⁷—contended that “[p]lagiarism means, and has meant, the verbatim lifting of whole sentences, paragraphs, and pages from another author’s work and presenting them as one’s own creation,” and that by this standard “Bray has not proven a single instance of plagiarism because there is no instance of it in my book.”¹⁵⁸ In fact, however, it is generally accepted throughout academe and recognized in current copyright law that close paraphrase constitutes plagiarism.¹⁵⁹ It is curious that Oates would take a position so significantly at odds with accepted standards.

Oates also suggested that the rules for attribution are less stringent for books like *With Malice Toward None* than for works intended for a more sophisticated audience, thus implicitly introducing to the debate a kind of moral relativism. He found a supporter for this view in Robert E. Jones—a colleague of Oates in the University of Massachusetts Department of History—who overtly declared that “the writing of popular biography imposes rules that set it apart from academic writing,” one of which is the necessity to “keep scholarly apparatus from intruding upon the narrative.”¹⁶⁰ That the narrative should be altered rather than the citation merely omitted does not seem to have occurred either to Jones or to Oates.

Another supporter of Oates who accepted his position that synthesizing the work of other scholars is as much a part of writing a popular history as is being a compelling storyteller was Hans L. Trefousse, who rejected the idea that

¹⁵⁷ This point is made, not very charitably, by Ellen M. Kozak: “This may have been what one was taught when one first learned to write term papers in middle school, but surely a scholar with a graduate degree should know better.” in “Towards a Definition of Plagiarism: The Bray/Oates Controversy Revisited,” *Journal of Information Ethics* 3, 1 (Spring 1994): 73.

¹⁵⁸ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 26.

¹⁵⁹ Ellen M. Kozak, “Towards a Definition of Plagiarism: The Bray/Oates Controversy Revisited,” *Journal of Information Ethics* 3, 1 (Spring 1994): 73-74.

¹⁶⁰ Robert E. Jones, “Popular Biography, Plagiarism, and Persecution,” *Journal of Information Ethics* (Spring 1994): 81.

Oates had plagiarized Thomas's book principally on the grounds that "[t]he two books in questions are completely different" in focus and characterization of Lincoln the politician. Trefousse based this opinion on the fact that "Oates makes use of the research of the decades preceding the appearance of his work"—material to which Thomas had no access. That neither of these points is relevant to Bray's central contention—that the great bulk of Oates's plagiarism occurs in those chapters which treat Lincoln's early career—certainly suggests that Trefousse was disingenuously attempting to avoid the issue of the actual passages cited by Bray.¹⁰¹

Richard Current, who rather pointedly implied that his analysis can be trusted simply because he is not a friend of Oates, also drops the following howler: "If computers are used to find similarities of words and phrases in two books, the computers, in all fairness, ought also to be used to analyze the *differences* between the two books."¹⁰² Since *Sheldon v. Metro-Goldwyn Picture Corporation*—a landmark precedent with which one would expect an American scholar to be familiar—held that "no plagiarist can excuse the wrong by showing how much of his work he did not pirate,"¹⁰³ one wonders how much thought Current gave to the question before leaping into the fray.

Trefousse raised his main point when he claimed that the issues brought up by Bray and others "hardly warrant charges of plagiarism against a distinguished scholar."¹⁰⁴ In an echo of Gibbon's response to Davis, this question of the *auctoritas* of the alleged plagiarizer serves as no mean blind to the central issue. Moreover, the power of status should not be despised as a factor in

¹⁰¹ Hans L. Trefousse, "The Oates Case," *Journal of Information Ethics* 3, 1 (Spring 1994): 76-77.

¹⁰² Richard N. Current, "Concerning the Charge of Plagiarism Against Stephen B. Oates," *Journal of Information Ethics* 3, 1 (Spring 1994): 78.

¹⁰³ *Sheldon et al. v. Metro-Goldwyn Pictures Corporation et al.*, No. 118, Circuit Court of Appeals, Second Circuit, 81 F.2d 49; January 17, 1936.

¹⁰⁴ Hans L. Trefousse, "The Oates Case," *Journal of Information Ethics* (Spring 1994): 77.

assessing the worth of a charge. James Mackay, another popular biographer but one who lacked the aegis of Oates's academic credentials, appointment, and resources, found *his* plagiarized biography of John Paul Jones not only pulled from distribution in the United States but pulped into the bargain,¹⁵⁵ while Oates's *oeuvre* suffered no such humiliation. (Mackay's defense included some familiar rationalizations. Like Oates, he claimed that "there are plenty of other books where the same observations [as those he plagiarized] are made," that he did cite the book from which he was alleged to have plagiarized, that "[t]here are only a certain number of words in the English language," and that "[w]e make progress on the shoulders of giants."¹⁵⁶) There are many parallels between Mackay and Oates as popular biographers, but the principal difference is that Oates was able to defend himself with greater success because of his superior professional position.

Oates's contention that a different standard applies to "popular"—as opposed to "scholarly"—writing was revived early in 2002, when the works of two prominent popular historians, Stephen E. Ambrose and Doris Kearns Goodwin, were revealed to contain plagiarized material. The Ambrose case made headlines first, when Thomas Childers went public with an accusation that Ambrose's *The Wild Blue* contained exceptionally close paraphrases of material in Childers' previously-published book, *The Wings of Morning*.¹⁵⁷ Ambrose had credited Childers' book as a general source, but critics quickly declared that the

¹⁵⁵ Ralph Blumenthal, "Repeat Accusations of Plagiarism Taint Prolific Biographer," *New York Times*, 25 September 1999. The story was first reported in Ralph Blumenthal with Sarah Lyall, "Plagiarism Accusations Halt Distribution of John Paul Jones Biography," *New York Times*, 21 September 1999.

¹⁵⁶ James Mackay, quoted in Ralph Blumenthal with Sarah Lyall, "Plagiarism Accusations Halt Distribution of John Paul Jones Biography," *New York Times*, 21 September 1999.

¹⁵⁷ David D. Kirkpatrick, "2 Accuse Stephen Ambrose, Popular Historian, of Plagiarism," *New York Times*, 5 January 2002. See also Sara Hebel, "Historian's Latest Book on World War II Has Passages Resembling Another Scholar's Work," *The Chronicle of Higher Education*, 7 January 2002.

exactness of the borrowing far exceeded what was implied in the citation.¹⁹⁸

Unlike Oates, who leapt to the counterattack, Ambrose moved quickly to defuse the controversy. He issued an acknowledgement and apology through his publisher, stating that the borrowing had been inadvertent and promising a correction in subsequent editions.¹⁹⁹ The following is the full extent of his public comment on the controversy:

Recently I have been criticized for improperly attributing other author's writings in a few of my books. In each case, I footnoted the passage in question, but failed to put some words and sentences into quotation marks. I am sorry for those omissions, and will make relevant changes in all future editions of my books. I would also like to thank all of you who have written in to express your friendship and support.²⁰⁰

For the same purpose, he prevailed upon George McGovern, the pilot whose experiences were at the core of Ambrose's book, to vouch for him in the court of public opinion. McGovern lauded the historian as "one of the few great men I have been privileged to know"²⁰¹ and, in an echo of Oates's defenders, sought to trivialize the plagiarism:

Like the rest of us, he [Ambrose] is not beyond an occasional mistake.... his biography of Richard M. Nixon concluded that [Nixon] deserved re-election in 1972.... [that] was a more serious mistake than using a few sentences without attribution on what the ball turret of a B-24 looks like.²⁰²

There the matter might have rested, had not forbes.com published an

¹⁹⁸ Fred Barnes wrote a cover story to this effect for *The Weekly Standard*, and is quoted at length in Howard Kurtz, "Hardball Over History," *Washington Post*, 9 January 2002.

¹⁹⁹ David D. Kirkpatrick, "Author Admits He Lifted Lines From '95 Book," *New York Times*, 6 January 2002.

²⁰⁰ Stephen E. Ambrose homepage, "Statement Regarding Recent Media Controversy," online at www.stephenambrose.com.

²⁰¹ George McGovern, "Letter of Support from WWII Veteran George McGovern," Stephen E. Ambrose homepage, 23 January 2002, online at www.stephenambrose.com/g_mcgovern.html.

²⁰² George McGovern, "Letter of Support from WWII Veteran George McGovern," Stephen E. Ambrose homepage, 23 January 2002, online at www.stephenambrose.com/g_mcgovern.html.

online report claiming that Ambrose had done much the same thing in an earlier book on Custer.²⁰³ Soon afterward similar charges were levied about Ambrose's work on Nixon,²⁰⁴ the Lewis and Clark expedition,²⁰⁵ and others, going back more than thirty years.²⁰⁶ Given that Ambrose had become "a highly successful literary factory,"²⁰⁷ these revelations brought under scrutiny not just a single book, but an entire career.

Defending his career as "blockbuster"²⁰⁸ historian, Ambrose echoed Oates's claim that his form of writing is exempt from traditional standards of attribution: "I tell stories. I don't discuss my documents.... It almost gets to the point where, how much [attribution] is the reader going to take? I am not writing a Ph.D. dissertation."²⁰⁹ There were few buyers for this line of oil—one critic likened it to the "defense a shoplifter might use when explaining that he would have paid for his stolen items, but that would have broken his stride on the way out of the store."²¹⁰

Moreover, as David D. Kirkpatrick observed, this form of special pleading sidesteps not only the issue of inadequate citation, but also the question of Ambrose's dubious practice of relying exclusively on a single source for great swaths of text.²¹¹ Not only did Ambrose cut the corner of attribution, he also let down the side as a scholar. The venerable historian Eric Foner, contacted by the

²⁰³ Christopher Flores, "Stephen Ambrose Faces New Accusation of Plagiarism," *Chronicle of Higher Education*, 9 January 2002. See also Hillel Italie, "More claims of plagiarism," *Boston Globe*, 9 February 2002: A4.

²⁰⁴ Christopher Flores, "Allegations of Plagiarism Continue to Mount Against Historian," *Chronicle of Higher Education*, 11 January 2002.

²⁰⁵ "Student accuses author of improper material use," *Toledo Blade*, 4 February 2002: A3.

²⁰⁶ "Ambrose plays down plagiarism brouhaha," *The Globe and Mail*, 2 February 2002: R4.

²⁰⁷ Howard Kurtz, "Hardball Over History," *Washington Post*, 9 January 2002.

²⁰⁸ David D. Kirkpatrick, "As Historian's Fame Grows, So Does Attention to Sources," *New York Times*, 11 January 2002.

²⁰⁹ Stephen E. Ambrose, quoted in David D. Kirkpatrick, "As Historian's Fame Grows, So Does Attention to Sources," *New York Times*, 11 January 2002.

²¹⁰ Roger Rosenblatt, "When the Hero Takes a Fall," *Time*, 21 January 2002: 130.

²¹¹ David D. Kirkpatrick, "As Historian's Fame Grows, So Does Attention to Sources," *New York Times*, 11 January 2002.

New York Times for comment, concluded that “[n]obody can write as many books as [Ambrose] has... without the sloppiness that comes with speed and the constant pressure to produce. It is the unfortunate downside of doing too much too fast.”²¹² Ambrose’s errors lay not in the nature of popular history,²¹³ but in his own haste to keep pumping out bestsellers.

The “flurry of fascination with literary theft”²¹⁴ that Ambrose set in motion soon embarrassed a second Simon & Schuster author. The *Weekly Standard* revealed that Doris Kearns Goodwin—whose work had been cited by one of Ambrose’s critics as a model for how to mine earlier books for material²¹⁵—had reached a settlement fifteen years earlier over unattributed passages she had taken from an earlier writer on the Kennedy family.²¹⁶

Though the story subsequently ran on the front page of the *Boston Globe*, the outcry over Goodwin’s transgression initially proved more muted than in Ambrose’s case, and seemed to disappear from view quite quickly. Probably this was so for three reasons: first, although Goodwin appeared to have pilfered more than one source for *The Fitzgeralds and the Kennedys*,²¹⁷ her offense (unlike Oates’s and Ambrose’s) was not part of a larger pattern. Her publisher

²¹² Eric Foner, quoted in David D. Kirkpatrick, “As Historian’s Fame Grows, So Does Attention to Sources,” *New York Times*, 11 January 2002. Ambrose himself acknowledged as much; see “Ambrose plays down plagiarism brouhaha,” *The Globe and Mail*, 2 February 2002: R4.

²¹³ This opinion is not universal among scholars. In preparing his piece on the Ambrose controversy, David D. Kirkpatrick found “historians [who] said that the errors were symptomatic of a style of writing popular history that prizes immediacy and fast-paced storytelling over critically interpreting the past.” See “As Historian’s Fame Grows, So Does Attention to Sources,” *New York Times*, 11 January 2002.

²¹⁴ David D. Kirkpatrick, “Historian Says Publisher Quickly Settled Copying Dispute,” *New York Times*, 23 January 2002.

²¹⁵ Patrick T. Reardon, “Plagiarism? So What? Here’s what: Stephen Ambrose blew a chance to do real history,” *Chicago Tribune*, 16 January 2002.

²¹⁶ Thomas C. Palmer Jr., “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1.

²¹⁷ Thomas C. Palmer Jr., “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1.

characterized the episode as “an honest mistake in a very narrow instance,”²¹⁵ and no further evidence has appeared to suggest that any of Goodwin’s subsequent books were similarly compromised. Second, and perhaps more important, Goodwin both acknowledged and (unlike Ambrose) changed the contested text.²¹⁶ Indeed, Goodwin asked Simon & Schuster to destroy its paperback inventory of *The Fitzgeralds and the Kennedys* before republishing a corrected version.²¹⁷ Of least significance is the possibility that (again unlike Ambrose) Goodwin’s work was not pumped out holus-bolus for consumption by such purveyors of popular culture as Steven Spielberg. There was, to be sure, the embarrassment of being “outed” after having been rather harsh when Joe McGinniss (another Simon & Schuster author) made too free with her own work on the Kennedys in 1993,²¹⁸ but in the early going Goodwin seemed likely to be able to “accept it and get on with life”²¹⁹ without the metaphorical procession to Tyburn suffered by Ambrose.

It did not work out that way. Perhaps fearing exposure at the hands of the kind of “truth diggers” who were swarming over the Ambrose corpus looking for more evidence of wrongdoing,²²⁰ Goodwin directed her own researchers to

²¹⁵ Victoria Meyer, quoted in David D. Kirkpatrick, “Historian Says Publisher Quickly Settled Copying Dispute,” *The New York Times*, 23 January 2002.

²¹⁶ Thomas C. Palmer Jr, “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1. Ambrose, by contrast, promised to credit Cornelius Ryan for uncredited material in *The Supreme Commander*, but never did so. “Ambrose plays down plagiarism brouhaha,” *The Globe and Mail*, 2 February 2002: R4.

²¹⁷ David D. Kirkpatrick, “Historian Says Borrowing Was Wider Than Known,” *New York Times*, 23 February 2002.

²¹⁸ Thomas C. Palmer Jr, “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1. For a contemporary discussion of the McGinniss book, see Paul Dean, “Sound and Fury; Writer Joe McGinniss Comes to His Own Defense in the Literary Battle Over ‘The Last Brother,’” *Los Angeles Times*, 30 July 1993: E1.

²¹⁹ Hank Searls, one of the authors from whom Goodwin took unattributed prose, quoted in Thomas C. Palmer Jr, “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1.

²²⁰ Roger Rosenblatt, “When the Hero Takes a Fall,” *Time*, 21 January 2002: 130.

find everything there was to find in the book.²²⁴ These efforts brought to light many more lapses in attribution, which Goodwin publicly reported and promised to correct. Notwithstanding that these new disclosures were voluntarily made by Goodwin, reaction was swift and punitive. The University of Delaware withdrew an invitation to be their commencement speaker,²²⁵ PBS suspended her appearances on "The NewsHour With Jim Lehrer,"²²⁶ and Goodwin took a leave of absence from the Pulitzer committee²²⁷ (which subsequently became a resignation²²⁸). The *Harvard Crimson* called on her to resign from that university's Board of Overseers,²²⁹ and there was even discussion about whether she would keep her seat on Northwest Airlines' Board of Directors.²³⁰ That all of this should happen despite the age of the offenses and Goodwin's apparent good faith is indicative of the limits of public tolerance. One mistake may be forgiven, but multiple mistakes or (in Goodwin's case) those which have been only partially reported, taint an author, and make association with her a public liability. She became, in the words of one analyst, "tainted goods."²³¹

Why did Goodwin suffer so much more calumny than Ambrose, despite

²²⁴ David D. Kirkpatrick, "Historian Says Borrowing Was Wider Than Known," *New York Times*, 23 February 2002.

²²⁵ "UD withdraws Commencement invitation to historian," *UDaily*, 26 February 2002. Online at <http://www.udel.edu/PR/UDaily/01-02/speaker022602.html>.

²²⁶ David Mehegan, "Goodwin loses appearances over book row," *Boston Globe*, 28 February 2002: A1.

²²⁷ David Mehegan, "Goodwin withdraws from Pulitzer judging," *Boston Globe*, 5 March 2002: E4.

²²⁸ David D. Kirkpatrick, "Author Goodwin Resigns From Pulitzer Board," *New York Times*, 1 June 2002. Online at <http://www.nytimes.com/2002/06/01/books/01GOOD.html>. See also Joseph P. Kahn, "Goodwin Resigns Pulitzer Board Post," *Boston Globe*, 1 June 2002: F1.

²²⁹ "The Consequence of Plagiarism," *Harvard Crimson*, 11 March 2002. Online at <http://www.thecrimson.com/article.aspx?ref=180483>.

²³⁰ Eric Torbenson, "Goodwin to stay on NWA board," *Pioneer Press*, 28 February 2002. Online at <http://www.twincities.com/mld/pioneerpress/2759165.htm>.

²³¹ Natasha Berger, "Liberal Arts: The 'borking' of Doris Kearns Goodwin," *The American Prospect*, 7 March 2002.

Online at <http://www.prospect.org/webfeatures/2002/03/berger-n-03-07.html>.

having plagiarized far less, despite having addressed the issue forthrightly, and despite having made and promised amends? Probably because she maintained a far more prominent public—and partisan—profile. A presumed feminist and a leading light of the liberal end of America's political spectrum, Goodwin was a far more inviting target for conservative critics than the aging Ambrose, whose books on patriotic themes (particularly the experiences of servicemen in the Second World War) probably spared him the vitriol of the right wing.

The Goodwin case is also of interest for the detailed explanation she offered for how she came to have so much of Lynne McTaggart's language in her own book:

I took handwritten notes on perhaps 300 books. Passages I wanted to quote directly were noted along with general notes on the ideas and story lines of each book. Notes on all these sources were then arranged chronologically and kept in dozens of folders in 25 banker's boxes. Immersed in a flood of papers, I began to write the book. After each section and each chapter was completed, I returned the notes to the boxes along with notations for future footnoting. When the manuscript was finished, I went back to all these sources to check the accuracy of attributions. As a final protection, I revisited the 300 books themselves.²³²

This prodigious system failed, however, when

[s]omehow in this process, a few of the books were not fully rechecked. I relied instead on my notes, which combined direct quotes and paraphrased sentences. If I had had the books in front of me, rather than my notes, I would have caught mistakes in the first place and placed any borrowed phrases in direct quotes.²³³

Unlike Ruth Shalit, who took public refuge in the caprice of her computer, Goodwin suggested that it was her digital ignorance which set the stage for plagiarism. She concluded that her problem would have been prevented by the

²³² Doris Kearns Goodwin, "How I Caused That Story," *Time*, 4 February 2002: 69.

²³³ Doris Kearns Goodwin, "How I Caused That Story," *Time*, 4 February 2002: 69.

use of “the mysterious footnote key on the computer, which makes it possible to insert the citations directly into the text while the sources are still in front of me, instead of shuffling through hundreds of folders four or five years down the line.”²⁴

Goodwin’s experience recalled Shalit’s in another way as well. Just as Shalit claimed to have been “a dippy 23-year-old” at the time of her plagiarisms, so Goodwin noted that hers occurred in “the first big work of history that I had ever done” and that “[i]t was a good thing to learn early in my career.”²⁵ This preferred rationalization of inexperience is common to all levels, whether in schools, universities, or in the world of letters, though it becomes increasingly less credible with each level of achievement.

Goodwin’s wistful faith in advanced technology was anticipated some years earlier by Noel Perrin, though he was more sinned against than sinning. After an editor at the *New York Times* inadvertently conflated some of Richard Henry Dana’s *Two Years Before the Mast* with Perrin’s own prose, Perrin suffered for a short time the undeserved slings and arrows of outraged readers who thought him an exceptionally brazen plagiarist. His moment of ignominy quickly passed, thanks to the *New York Times*’ immediate correction—copies of which Perrin sent as replies to the thirty critics who wrote to excoriate him²⁶—but in looking back on it Perrin thought that the misunderstanding would be unlikely to occur in the age of the fax machine (and now, one supposes, the internet), where the rapid transmission of edited text should preclude such misunderstandings.²⁷ Yet Perrin, unlike Goodwin (and Shalit before her), did not lay the blame on technology. Instead, foreshadowing Foner’s appraisal of

²⁴ Doris Kearns Goodwin, “How I Caused That Story,” *Time*, 4 February 2002: 69.

²⁵ Doris Kearns Goodwin, quoted in Thomas C. Palmer Jr., “Goodwin discloses settlement over credits,” *Boston Globe*, 22 January 2002: A1.

²⁶ Noel Perrin, “How I Became a Plagiarist,” *The American Scholar*, 61 (Spring 1992): 259.

²⁷ Noel Perrin, “How I Became a Plagiarist,” *The American Scholar*, 61 (Spring 1992): 258.

Ambrose, he came to the conclusion that “carelessness is almost as great a sin in writers as deceit.”²³⁵

Consideration of the embarrassment suffered by historians in contemporary times would be incomplete without a discussion of the rather sad case of Pulitzer Prize-winning Joseph J. Ellis, a professor at Mount Holyoke College. Again the *Boston Globe* was involved, this time exposing as invention Ellis’s claim to have served in the 101st Airborne during the Vietnam War.²³⁶ There were other fabrications, as well as an initial attempt to softpeddle the falsehoods as merely “having let stand the assumption” that he had served in Vietnam.²³⁷ After investigating and receiving copious letters and e-mails on both sides of the issue, Mount Holyoke suspended Ellis for a year, stripped him of an endowed chair, and forbade him to teach his popular course on Vietnam and American culture.²³⁸

Ellis’s case was not plagiarism in the traditional sense, and his work on colonial America was unimpugned by the scandal. His relevance to this discussion lies in the fact that his fabrication—a false claim of credit—linked his name in the public mind with Ambrose, Biden, Goodwin, the Rev. Edward Mullins, and Piper High School. Ellis’s inventions also echoed those of Barnicle, Cooke, Glass, Smith, and other journalists who falsely claimed credit for stories that had no basis outside their imaginations. Ellis is, in fact, a conceptual link between those who used the words of others and those who fabricated their work—apparent inconsistencies knit together in the public eye because they had

²³⁵ Noel Perrin, “How I Became a Plagiarist,” *The American Scholar*, 61 (Spring 1992): 259.

²³⁶ Walter V. Robinson, “Professor’s Past in Doubt: Discrepancies Surface in Claim of Vietnam Duty,” *Boston Globe*, 18 June 2001.

²³⁷ Ana Marie Cox, “Prominent Historian Apologizes After Newspaper Says He Lied About Being a Vietnam Veteran,” *Chronicle of Higher Education*, 19 June 2001. Online at <http://chronicle.com/daily/2001/06/2001061901n.htm>.

²³⁸ Ana Marie Cox, “Mount Holyoke College Suspends Historian Who Lied About Vietnam Service,” *Chronicle of Higher Education*, 20 August 2001. Online at http://chronicle.com/daily/2001/08/2001_08200_21n.htm.

in common a false claim of credit. The link between invention and plagiarism is further established by the writers who committed both transgressions, including Alex Haley and Mike Barnicle.

Martin Luther King, Jr.

Most sensitive of all is the case of Martin Luther King, Jr., the hero of the U. S. Civil Rights movement, who plagiarized not only his doctoral dissertation, but a good deal of his earlier academic work as well.²⁴² Americans have long been accustomed to unsavory revelations tarnishing the reputations of their leaders. What set King apart from Thomas Jefferson, Franklin Roosevelt, John Kennedy, and others, however, was that King's plagiarism suggested a moral failing beyond the mere womanizing of the others (though King was guilty of that, too). In addition, the King case provoked controversy not simply because of the plagiarism itself, but because of the reaction to that plagiarism in the press and in the academic community at large.

From the time he entered Crozier Theological Seminary in 1948 until he completed his doctorate at Boston University in 1955, King appropriated the work of other writers (including previous graduate students) in his essays and dissertation. His systematic plagiarism was not detected until twenty years after his death, when a graduate student annotating King's papers noticed the lack of attribution of many passages reproduced verbatim from other sources. By then King had come to occupy a prominent place in the pantheon of American heroes. The leading advocate of peaceful desegregation, whose 1963 speech at the Lincoln Memorial may well be the single most important piece of American

²⁴² The Organization of American Historians (OAH) devoted much of the June 1991 number of *The Journal of American History*, to a round table discussion of the King case. Not included among these essays are the views of one of King's chief detractors, Theodore Pappas, who subsequently published two books on the subject: *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994) and an expanded version, *Plagiarism and the Culture War: The Writings of Martin Luther King, Jr., and Other Prominent Americans* (Tampa, FL: Hallberg Publishing Corporation, 1998).

oratory in the twentieth century, was martyred by an assassin's bullet and passed beyond the standards by which ordinary men are judged. This at least is the case made by critics of King and the academy, who charge that King's apotheosis has consigned his misdeeds to political limbo.

The story broke late in 1989, when a British journalist (who "heard about it from an American friend who learned it from one of the scholars" working on the King project at Stanford University) published a story in a major London newspaper.²⁴³ Nothing further was heard for another nine months, when the conservative periodical *Chronicles* ran first an essay which included the accusation,²⁴⁴ and then a reply from the president of Boston University disputing it as "false," "defamatory," and a "pseudo-controversy."²⁴⁵ Not until the *Wall Street Journal* ran a front-page article about King's plagiarism did the issue become widely known.²⁴⁶ A more detailed analysis by Theodore Pappas, complete with parallel columns, appeared in the January 1991 *Chronicles*.²⁴⁷

Pappas provided incontrovertible proof that King had appropriated great swaths of an earlier Boston University dissertation by Jack Boozer. Pappas revealed "King's tactic of pasting together disparate sections of Boozer's text...

²⁴³ Frank Johnson, "Martin Luther King—Was He a Plagiarist?" *Sunday Telegraph*, 3 December 1989. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 43-44.

²⁴⁴ Thomas Fleming, "Revolution and Tradition in the Humanities Curriculum," *Chronicles*, September 1990. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 45.

²⁴⁵ Jon Westling, letter to *Chronicles*, dated 5 October 1990 and published in *Chronicles*, January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 46-47.

²⁴⁶ Peter Waldman, "To Their Dismay, King Scholars Find a Troubling Pattern—Civil Rights Leader Was Lax in Attributing Some Parts of His Academic Papers," *Wall Street Journal*, 9 November 1990: 1. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 62-68.

²⁴⁷ Theodore Pappas, "A Doctor in Spite of Himself: The Strange Career of Martin Luther King, Jr.'s Dissertation," *Chronicles*, January 1991. Pappas later emphasized (apparently to establish his claim to the scoop) that that issue went to press on 25 October 1990, two weeks before the *Wall Street Journal* story. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 48-61.

sections that are more than one hundred pages apart [in Boozer's text]" and concluded that "[t]he smooth and impressive manner in which King conjoined, word for word, different sections of Boozer's dissertation could not have been done without great circumspection and forethought."²⁴⁸ Pappas also identified one instance where King reproduced Boozer's text so accurately that King included in his own work one of Boozer's typographical errors.²⁴⁹

The plagiarism was not restricted to his dissertation, and Boozer was not the only writer from whom King borrowed without adequate citation. The "extent to which King relied upon the work of others" came to the attention of the staff at the Martin Luther King, Jr., Papers Project "early in 1988," and was documented in the June 1991 issue of the *Journal of American History*, which was devoted to King's plagiarism.²⁵⁰ That three years should pass without a public statement by the Project—and only then under the compulsion of unravelling events—suggests the volatility of the information.

To conservative critics, it suggested a whitewash.²⁵¹ Pappas called for B.U. to strip King of his degree; for biographer David Garrow to give up the Pulitzer Prize he had been awarded for his work on King; for the resignations of the interim President of Boston University, Jon Westling, and the head of the Martin Luther King, Jr., Papers Project, Clairborne Carson; and for an investigation into

²⁴⁸ Theodore Pappas, "A Doctor in Spite of Himself: The Strange Career of Martin Luther King, Jr.'s Dissertation," *Chronicles*, January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 54.

²⁴⁹ Theodore Pappas, "A Doctor in Spite of Himself: The Strange Career of Martin Luther King, Jr.'s Dissertation," *Chronicles*, January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 55-56.

²⁵⁰ Martin Luther King, Jr., Papers Project, "The Student Papers of Martin Luther King, Jr.: A Summary Statement of Research," *Journal of American History*, June 1991: 23-31.

²⁵¹ Theodore Pappas, "A Houdini of Time," *Chronicles*, November 1992. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 85.

the National Endowment for the Humanities for funding the Project.²⁵² Nor were academics the only figures taking their lumps from the right. Journalists at several major newspapers were attacked in (ironically enough) *The New Republic* for unprofessional cowardice in suppressing the story.²⁵³

That King plagiarized extensively and often is now beyond dispute. His case is significant not for the manner in which he plagiarized, nor for the amount of material that he used without attribution, but rather for what the revelation of his plagiarism illustrates about our modern conception of plagiarism.

The seriousness of the charge was so great that there may have been a conspiracy of silence to conceal King's plagiarism altogether. There appears to have been an unspoken belief that the credibility of the Civil Rights movement itself was to some extent at stake, and perhaps a less-disinterested conviction that the scholar who broke the news would find himself in waters too deep for him.²⁵⁴ Once the cat was out of the bag, two schools of thought emerged to rationalize the plagiarism: those who held that King was only acting after his own kind in an alien world, and who insisted that what he did cannot truly be called plagiarism; and those who consider the plagiarism essentially irrelevant to King's subsequent importance.

The first of these schools was represented by the postmodern feminist Rebecca Moore Howard, who suggested that plagiarism was a defensive

²⁵² Theodore Pappas, "A Doctor in Spite of Himself: The Strange Career of Martin Luther King, Jr.'s Dissertation," *Chronicles*, January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 59-61. Pappas later apologized for including Garrow in his broadcast condemnation of those whom he believed responsible for suppressing the facts. See Theodore Pappas, "Editorial response to Mr. Muelder and update to the story," *Chronicles*, April 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 77-80.

²⁵³ Charles Babington, "Embargoed," *The New Republic*, 28 January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 69-74.

²⁵⁴ Charles Babington, "Embargoed," *The New Republic*, 28 January 1991. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 73.

strategy necessary for the survival of African-American identity in the foreign and forbidding—and overwhelmingly white—world of scholarship. In Moore Howard's jargon-ridden construct,

[o]ne way of maintaining his ethnic identity while gaining European-American credentials would be to engage in divergent rather than convergent rhetorical code-switching: to apply the textual ethics of African-American folk preaching to all of his writing.²⁵⁵

It is not clear whether Moore Howard is disappointed by King's use of "the power dialect, Standard Writing English,"²⁵⁶ but her interpretation of his plagiarism as a declaration of ethnic identity implies that charges of plagiarism should be brought against only whites. Moore Howard also interpreted the public discussion of King's plagiarism as proof that "the construct of plagiarism operates to... keep outsiders such as students and African Americans firmly excluded."²⁵⁷ While she puts forward her suggestions *en prise*, coyly qualifying each conjecture about the relationship of text and personal identity with "may," Moore Howard leaves little doubt that in her view the rules of academic writing should be applied to graduate students only insofar as they may be consistent with a degree candidate's ethnic origins.

An even more radical view than Moore Howard's was that put forward by Keith D. Miller, who anticipated Moore Howard's vision of King as an unalloyed product of "the African-American folk pulpit":

Like generations of folk preachers before him, King often borrowed, modified, and synthesized themes, analogies, metaphors, quotations, illustrations, arrangements, and forms of argument used by other preachers. Like other

²⁵⁵ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, Connecticut: Ablex Publishing Corporation, 1999): 123.

²⁵⁶ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, Connecticut: Ablex Publishing Corporation, 1999): 123.

²⁵⁷ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, Connecticut: Ablex Publishing Corporation, 1999): 134.

folk preachers, King typically ended his oral sermons (and almost every other major speech) by merging his voice with the lyrics of a spiritual, hymn, or gospel song.²⁵⁸

This is a credible view of King's public addresses, and Miller's assessment is an accurate enough description of the seminal 1963 "I have a dream" speech at the Lincoln Memorial. Where Miller went awry was in trying to make this pattern fit the academic papers that King submitted as a seminarian and graduate student. Apparently reluctant to suggest that his subject was incapable of overcoming his "folk preacher" background, Miller instead argued that King's plagiarism was in fact an overt act of defiance:

As a very young undergraduate, seminarian, and doctoral candidate, King ventured outside the universe of African-American orality to negotiate his way through the unfamiliar terrain of intellectualized print culture. Thoroughly schooled in folk homiletics, he resisted academic commandments about language and many ideas espoused by his professors and the Great White Thinkers. As part of his resistance, he began the process of creatively translating into print the folk procedures of voice merging and self-making.²⁵⁹

Pappas reads Miller's thesis as deeply insulting to African-Americans in its implication ("that originality and true scholarship cannot be expected of blacks"²⁶⁰), but Pappas misunderstood Miller's point. The latter did not argue that "every social and protest movement of our time is rooted in dishonesty,"²⁶¹ but rather interpreted King's plagiarism as an intellectual resistance movement within the ivory tower—a kind of academic guerrilla warfare. Where Moore

²⁵⁸ Keith D. Miller, "Martin Luther King, Jr., and the Black Folk Pulpit," *Journal of American History*, June 1991: 120-123.

²⁵⁹ Keith D. Miller, "Martin Luther King, Jr., and the Black Folk Pulpit," *Journal of American History*, June 1991: 121.

²⁶⁰ Theodore Pappas, "A Houdini of Time," *Chronicles*, November 1992. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 95.

²⁶¹ Theodore Pappas, "A Houdini of Time," *Chronicles*, November 1992. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 94.

Howard saw self-defense, Miller believed King was taking the offensive.

Of the second school of thought—those who believe that King’s plagiarism represents at most a minor issue in the context of his life—one of the most thoughtful commentators was the second reader on King’s dissertation, S. Paul Schilling:

I think it could be that [plagiarism] has been elevated out of proportion to its importance, in relation to King’s total work and contribution... A man should not be judged by one particular flaw when he has a lot of other strengths that need to be considered.... I think he ought to be judged as a whole in relation to all the addresses he gave, the writings he produced.... [H]e incorporated a great many profound ideas and showed his originality in putting these things all together through the crucible of his own personality.³⁶²

This view is, in essence, a throwback to the classical notion that, so long as the material borrowed is improved by the second user, all sources are fair game.

One biographer illustrated this with an apt analogy from contemporary music: “[i]n the main, King was more Miles Davis than Milli Vanilli.”³⁶³

A grander vision was provided by the *New York Times*, which editorialized that

however just it may be to denounce his scholarship, that should not be confused with his leadership. Whether or not, as a student, he wrote what he wrote, [as a public figure] Dr. King did what he did... What the world honors when it honors Dr. King is his tenacity on behalf of racial justice—tenacity equally against gradualism and against violence. He and many with him pushed Americans down the road to racial justice. That achievement glows unchallenged through the present shadow. Martin Luther King’s courage was not copied; and there was no plagiarism in his power.³⁶⁴

³⁶² S. Paul Schilling, quoted in “Conversation between S. Paul Schilling and David Thelen,” *Journal of American History*, June 1991: 78.

³⁶³ Michael Eric Dyson, *I May Not Get There With You: The True Martin Luther King, Jr.* (New York: The Free Press, 2000): 144.

³⁶⁴ *New York Times* editorial, 13 November 1990: A30. Quoted in Michael Eric Dyson, *I May Not Get There With You: The True Martin Luther King, Jr.* (New York: The Free Press, 2000): 153.

In the end Boston University did not posthumously strip King of his degree, though in reaching that decision they endorsed neither of the two interpretations described above. B.U., in a curious attempt to avoid giving offense which instead cast doubt on institutional integrity, ruled that the plagiarism was an insufficient proportion of the dissertation—only 45% of the first half and 21% of the second—to merit so severe a sanction as deprivation of the degree.²⁶⁵ Had any ordinary graduate student submitted a thesis which was one-third insufficiently attributed text from other sources, it is doubtful that the university would have been so gracious. Rather than revoke the Ph.D. in Theology and award King an honorary doctorate for service to the nation, B.U. simply equivocated, thereby lending credibility to the conservative critique.

Had King lived, perhaps he would have found himself marginalized, as Goodwin was. With the dead, however, the living have the luxury of assaying historical perspective, and the dead betray no trusts.

General Conclusions

Plagiarism is neither a new construct nor one which flourishes only in the hot-house culture of universities. To the contrary: not only does the term itself go back to classical times, but our modern understanding of it as the illegitimate use of other people's work (chiefly, but not exclusively, text) has been well established since the eighteenth century. Far from being an obscure academic concept, plagiarism has become increasingly familiar to the general public over the past two centuries, until today it is a matter for headlines as well as litigation.

In all these cases the most troubling question was not proving the

²⁶⁵ "Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr." (September 1991). Quoted in Theodore Pappas, "Truth or Consequences: Redefining Plagiarism," *Chronicles*, September 1993. Reprinted in Theodore Pappas, *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994): 100-105 (figures cited on p. 103).

plagiarism, but in determining what to do afterward—when action can be compromised by considerations of collegiality,³⁰⁶ liability, or publicity—and in general it is safe to say that institutions and associated professional organizations continue to struggle with the problem. Editors at the *Boston Globe* faced the same dilemma as the staff of the Martin Luther King, Jr. Papers Project, and Doris Kearns Goodwin's myriad employers had to make the same kind of decisions as Hooper Cumming's congregation and synod.

In many cases the plagiarists were repeat offenders, from Cumming to King, from Glass to Barnicle, and from Oates to Ambrose. This suggests that plagiarism is a pattern of thought as well as a way of doing business, and implies either brazen contempt for the scholarship of others, an inability to overcome temptation, chronic overextension, mental illness, or a combination of these factors.

Although the man on the street is still likely to describe plagiarism as a form of theft, the public does recognize that plagiarism has evolved beyond mere offenses against intellectual property. Moreover, the man on the street also judges plagiarism according to its context, and allows different standards for different walks of life. The speechwriters employed by politicians, for example, are accepted as a necessary part of public office. Even in politics, however, there are limits to the extent to which the work of another can be used with impunity. As Joseph Biden found to his political cost, the public does not countenance falsely claiming credit for an experience which is not one's own.

Nor does the world split hairs when it comes to false claims of credit. Journalists who invent their stories are held as blameworthy as those who print

³⁰⁶ Patrick T. Reardon suggested that the public outcry against Stephen E. Ambrose was driven by the press, not by scholars, because Ambrose had been so laudatory of other scholars. See Patrick T. Reardon, "Plagiarism? So What? Here's what: Stephen Ambrose blew a chance to do real history," *Chicago Tribune*, 16 January 2002.

under their own bylines copy written by others. Fabrication and plagiarism are not only akin, but lumped together in the public discourse. Thus Janet Cooke and Stephen Glass join Mike Barnicle and Jeff Jacoby as examples of journalists who have brought discredit upon their profession, and thus Joseph Ellis joins Stephen Ambrose and Doris Kearns Goodwin as scholars who have shaken the public trust in academe.

Betrayal of trust is an important consideration, both because it unifies our common understanding of plagiarism and because it explains why our reaction is so condemnatory. Plagiarism is most likely to be committed by persons in positions of trust—leaders who make speeches, journalists who write stories, clergy who give sermons, and historians who publish books—from whom society expects and demands the truth, honestly presented. The contortions caused by the revelation of Martin Luther King, Jr.'s plagiarism illustrate that the betrayal of trust can be devastating when committed by those who are moral leaders. In truth, Alexander Lindey got it backwards: it is mere infringement of copyright which is "innocuous enough"—innocuous enough because there is a ready remedy. Settlements and damages can redress issues of intellectual property, but trust, once lost, is gone for good.

Chapter Two

The Trackless Wastes of Theory

The diverse forms of plagiarism familiar to the public examined in Chapter One show our common understanding that what constitutes plagiarism varies according to context: no one definition applies to politicians, screenwriters, and academics. The range and variety of these differences are manifested in the multiple metaphors that have been used to express understanding of the concept. Of these the medical image may be the most incongruous, but it is not uncommon. In 1961, for example, revelations of widespread "ghostwriting" led one writer to ask his readers rhetorically whether plagiarism is "a cancer, or... a low-grade but persistent infection?"¹ and newspapers carried on the epidemiological image by referring to plagiarism as a "plague."² A number of thoughtful commentators have described plagiarism as capital crime,³ and others (taking a more spiritual tack) in terms of sin.⁴

In the academic world, David Leight counts at least four models which are widely invoked in the name of warning students about plagiarism: stealing, ethical violation, borrowing, and intellectual laziness.⁵ These inconsistencies

¹ Samuel Middlebrook, "No Panacea for College Cheating," *New York Times Magazine*, 9 April 1961: 17.

² The image is fairly common; for recent examples, see "E-Mail Cheats to be Expelled by University," *The Independent*, 13 August 1999. Online at <http://www.independent.co.uk/atp/INDEPENDENT/NEWS/P6S2.html>. Also Bruce McCall: "Bookend: The Dog Wrote It," *New York Times*, 14 November 1999. Also Coco McCabe, "Old plague of plagiarism infected by new source on Internet," *Boston Globe*, 14 October 2001. For a variation on the theme, see Andre Picard, "Commentary: A plague on plagiarism," *The Globe and Mail*, 29 June 1991.

³ K[leigh] R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham MD, New York, London: University Press of America, 1988): 43.

⁴ K[leigh] R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham MD, New York, London: University Press of America, 1988): 8, 37-38, 43. The first of these suggests an image of plagiarism as "original sin," which is consistent with the postmodern view that plagiarism is natural and inevitable to all writers. Brian Martin notes that "plagiarism is normally treated as a grievous sin." Brian Martin, "Plagiarism: A Misplaced Emphasis," *Journal of Information Studies*, Fall 1994: 36. This metaphor is specifically applied to the Oates case by Michael Burlingame, "'A Sin Against Scholarship': Some Examples of Plagiarism in Stephen B. Oates's Biographies of Abraham Lincoln, Martin Luther King, Jr., and William Faulkner," *Journal of Information Studies*, 3, 1 (Spring 1994): 48-57.

⁵ David Leight, "Plagiarism as Metaphor," in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 221-229.

within the academic definition of plagiarism are due to attempts to force the square peg of the public understanding of the term into the round hole of academic circumstances. Of all the beliefs about plagiarism, those equating it with copyright infringement and theft are surely the most widely held—and the most misleading. Thus in this chapter about what plagiarism *is*, it is important first to assess what it is *not*.

False Paradigms: Infringement and Theft

The fallacious equation of academic plagiarism with its older relative, infringement of literary property, is the most common distortion of academic plagiarism. Just as a false dichotomy divides plagiarism from cheating, a false parallel links it with theft.

The ‘theft’ paradigm with its legal parallels trivializes academic plagiarism as a kind of poor cousin to infringement, “relatively innocuous”⁶ because it is not actionable, but in fact this standard is not applicable to the great majority of contemporary cases. Property rights are at issue when something of value is taken *resulting in its owner’s loss*, and academic plagiarism does not meet this essential test. (Scholars involved in research and production of knowledge can and do steal within the purview of property rights,⁷ and owners of intellectual property also incur presumed loss when the “fair use” doctrine of copyright is exceeded,⁸ but these are not the kinds of offense at issue here.) In short, couching the issue in terms of property rights—as does the critical literature which speaks in terms of the “ownership of text”—only serves to obscure the question.

⁶ Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 12-13.

⁷ One of the best treatments is in Marcel C. LaFollette, *Stealing Into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing* (Berkeley, CA: University of California Press, 1992). For those in the humanities or social sciences, the case of Jayme Sokolow (“Quiet Goes the Don”) is related in Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 144-193.

⁸ For a clear discussion of fair use, see “Plagiarism and Copyright,” in Ralph D. Mawdsley, *Academic Misconduct: Cheating and Plagiarism* (Topeka, KS: National Organization on Legal Problems of Education, 1994): 87-92.

In the present day, there is a broad consensus that plagiarism occurs when students order pre-written essays from “research companies,” download such papers from one of the scores of Internet sites hawking them, or pay someone else to write papers for them, but in none of these cases does an accusation of theft have validity—goods which are given or purchased are not stolen. It is true that when students copy from an encyclopedia in the library there is neither gift nor purchase, but neither is there commercial loss—no encyclopedia goes unsold because a student has lifted part of an article in one of the volumes. Nor, by the ‘theft’ standard, are there logical grounds for the concept of self-plagiarism, since it is legally impossible to steal from one’s self. (Even those more sophisticated definitions which include a phrase requiring “appropriate attribution” fail to address self-plagiarism, for the claim to authorship is genuine even though the paper was prepared for another course.) In this context theft could occur only if a paper were stolen before the author received credit for it, and no one argues that that kind of stealing is plagiarism. In the final analysis, fraudulent claims of academic credit cannot legitimately be construed as property offenses—a point to which we will return in Chapter Six.

Although the concept of plagiarism originated in the world of letters, and although (as we have seen) the most widely-publicized cases still occur more commonly outside academe than within, our general understanding of the term most closely associates plagiarism with education. Almost universally considered to be a form of academic misconduct—exceptions are discussed below—there are consensus definitions of neither what plagiarism is nor what forms of dishonesty are outside its rubric.

Diversity of Definitions

Philosophies of defining plagiarism vary widely. There are two principal approaches: some institutions have attempted to define plagiarism by specifying

its incarnations (which is, to borrow the medical metaphor again, rather like describing a disease by cataloging its most common symptoms—an exercise that helps identify the pestilence but little else), which others have chosen to keep their policies as uncluttered as possible. By 1991 the University of Texas System had devised a list of 23 different behaviours that constituted dishonest practices, from fabricating lab results to communicating answers to a student in an exam room via pager.⁹ By contrast, the United States Coast Guard Academy does not use the word plagiarism at all, pursuing instead the simple tenet that “[c]adets neither lie, cheat, nor steal” and leaving specific applications of their Honor Concept undefined.¹⁰ Even a brief comparison of current regulations at major post-secondary institutions serves to illustrate this discordance.

At the University of Toronto plagiarism is “to represent as one’s own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work,” while outside this definition (though also forbidden) are the use of unauthorized assistance, the impersonation of another student, and the submission of work for credit in more than one course.¹¹ Dartmouth College agrees that using the same paper twice is not plagiarism, but also treats dishonesty on an exam as a separate offence.¹² Dalhousie agrees with Dartmouth that examinations are outside the plagiaristic pale, but parts company with both Dartmouth and Toronto by categorizing duplicate submission of work as a form of plagiarism.¹³ Neither follows Toronto

⁹ University of Texas System, *Student Discipline for Scholastic Dishonesty: A Guide for Administrators, Faculty, and Hearing Officers* (July 1991): 10-11. Quoted in Ralph D. Mawdsley, *Academic Misconduct: Cheating and Plagiarism* (Topeka, KS: National Organization on Legal Problems of Education, 1994): 9-10.

¹⁰ *United States Coast Guard Academy 1998-1999 Catalogue of Courses* (New London, CT: 1998): 11.

¹¹ *University of Toronto Faculty of Arts & Science, St. George Campus Calendar* (Toronto: 1998): 510.

¹² *Dartmouth College Student Handbook 1998-1999* (Hanover, NH: 1998): 147.

¹³ *Dalhousie University 1998/99 Calendar* (Halifax, NS: Dalhousie University, 1998): 18.

in barring impersonation, but Wesleyan University connects those offences by asserting that “[p]lagiarism... is impersonation, since every piece of written work presents an image of its author”¹⁴ [emphasis added]. Variations and gradations increase with each set of university regulations one examines.

Grounds for these differences in definition may be philosophical, practical, or incidental. An important area of philosophical difference concerns the *mens rea*. Kenyon College specifically warns students that plagiarism obtains “*whether or not the misrepresentation was an intentional attempt to deceive*” [emphasis original],¹⁵ while the University of Maryland’s definition equates plagiarism only with “*intentionally or knowingly representing the words or ideas of another as one’s own in any academic exercise*” [emphasis added].¹⁶ On the practical side, most institutions develop their own standards in light of their own experience. Toronto’s rule against impersonation, for example, grew out of the fact that a very large percentage of U. of T.’s student body must pass an English language competency test. Repeated instances of students arranging proxies in order to pass the test justified the explicit codification of this prohibition at Toronto,¹⁷

¹⁴ *The Blue Book* (Middletown, CT: Wesleyan University, 1998): 77.

¹⁵ Kenyon College student handbook, p. 23. Kenyon’s approach is supported by U.S. case law. See Ralph D. Mawdsley, *Academic Misconduct: Cheating and Plagiarism* (Topeka, KS: National Organization on Legal Problems of Education, 1994): 18-23.

¹⁶ University of Maryland memorandum to Department Chairs dated August 18, 1980. University of Toronto Archives. Maryland’s institutional experience may repay examination.

¹⁷ My personal favourite is the Erindale College student who was disciplined in 1982-83 for arranging for another person to write the English test on her behalf—twice. “Summary of Academic Charges Laid Under the Code of Behaviour on Academic Matters and the Disposition of Those Charges and the Sanctions Imposed by the Tribunal for the Period October 1, 1982 - September 30, 1983.” University of Toronto Archives.

Note that impersonation long predates the large-scale admission of international students. See *Regulations of the Faculty for the Administration of Dartmouth College* (Hanover, NH: 1921): 17-18 (under ‘Penalties’): “33. The case of any student involving impersonation in any college exercise shall be reported to the Committee on Administration. Upon conviction both the impersonator and the man impersonated may be separated from College.”

while other institutions with different constituencies¹⁵ have felt no need to follow suit. Incidental differences may arise whenever disparate personalities attempt to write on a common theme, or when one institution's code evolves over time and another's is codified (or thoroughly revised) in one fell swoop.

Defining Plagiarism's Parameters

With all that in mind (and mindful, too, of K. R. St. Onge's fatalistic maxim that "[o]nly the king of fools has the *correct* definition"¹⁶ [italics original]), it is nevertheless possible to distill broad commonalities as a first step toward a workable definition for schools and universities. Recognizing that one can only generalize about a majority opinion which must perforce be a patchwork of institutional standards, the following is a sketch of plagiarism as it exists in the academic world.

At the heart of this consensus are four criteria, meeting any one of which constitutes a form of plagiarism: (1) the use of the products of another's intellect without due attribution; (2) the presentation of the products of another's intellect as one's own; (3) the presentation of work which is not original, as original; (4) the presentation of work which is not one's own legitimate research or performance, as one's own legitimate research or performance. While there is overlap among these—and while all four could apply to a single case—the differences in wording are significant. In practice they cover an impressive variety of academic sins commonly considered as, or closely associated with,

¹⁵ This may change as more institutions admit international students. In the United States impersonation on English-language proficiency tests such as the Test of English as a Foreign Language (TOEFL) occurs because passing scores are a prerequisite for renewing student visas. Given the stakes, it is not surprising that entrepreneurs have sought to capitalize on the importance of the TOEFL by arranging for substitutes to write the exams in place of students whose English is weak. See the Associated Press story, "Feds Break Up Test-Taking Ring," *New York Times*, 7 May 2002. Online at www.nytimes.com/aponline/national/AP-Test-Impostors.html.

¹⁶ Keith, R. St. Onge, "Plagiarism: For the Accusers and the Accused," *Journal of Information Ethics* 3, 2 (Fall 1994): 9.

plagiarism: word-for-word transfer of text; too-close paraphrasing; borrowing, accepting as a gift, purchasing, downloading, or otherwise obtaining work which is prepared by another but submitted with one's own name as author; unauthorized collaboration; inadequate citation (including both omissions in footnoting and the exclusion of works consulted from a bibliography); footnote theft (an underappreciated phenomenon acknowledged by Thomas McFarland's remark that there is "no other need for footnotes than to allow scholarly readers to purloin my citations without having to give *me* a reference"²⁰); and self-plagiarism. They also cover a number of offences which probably would not be considered plagiarism *per se* by a majority of institutions, including copying a neighbour's examination answers; using unauthorized aids in a test; having another person write an examination on one's behalf; turning in work containing fabricated sources or data; and surreptitiously altering graded work as the basis for appealing the mark.²¹

The key concept underlying this construction of plagiarism is *credit*. Trinity College's pithy definition of plagiarism as "[claiming] credit falsely"²² is really sufficient; all the rest is detail. Such an understanding of the term suggests

²⁰ Thomas McFarland, quoted by Chuck Zerby, *The Devil's Details: A History of Footnotes* (Montpelier, Vt: Invisible Cities Press, 2002): 11. The source is Thomas McFarland, "Who Was Benjamin Whichcote? or, The Myth of Annotation," in Stephen A. Barney, ed., *Annotation and Its Texts* (Oxford, New York, Toronto: Oxford University Press, 1991): 160, which I've not seen.

At least two other writers refer to this phenomenon. Brian Martin suggests that a "subtle form of plagiarism occurs when a person gives references to original materials and perhaps quotes them, but never looks them up, having obtained both from a secondary source—which is not cited." Brian Martin, "Plagiarism: A Misplaced Emphasis," *Journal of Information Studies*, Fall 1994: 37. Martin cites Joseph Bensman, "The aesthetics and politics of footnoting," *Politics, Culture, and Society*, 1: 443-470, but I have not yet found Bensman's article.

²¹ Exclusions would be such offences as interfering with another student's work, abusing library privileges, and submitting concocted excuses—which should presumably be considered disciplinary infractions.

²² *Trinity College Policy and Procedures for Review of Alleged Unethical Research Practices* (Hartford, CT: Trinity College, 1998). For a similar perspective from seventy years ago, see Thomas M. Carter, "Cheating as Seen by College Students," in *The International Journal of Ethics*, vol. XXIX (1928-29), 345: "Cheating and stealing money are both done for the same purpose; namely, personal gain one has not earned."

that falsifying a transcript and forging a letter of reference should also be included in a broad definition of plagiarism, since both are false claims of credit.

The Value/Credit Paradigm

Confusion arises because of the common identification of academic plagiarism as a subset of cheating, which is erroneous. It is rather that cheating (as that term is broadly understood) is a subset of plagiarism. Most cheating is the fraudulent representation of accomplishment, which is plagiarism—the act of claiming credit falsely. Copying homework, inventing data for a lab report, and bringing a crib sheet into an examination are just as much false representations of preparation and mastery as a purchased essay is a false representation of scholarly research and writing.

In this discussion *value* is of critical importance. Notwithstanding emerging debate on the question,²¹ a student assignment has no commercial or fiduciary worth; indeed, it has none at all except as evidence that the student has received the intended value from a required exercise. A completed assignment is, in short, a kind of intellectual receipt. Certainly an instructor receives no value when these assignments (be they term papers, examinations, or some other kind of exercise) are submitted by students. Very occasionally an exceptional essay may elicit reflection or stimulate thought, but the great mass of student work is a body of writing (or data) which is usually processed mechanically—a term intended to convey no pejorative connotation—rather than analyzed thoughtfully. Upon return of these assignments the instructor incurs no loss and the student realizes no gain (though he may, of course, benefit from comments about the work made by the marker).

²¹This point is discussed, leaning toward a contradictory conclusion, in Andrea L. Foster, "Plagiarism-Detection Tool Creates Legal Quandry // When professors send students' papers to a database, are copyrights violated?" *Chronicle of Higher Education*, 17 May 2002. Online at <http://chronicle.com/free/v48/i36/36a03701.htm>.

An instructor's object in assigning a term paper is not to accumulate term papers. Rather, his object is to require each student both to master the subject matter at hand and to hone the skills of scholarly writing. In intention at least, "[t]he undergraduate essay is a scholarly work in miniature... not a routine exercise, a chore for the student to write, a chore for the professor to read. It is... education in the truest sense."²⁴ (By contrast, "[s]tudents who use another's ideas or language without giving credit violate the most basic agreement between students and the university; they attack the academic enterprise at its heart."²⁵) The term paper itself is simply proof that the intended lessons have been learned, and that credit for having mastered the material has been earned. In this it shows its close kinship with examinations.

(Note that the University of Toronto, which includes examinations in its definition of plagiarism, has long appreciated the relationship between examinations and term papers, which dates to the emergence of essays as a parallel form of evaluation:

The writing of essays is not as dramatic a feature of undergraduate life as is the writing of final examinations, but it is quite as characteristic. This should occasion no surprise, since the essay and the examination are variations on a single theme. Both are tests of the student's knowledge and, more important, of his ability to educate himself.²⁶

These two forms of assessment were explicitly linked at Yale as early as 1885, long before most universities began to speak of plagiarism by that name.²⁷)

At a less exalted level, homework fulfills the same purpose: when a student submits to his teacher the correct answers to assigned problems in

²⁴ Robin S. Harris and Robert L. McDougall, *The Undergraduate Essay* [Toronto: University of Toronto Press, 1958]:102 and viii.

²⁵ Wesleyan University, *The Blue Book* (Middletown, CT: 1998): 77.

²⁶ Robin S. Harris and Robert L. McDougall, *The Undergraduate Essay* [Toronto: University of Toronto Press, 1958]: vii.

²⁷ Yale in 1885, though the word "plagiarism" does not appear in the *Regulations* until 1965!

mathematics, he is demonstrating mastery of the skills required to solve those problems rather than transferring value to his instructor. A completed worksheet is thus as much a receipt in a ninth grade class as a term paper is in a fourth year university course.

Whatever the academic level, a student accrues no value from submitting information without completing the exercise, since the objectives of the assignment—either content mastery or skills acquisition, or both—have not been met. The plagiarist who does not complete the assignment as required but instead takes a shortcut thus earns a fraudulent receipt. (If his submission is accepted he may receive credit, but the credit is not truly indicative of value.) Rooted in the concept that learning has its own intrinsic worth, the value/credit paradigm demonstrates that plagiarism may be reasonably understood as a perversion of the purpose of academic assignments.

Why Students Plagiarize

Reasons for student plagiarism can be grouped into four broad categories: Advantage, Convenience, Desperation, and Ignorance. *Advantage* motivates the able student in a highly competitive situation, or one who wishes to gain an edge in the race for academic prizes, admission to selective universities or professional programs, or some other ambitious objective. For these students the end of admission, credential, or position justifies the means of academic dishonesty.

Convenience tempts the student who is unmotivated by an assignment, or whose predominant distinguishing characteristic is indolence. In the view of Martin Pesham, an entrepreneur whose business depended on this clientele, “[m]ost kids are looking for a shortcut. They don’t give a damn. Kids are lazy in general.”²⁵ When an able student copies a report out of an encyclopædia, or

²⁵ Martin Pesham, quoted in Joseph McBride, “Termiknowledgey: Or, How to Become a Millionaire--Fast,” *Wisconsin State Journal*, 28 February 1972. The episode referred to is developed in detail in Chapter Five: Pens for Hire.

downloads it from an internet website, it is likely to be because the means are handy and the inclination to do the work slight.

Neither advantage, with its aura of cut-throat competitiveness, nor convenience, with its implicit surrender to the siren call of sloth, is a very attractive motivation. When these are in evidence teachers rarely hesitate to punish the offence—chiefly because both ruthlessness and laziness are offensive to our sense of academic rectitude. Both advantage and convenience imply intent, and while (as discussed below) intent is irrelevant to the fact of plagiarism, it does concede the moral high ground beyond dispute and make it easier (in the sense of “more comfortable”) for a teacher to apply the rules.

Desperation, though not mutually exclusive of advantage, typically drives the student who seeks only to stave off ruin. In many cases this motivates individuals for whom “getting a good grade” on an assignment or a test will be the difference between passing and failing, not the difference between an A and an A+. Ability may not be the single greatest factor influencing desperation, however; that distinction probably belongs to time. Even top students can feel the pressure of too many assignments due in too short a span. The complexity of academic work increases at the same time that responsibilities outside school (which range from personal interests like sports to family responsibilities such as child care to the financial necessity of a job) proliferate. These external pressures decrease the time available for study even as the time required by assignments increases. They also contribute to fatigue, and often distract the student from his studies by presenting a set of competing worries. In such circumstances an academic deadline may well drive a student to desperate measures in order to satisfy the demands of all his responsibilities.

Ignorance is neither a motivation nor a temptation, but a fact. Within this general category fall a range of possibilities, from simple unfamiliarity with either

the requirements of the assignment or general academic standards at one end of the spectrum to cognitive incompetence at the other. Somewhere in between are the improbable theoretical constructs of inadvertent plagiarism and cryptomnesia, which claim that a person in good mental health, familiar with the expectations of both the academy in general and his instructor in particular, can still duplicate text to such an extent that it will be perceived as plagiarism.

Mental health, which has been of both theoretical²⁹ and practical³⁰ concern, does not alter the fact of plagiarism. A claim to credit is not made true by the cognitive incompetence of the claimant. It may well be that *disciplinary* action would be preempted by a medical condition of this kind, but such a condition does not justify giving academic credit where none is due.

By the same standard, neither does the claim of unfamiliarity merit awarding academic credit where it would not otherwise be given. In addition to being irrelevant to the fact of plagiarism, ignorance is an implausible argument beyond the eleventh grade,³¹ and completely unacceptable in a post-secondary context. Students are responsible for meeting the standards of university work, among which is appropriate citation. Even if every university were to assume that no secondary school teaches the differences between proper academic writing and plagiarism (an issue which is discussed in Chapter Four), learning the standards of the academy is the first part of an undergraduate education. A claim of ignorance could not have any validity past a student's initial semester in university, and would not justify the awarding of undeserved academic credit

²⁹ Keith R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham MD, New York, London: University Press of America, 1988): 68.

³⁰ The University of Virginia's Honor Committee dismissed several of the Bloomfield cases because "psychological evaluations reveal[ed] that a contributory mental disorder was found in the accused." Jen Michaels, "Honor to complete Bloomfield cases soon // Statistics show 13 of the 51 investigations to go to trial end in guilty verdicts, 18 trials await decisions," *The Daily Cavalier*, 19 February 2002.

³¹ This is discussed at length in Chapter Four: Homework and Projects and Tests, Oh My!

even in that first semester.

Desperation and ignorance are more likely to win a sympathetic hearing than advantage and convenience, both because teachers as a whole tend to be responsive when students are in genuine difficulties, and because of the absence of dishonest intent. When students seem to mean well, teachers are more inclined to give them the benefit of the doubt than if the student's motivation is founded on one of the Seven Deadly Sins. While this may seem reasonable, it is based on the widely-held fallacy that intent matters when plagiarism occurs.

The Fallacy of Intent

K. R. St. Onge, long a critic of the academy's arbitrary way of addressing accusations of plagiarism, flatly declares that "[i]ntent to deceive must remain a criterion" for plagiarism.³² His authority for this is Alexander Lindey, but the focus of Lindey's work was infringement, not academic plagiarism.³³ In the context of education, whether or not a student *intended* to plagiarize is in fact an apparent, rather than an actual, issue. If the work or the expression of the work is not the student's own, and if the true source is not acknowledged, the student is not entitled to receive credit for it.

In some cases the means of acquiring or incorporating material permits the presumption of intent. These include purchasing a term paper, hiring an imposter, forging a letter of reference, and falsifying a transcript. It is simply not possible to do any of these things accidentally, inadvertently, or innocently, and no scholar—not even St. Onge or Rebecca Moore Howard, both of whom have been sharply critical of the academy's definition of plagiarism—argues that these are anything other than blatant dishonesty, warranting immediate disciplinary

³² K[leith]. R. St. Onge, "Plagiarism: For the Accusers and the Accused," *Journal of Information Ethics* 3, 2 (Fall 1994): 12.

³³ K[leith]. R. St. Onge, "Plagiarism: For the Accusers and the Accused," *Journal of Information Ethics* 3, 2 (Fall 1994): 12. He quotes Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952): 2.

action. Most cases of plagiarism are not so clear-cut, however, and when intent to deceive is not immediately apparent the fact of plagiarism seems less certain. This uncertainty, which is grounded in perception rather than actual ambiguity, is the cause of much squabbling over plagiaristic detail.

The submission of an essay in exchange for credit, the coin of the academic world, suggests a useful model for considering intent. While this transaction is not a mercenary one, it is worth examining a commercial parallel for an illustration of the principle that the essay should receive no credit. If someone pays for a Rembrandt and receives a forgery instead,³⁴ the fact that the seller claims not to have known the painting is a forgery does not mean that the purchaser has what he wants and has paid for. No matter if the seller comes from a culture where selling copies is considered an honorable tribute to the great masters, or has a mental disorder, or belongs to an ethnic group with a strong tradition of derivative painters, or if the buyer is a contemptible wretch, or if the amount paid isn't what a real Rembrandt should fetch, the painting still isn't a Rembrandt, and it remains the responsibility of the vendor to provide the promised Rembrandt. If the seller does not do so, the seller has voided the contract which exists with the buyer, and should not be paid. If the buyer discovers that he does not have a Rembrandt after he has already taken delivery and paid, the sum should be refunded. Whether the buyer prosecutes the seller—and whether the vendor goes to jail—may depend on whether intent can be established, but withholding his payment certainly should not.

So too with assignments: if the work required has not been completed independently and with adequate citation, the student who submits it should not receive credit for it. Whether the student intended to deceive his instructor or not

³⁴ For the purpose of this discussion, any item will do, so long as the object sold is not what the vendor represents it to be.

is irrelevant to the fact that he is not entitled to credit for the work which is not what it purports to be. If there is evidence of intent to deceive— if, for example, the teacher can find the article from which the paper has been wholly excerpted, or an internet purchase can be proven—then that attempt to defraud ought also to be a disciplinary issue. The central academic question of whether credit should be given is a separate one, and has already been answered.

It is not necessary to levy the “academic death penalty” in cases where plagiarism seems relatively minor. Keeping in mind the value/credit paradigm on which the concept of plagiarism is based, it is only necessary that instructors deny credit until an essay meets the necessary standards. A paper with insufficient citation—lacking quotation marks for a sentence that is otherwise correctly cited, for example³⁵—might be required to be resubmitted with corrections (thereby reinforcing the lesson about citation) and then penalized by a reduced grade, while an essay downloaded from the Internet represents no value at all, receives a zero, and may merit a disciplinary referral. Thus the human concern for proportionality is satisfied: no credit is given until the student work is free from plagiarized material, but the penalty is not the same for incidental as it is for gross plagiarism.³⁶ Teachers have discretion in determining the nature and extent of the plagiarism (and have the flexibility to exercise common sense in marking), but credit is not given for plagiarized work.

Excuses, Excuses

A fundamental concern for fairness prompts teachers to give students the benefit of the doubt in cases where the offense is murky, particularly when mitigating circumstances might exist. An array of excuses (not least of which is

³⁵ See Diana Hacker, *Rules for Writers: A Concise Handbook* (New York: St. Martin's Press, 1988): 389.

³⁶ The terms “trivial” and “gross” plagiarism are used by K[erith] R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham, MD, New York, London: University Press of America, 1988): 100.

the old “dog ate my homework” bromide) and a great range of rationalizations have evolved to appeal to this instinct, all of which need to be addressed.

In his study of substantial plagiarism by the Province of Saskatchewan,³⁷ Donald Cochrane identifies six specific rationalizations—he calls them “defences”—used by the Ministry of Education to justify their wholesale unattributed borrowing. What he dubs “the ‘What Is So Surprising?’ Defence” suggests that similar documents prepared in similar circumstances for similar purposes are going to be, well, *similar*.³⁸ Stephen Oates tried to make this point in the context of Lincoln biographies,³⁹ and a variation rears its head every now and again when student papers on the same lesson so closely resemble one another that the teacher suspects copying. This is in fact mere denial, dressed in the guise of an implicit assertion of coincidence.

The union official who used the “Pour Scorn on Detractors Defence”⁴⁰ in Saskatchewan employed a variation on the crude tactic of attacking the whistleblowers—the same technique that Gibbon used when he lambasted Davis and that Oates employed when he dismissed Bray as a non-historian “apparently known mostly in Illinois.”⁴¹ The student version of this might be called “the ‘My Teacher Hates Me’ Defence,” which ascribes a sinister motive to the accuser and suggests that the offence is in the mind of the teacher rather than real. This is nothing more than the application of the principle that the best defence is a good

³⁷ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 37-61.

³⁸ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 46.

³⁹ Stephen Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994).

⁴⁰ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 48.

⁴¹ Stephen B. Oates, “A Horse Chestnut Is Not a Chestnut Horse,” *Journal of Information Ethics* 3, 1 (Spring 1994): 26.

offense, and neither refutes nor excuses the fact that plagiarism has occurred.

The morally vacuous and logically specious “Everybody Does It Defence” (a desperate gambit familiar to parents and teachers alike) gets short shrift from Cochrane, who replies with what we might call the “That Doesn’t Make It Right Response”: “[d]omestic violence, tax evasion, and impaired driving may be common... but that hardly makes them acceptable.”⁴² Of all childhood rationalizations, this may well have the broadest carryover into adult life: no profession is immune from this lame assertion of universal venality, including holy orders.⁴³ Because it is an admission of guilt made in the (usually vain) hope of safety in numbers, this is in fact a confirmation of plagiarism, rather than an excuse for it.

The fourth rationalization, which Cochrane styles “the ‘We Took It to the Cleaners’ Defence,” claims that taking the American document as a starting point and improving it through the “20 changes at a minimum” that were made after public hearings, releases the Province from any responsibility to credit the source document.⁴⁴ This bridges the classical literary tradition of imitation improved by originality, and the schoolchild “‘But I Changed Three Words!’ Defence,” which claims that the judicious use of a thesaurus (today, the thesaurus function), is sufficient to ward off the charge of copying. This is the pregnancy metaphor stood on its head: rather than considering a paper plagiarized if any language is

⁴² Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 48.

⁴³ The excuse of common practice was invoked in the Rev. Ed Mullins case, to which one critic responded: “[T]he plagiarism of his spiritual messages causes us seriously to doubt his fitness for the ordained ministry. How can a priest of the church lay claim to a defence of such dubious morality as ‘everybody does it’...?” Quoted in Danny Hakim, “Clergyman Is Accused of Plagiarism,” *New York Times*, 13 March 2002. Online at <http://www.nytimes.com/2002/03/13/national/12SERM.html>.

⁴⁴ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 49.

copied without attribution, this rationalization argues, in effect, that making changes in language establishes that plagiarism has not occurred. In fact, of course, such superficial changes establish no such thing.

The other two rationalizations identified by Cochrane are less likely to appear in a classroom context. The “‘We Have Permission’ Defence” maintained that, since the *ur*-document *invited* educators to adopt its goals, plagiarism did not occur.⁴⁵ This is, of course, a straightforward confusion of plagiarism with infringement: permission to duplicate does not preclude the responsibility to acknowledge. Within the legal doctrine of “fair use” all scholars give permission to use their work, but all who do so have an obligation to acknowledge it. The closest relative of this in the student world would be taking a Science Fair project *verbatim* from a book of such projects and duplicating it exactly as it appears in the book⁴⁶—which is, in one way, its intended purpose—but this becomes a less likely scenario in the upper grades.

The functionary who employed “the ‘Ask Not From Whence [*sic*], Only What’ Defence” sought to focus attention on the quality and value of the product, rather than its source and lack of attribution.⁴⁷ Logically this amounts to a student saying, “You asked for a report on ants (or Ankara),⁴⁸ and I gave you a

⁴⁵ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 47.

⁴⁶ A form of this happened at the 2002 Mystic Valley Regional Charter School Science Fair in Malden, Massachusetts. The parent of a fifth grade student purchased a triptych-style posterboard with an example project (a dinosaur display) printed on the reverse. Apparently one of them felt that it would be prudent to cover up the side bearing this example with construction paper before exhibiting the project. This stratagem failed when the project was set up right next to another which used the same kind of posterboard for its display.

⁴⁷ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 47-48.

⁴⁸ An allusion to Sheridan Baker, *The Complete Stylist* (New York: Thomas Y. Crowell, 1966): 218. If this were not footnoted, would it constitute plagiarism? See the discussion of “Extent,” below.

good one!”⁴⁴ The chief difficulty in employing such a rationale in a school context is that it in no way appeals to that instinct which wants to ensure fairness; to the contrary, it invites a very unsympathetic reaction.

Implicit in Cochrane’s article is a seventh rationalization, which we might call the “If It Satisfies Without Cost or Profit Defence.”⁴⁵ Its essence is that the plagiarized report was triply effective: it served its purpose without cost to the public purse or loss to its originators, so it was *laudable* for the government to have borrowed it. This adds a layer of fiscal prudence and customer satisfaction to the “We Had Permission Defence,” and, like that one, simply pretends that citing the actual source of the text is an irrelevant consideration. In fact the true irrelevancies are that the document in question cost nothing, that it was considered quite satisfactory, and that no financial profit was made in the process. (In addition to being irrelevant to the fact of plagiarism, this last contention is specious and self-serving: those who took credit for the unattributed text were certainly capitalizing on it professionally.)

In addition this catalogue of seven rationalizations we should add five more. To carry forward Cochrane’s style, these might be called the “Public Domain,” “It’s an Allusion,” “My Culture Does Not Recognize Plagiarism,” “Photographic Memory,” and “This Discipline Has Different Rules” defences. The “Public Domain Defence” is easily dispensed with: like others, it simply confuses plagiarism with infringement. As Jeff Jacoby and others have found, the fact that an item is circulating on the Internet and appears to be no one’s in particular, doesn’t make it *yours*, and claiming credit for it is plagiarism—

⁴⁴ Compare this logic with that justifying the purloined graduation speech discussed in Chapter Four: “It was a good speech. I was so moved by it, I thought I’d give it.” Joseph Casper, quoted in the editorial, “Casper’s Code of Ethics,” *Boston Globe*, 7 June 1985: 14.

⁴⁵ Donald Cochrane, “Taking Our Directions From Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 57-58.

whether the borrowing is done by a student or the district superintendent.⁵¹

Allusion is intent stood on its head: the writer intends that the reader will recognize the reference, and appreciate the additional layers of meaning that it implies. The “It’s an Allusion Defence” attempts to put the accuser on the defensive, by suggesting (as supporters of Laurence Sterne did when his plagiarism of Robert Burton’s *The Anatomy of Melancholy* was exposed⁵²) that the unsophisticated reader missed the sophisticated writer’s intended point. Because it relies on the reader having the same frame of reference as the writer—an intellectual variant of “beauty is in the eye of the beholder”—allusion (and its conceptual cousin, *homage*) is particularly difficult to define.

A good example of this was an exchange of letters to the editor in the *Washington Post* about whether Abraham Lincoln plagiarized the most memorable phrase of the Gettysburg Address: “government of the people, by the people, and for the people.” One writer argued the affirmative, noting that Lincoln’s near-contemporary, Daniel Webster, had used the phrase “the people’s government, made for the people, made by the people, and answerable to the people.”⁵³ Of the two *Post* readers who responded, one pointed out that John Wycliffe had turned a similar phrase in 1384⁵⁴ (which would not, of course, exonerate Lincoln, since it is perfectly possible to plagiarize a plagiarist). The other noted that the speech in which Webster’s phrase appeared—the Second Reply to [Robert] Hayne, during the Nullification Crisis—was well known in that more politically astute time.⁵⁵ This reader argued that Lincoln deliberately

⁵¹ AP, “Schools chief admits lifting speech,” *Boston Globe*, 10 July 1999: B3.

⁵² Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 17.

⁵³ Kevin Johnson, letter to the editor headed “President Lincoln a Plagiarist?” *Washington Post*, 7 August 2000: A20.

⁵⁴ Ronald C. Semone, letter to the editor headed “Lincoln Didn’t Plagiarize,” *Washington Post*, 11 August 2000: A24.

⁵⁵ Andrew C. Higgins, letter to the editor headed “Lincoln Didn’t Plagiarize,” *Washington Post*, 11 August 2000: A24.

evoked Webster's words, presumably because Webster, like Lincoln, used them on behalf of the preservation of the Union during a time of national crisis.

Certain distinctive phrases are so unlikely to recur by chance that they are clearly allusive; were one to remark (without quotation marks) that ample footnoting in one's thesis lends verisimilitude to an otherwise unconvincing narrative, no rational reader would claim that one was plagiarizing Gilbert and Sullivan. Similarly, the titles of two monographs on this subject, K. R. St. Onge's *The Melancholy Anatomy of Plagiarism* and Rebecca Moore Howard's *Standing in the Shadow of Giants*, are clearly intended to invoke (respectively) Burton and Sir Isaac Newton.⁵⁶

How viable, then, is allusion as an explanation for apparent textual appropriation? A good rule of thumb regarding citation of recognizable phrases is that if the allusion is to a source in the same field as the student paper, it should be cited—thus avoiding an interpretation of plagiarism—while if comes from an unrelated source or a common cultural icon it need not be. (This would not acquit Lincoln, but the Gettysburg Address was not an academic assignment—and political speeches have different rules.) By this standard my reference to the *Mikado* would be acceptable without a footnote, as would a quotation from the Bible or Shakespeare in virtually any paper except certain essays in Theology or English. If, however, a biology student were to make the case for punctuated equilibrium without citing Eldredge and Gould, that would be plagiarism, not allusion. As a practical matter the allusion excuse, which requires a fairly well-read writer before it can be an issue, rarely appears in the context of student work.

⁵⁶ Another work recalling Newton is the intermittently unreadable Robert K. Merton, *On the Shoulders of Giants: A Shandean Postscript* (San Diego, New York, London: Harcourt Brace Jovanovich Publishers, 1985 [originally published 1965]).

The “My Culture Does Not Recognize Plagiarism” Defence consists of two distinct subarguments. The first, the leading proponent of which is Keith D. Miller, suggested that Martin Luther King, Jr., used patterns of appropriation typical of African-American preachers as a form of protest against the foreign requirements and condescending hierarchy of academe⁵⁷—an assertion already dismissed in Chapter One. The second subargument is that students in some (particularly Asian) cultures learn by rote so efficiently that exact recall of source material is inevitable, first put forward by Alastair Pennycook⁵⁸ and subsequently supported by others.⁵⁹ Neither subargument can stand close examination: a traditional style of learning or communication is a learned behaviour, not a disability which precludes complying with the requirements of a new situation.

Pennycook’s argument on Asian students segues nicely into the “Photographic Memory” defence. First and foremost, the existence of extraordinary recall is irrelevant to the fact of plagiarism. Even on its own merits, however, this rationalization is ridiculous: it is not plausible to maintain that someone who can memorize hundreds of words of text is incapable of recalling (and acknowledging) where those words came from. If students can memorize great swaths of text, they can also learn to cite their sources.

Although it is difficult to believe that the duplication of extensive text is not deliberate, a theory has been published purportedly proving the existence of “cryptomnesia,” the erroneous belief that a borrowed thought is original with

⁵⁷ Keith D. Miller, “Martin Luther King, Jr., and the Black Folk Pulpit,” *Journal of American History*, June 1991: 120-123.

⁵⁸ Alastair Pennycook, “Borrowing Others’ Words: Text, Ownership, Memory, and Plagiarism,” in *TESOL Quarterly*, vol. 30, No. 2 (Summer 1996): 201-230.

⁵⁹ Lise Buranen, “‘But I Wasn’t Cheating’: Plagiarism and Cross-Cultural Mythology” and L. M. Dryden, “A Distant Mirror or Through the Looking Glass? Plagiarism and Intellectual Property in Japanese Education,” both in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 63-74 and 75-86, respectively.

the writer."¹⁰ The analogue to "cryptomnesia" is "inadvertent plagiarism," which (as the term implies) consists of scraps of text which survive in the subconscious and are duplicated inadvertently.¹¹

There is no credible evidence demonstrating that either condition exists outside a contrived psychology experiment. Works which refer to "inadvertent plagiarism" and "cryptomnesia" are based on studies conducted under artificial conditions, not generalizable to the classroom. There is no body of literature which establishes the existence of such phenomena, and no known successful appeal of a charge of plagiarism on the basis of either.

Cryptomnesia leads briefly to the question of kleptomania. A number of writers have noted that plagiarists tend to be serial plagiarists, and hypothesized that a compulsion toward plagiarism may be akin to kleptomania.¹² It does seem clear that mental imbalance is manifest among some plagiarists—Neil Bowers' poetic *döppelgänger* comes to mind as a recent example¹³—but (again) such illness is irrelevant to the fact of plagiarism. A plagiarist has no right to claim credit for the work of others simply because he is driven by some disorder to do so.

The "This Discipline Has Different Rules" rationalization was recently put forward most prominently by popular historians Stephen Oates and Stephen Ambrose. They claimed, in effect, that they were caught between a rock and a hard place: that the nature of their material made it impossible for them to avoid

¹⁰ "Cryptomnesia" was the term coined by A. S. Brown & D. R. Murphy in their study, "Cryptomnesia: Delineating inadvertent plagiarism," *Journal of Experimental Psychology: Learning, Memory, and Cognition*, 15: 432-442. Their conclusions are uncritically accepted by Kellogg, and given a credibility which they do not deserve. Ronald T. Kellogg, *The Psychology of Writing* (New York and Oxford: Oxford University Press, 1994): 85.

¹¹ Inadvertent plagiarism is the focus of Allan Eng's MA thesis, "Factors Influencing Inadvertent Plagiarism of Sentences" (Master's Thesis in Education, University of Toronto, 1995).

¹² K[leith] R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham, MD, New York, London: University Press of America, 1988): 4-7. Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 85-87.

¹³ Neal Bowers, *Words for the Taking: The Hunt for a Plagiarist* (New York: W. W. Norton & Company, 1997).

using the words of their predecessors, while the expectation of producing a “readable” text made it impossible for them to burden their books with copious references. (A variation claims that the publishers won’t allow the additional expense of extensive citation.) They also contend that such citations are of no interest to that unscholarly constituency—the general public—for whom their books are intended.

Of the two central contentions at issue here, the first is easier to dismiss. When a historian publishes a new book on a familiar topic, readers expect it to be because he has something new to say. If instead that writer is obliged to parrot what his predecessors have written because he has neither additional evidence, a new perspective, nor an unconventional interpretation to contribute to the subject, the book itself is little better than an undergraduate synthesis, and appears under false pretenses if it is presented as “new.” Moreover, the assertion that an established writer is truly unable to construct his own synthesis of even familiar material, and must instead take refuge in word-for-word copying of an older (typically long out of print) book, is beyond credibility.

The second contention of the “This Discipline Has Different Rules” line is that the marketplace will not accept a properly-annotated history book, and that the writer is a meek ass between the competing demands of his publisher and his professional colleagues who haven’t published anything “popular” themselves.

An important corollary to this argument is that the acknowledgements that appear in these books are in fact quite adequate for the purpose, identifying sources clearly enough for any reader to go back and check every reference for himself. That this is true may be seen in the fact that the critics who attacked Ambrose were able to find their examples of textual similarity by exactly that method:

For the past four months, diligent reporters have found some phrases, a few sentences and at least six times two entire sentences copied by me and footnoted to the source, but without putting quotation marks around the material. The copied words they discovered amounted to about 10 pages out of a total work of some 15,000 pages in print. The investigative reporters found them by using my footnotes.⁷⁴

While this piece of special pleading, with its useful omissions, need not be taken at face value, Ambrose makes two central points: he made no overt attempt to cover his tracks, and the amount technically⁷⁵ plagiarized is not great relative to his whole *oeuvre*. The first of these (like so many others) is irrelevant to the fact of plagiarism—there are no allowances made for brazenness. The second, however, alludes to the issue of extent, which merits closer consideration.

Extent: Quantifying the Qualitative

Finding the line which separates plagiarism from not-plagiarism is difficult. While few would contest that a student who purchases a term paper from an internet essay mill and turns it in as his own has plagiarized and should receive no credit for the essay, opinion divides over whether a ten-page paper which contains a single unattributed paragraph deserves the same consequence. This is a holdover from the fallacy of viewing plagiarism as crime: just as one's sense of fairness and proportion rightly revolts at the idea that a starving British street urchin of the early nineteenth century could be sentenced to transportation in lieu of execution for the crime of stealing a loaf of bread, it is difficult to accept that the plagiarism of a sentence is as blameworthy as the plagiarism of an entire paper.

Proportionality is thus at the root of the vexing question of threshold: at what point does the consequence for plagiarism become operative? For a dozen

⁷⁴ Associated Press, "Ambrose: Errors Not Plagiarism." *New York Times*, 7 May 2002. Online at <http://www.nytimes.com/aponline/national/AP-Ambrose-Plagiarism.html>.

⁷⁵ Wonderful word, "technically"—it implies that the critic is picking nits, and that a more open-minded and less pedantic reader would have no problem with the text in question.

consecutive words copied verbatim? For two dozen closely paraphrased words? For an unattributed idea? Would the decision become easier if proportion of the whole were the operative concern (e.g., more than 25% of the paper = plagiarism; less than 25% = a correctable insufficiency in attribution)?

The “How Things Work” cases at the University of Virginia, where Professor Louis Bloomfield designed a computer program to compare essays looking for identical strings of six words or more, sets the bar high. Bloomfield ultimately referred 360 student papers with at least 100 words matching other students’ work to the Honor Committee,¹⁰ but “Honor” chose to investigate only those with 500 matching words or more. Since the assignments were five-page papers,¹¹ if an average of 200 words per page is assumed this threshold amounts to roughly 50% of the total text. Those whose papers were less than half plagiarized were not prosecuted. Given that at Virginia there is only a single sanction—expulsion—for Honor Code violations, the statistic is significant.

It is probable that the sheer volume of cases led “Honor” to pursue only the most brazen plagiarists, and that the threshold set for those Physics papers was in no way intended to establish a precedent. Given that the “Honor” Chairman stressed that “only one and a half per cent” of those who took Bloomfield’s course during the period checked by the computer program were “dismissed as a result of cheating,”¹² however, it does seem reasonable to infer that at least some members of the Committee considered 500 words to be a valid quantitative measure of plagiarism.

The case of Martin Luther King, Jr.’s doctoral dissertation provides a

¹⁰ Sarah Salwen, “Bloomfield program finds more matches // New standards could add up to 238 cases of cheating to honor trial docket,” *The Cavalier Daily*, 30 November 2001.

¹¹ Sarah Salwen, “New programs detect cheating in assignments // Program compares wording, sentence structure in students’ term papers to identify plagiarism,” *The Cavalier Daily*, 26 April 2001.

¹² Abby Fox, “Honor completes Bloomfield investigations // Twenty pending trials expected to be completed by end of spring semester,” *The Cavalier Daily*, 7 March 2002.

similar benchmark. At Boston University, the Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr. found that 45% of the sentences in one section and 21% in another contained “one of the three kinds of misappropriation.”¹⁶ Taken as an average, B.U. decided that 33% was too low a threshold to warrant posthumous disciplinary action. While the Committee conceded that “were Dr. King still living, he might be asked to give an account of his scholarship,”¹⁷ it concluded that “[t]he constructive part of the dissertation... [still] makes an intelligent contribution to scholarship.”¹⁸ The political sensitivity surrounding King makes his a special case, and as such perhaps an unreliable basis from which to extrapolate B.U.’s actual level of institutional tolerance for plagiarized text, but the numbers are suggestive.

These estimates are in sharp contrast with the pregnancy metaphor which has been used in connection with plagiarism, which implies that there can be no half-measures: either plagiarism is present (and thus the paper is plagiarized), or it isn’t. Stephen Jay Gould, describing Edgar Allan Poe’s plagiarism in *The Conchologist’s First Book*—in which, just for the record, approximately one quarter of Poe’s text was pilfered—expressed this idea clearly: “plagiarism, like pregnancy,¹⁹ does not increase in severity by degrees: beyond a point of

¹⁶ “Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr.” Unpublished typescript, September 1991. N.p., but the second page of text.

¹⁷ “Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr.” Unpublished typescript, September 1991. N.p., but the third page of text.

¹⁸ “Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr.” Unpublished typescript, September 1991. N.p., but third & fourth pages of text.

¹⁹ K. R. St. Onge claims that this metaphor is apt only “if your intent is to rush the judgment process.” See K[leith]. R. St. Onge, “Plagiarism: For the Accusers and the Accused,” *Journal of Information Ethics* 3, 2 (Fall 1994): 9.

The analogy to pregnancy is worth considering: At what point does life, literal and metaphorical, begin? At conception (a word which serves both plagiarism and pregnancy)? Or when the text reaches a certain size?

definition, you either did it or you didn't—and Poe surely did."⁷³

The crucial question, of course, is where Gould's "point of definition" is. Not only is there no consensus on this point in the literature, there is not even *discussion* of this point in the literature. Manuals of style state only that one must give credit when using the words of another, without specifying *how many* of his words, or in what combinations. Since no writers can write on the same subject without drawing on substantially the same vocabulary—a point belaboured in his own defence by Stephen Oates,⁷⁴ among others—the appropriation of *patterns* of words (ideas fall into their own category, allowing freedom from the tyranny of quantity) becomes the crucial measure. In some cases two words might legitimately be considered plagiarism, when they constitute a telling phrase or concept (e.g., Daniel Patrick Moynihan's "benign neglect" or the "punctuated equilibrium" of Niles Eldredge and Stephen Jay Gould⁷⁵), while in less distinctive combinations six words (the Bloomfield threshold) or more might be required to establish unattributed borrowing.

Four factors may serve as guidelines for determining in context whether material has been plagiarized: quality, length or quantity, repetition or sequence, and proportion. *Quality* refers to the distinctive nature of the language, image, or concepts borrowed, and must be assessed by the instructor to whom the work is submitted. *Length or quantity* concerns the number of words in a single sentence or in a section of text. *Repetition or sequence* pertains to the appearance of multiple sentences, either consecutively or in some proximity to each other.

⁷³ Stephen Jay Gould, "Poe's Greatest Hit," in *Dinosaur in a Haystack: Reflections in Natural History* (New York: Harmony Books, 1995): 178. While Gould acknowledges Poe's plagiarism, he draws the line at calling the book "hackwork," because "the final product had genuine utility (and at least a dollop of innovation)", 179-181. Compare this with Boston University's conclusion that King's dissertation "makes an intelligent contribution to scholarship."

⁷⁴ Stephen Oates, "A Horse Chestnut Is Not a Chestnut Horse," *Journal of Information Ethics*, 3, 1 (Spring 1994): 27-28.

⁷⁵ William Hare suggests that these particular phrases, used here for illustration, have now entered the language, and would therefore have passed the threshold for required citation.

Proportion means, as suggested above, the percentage of the total text. Thus if a short paper includes unattributed distinctive language, ideas, or illustration (quality), three or more sentences of greater than six consecutive words which are identical to a donor text (length or quantity), two or more sentences in a row from a common donor text (repetition or sequence), or consists of more than 10% insufficiently cited text—figures chosen (somewhat arbitrarily) to screen out the statistical possibility of simple coincidence—it contains plagiarized material.

That this threshold is substantially lower than others that have been discussed is due to the fact that an assignment is as much an exercise in form as content. Attribution is an essential part of academic form—Oates and Ambrose, among others, took refuge in their specious contention that “popular” history is not subject to academic convention—and a paper which is not fully attributed has not met a basic prerequisite of its completion. (If these figures, and the pregnancy analogy which informs them, seem harsh, it is useful to keep in mind that a single copied answer in an examination is grounds for dismissal from that exercise, and a grade of zero.)

By Gould’s reasoning, once this point of definition has been exceeded, the phrase “contains plagiarized material” means the same as “plagiarized.” The difficulty in this interpretation is that our sense of proportion revolts at the idea that a paper which has been wholly and brazenly downloaded from an unacknowledged internet site is no worse than a paper which contains a single paragraph lifted without attribution from a source which is listed in the bibliography, or one in which ten sentences, distributed around the text, are used *verbatim* without citation.

Noting that contested charges of plagiarism “usually involve copied, or allegedly copied, fractions of an original text, sometimes very small fractions,”²⁶

²⁶ K[eith]. R. St. Onge, “Plagiarism: For the Accusers and the Accused,” *Journal of Information Ethics* 3, 2 (Fall 1994): 13.

St. Onge proposes this mathematical model for establishing whether or not an accusation of plagiarism is warranted:

- A. Establish the quantity ratio (QR), i.e., how much of the questioned text is copied from the original or first author (FA).
 - B. Log all forms of attributions [sic] as index to sourcing (AI), e.g., quotation marks; footnotes; indentifications of author, title, publisher; citations; bibliography; etc., and verify their validity and accuracy. False and misleading sources are strong evidence of intent to deceive (ITD).
 - C. From the validity, significance, and originality (VSO) of materials added by the second author (SA) derive the quality quotient (QQ). Literary history is full of examples of copiers who have improved on the originals, with and often without recognition of the first author.
- [...] The dependent variables are the intent to deceive and the degrees of proof (DOP), both derived from the weight of evidence (WOE).⁷⁷

Quite apart from being remarkably complicated and time-consuming, St. Onge's model employs two inappropriate standards: the old bugbear of intent, and the literary tradition of "improving" text, neither of which is applicable to student plagiarism. In fairness, this was proposed during the turmoil surrounding the Stephen Oates case, and St. Onge was trying to create a model that could be used by professional organizations such as the American Historical Association to judge justly when reputations and careers were on the line. It was not intended for use at the secondary or undergraduate levels, and indeed would be far too unwieldy to contemplate in either setting.

St. Onge's premise—that a statistics-based method offers the fairest way to judge whether a plagiarized text warrants disciplinary action—should be examined more closely. It offers the undeniably attractive elements of consistency and predictability, and can be documented against a quantifiable standard. There are two inherent difficulties: first, St. Onge cannily suggests no

⁷⁷ K[ith]. R. St. Onge, "Plagiarism: For the Accusers and the Accused," *Journal of Information Ethics* 3, 2 (Fall 1994): 14.

benchmark, handily precluding criticism of precisely where he draws the line separating plagiarism from non-plagiarism but unfortunately offering no guidance to those seeking to employ his model. More tellingly, each of the component in his VSO factor is entirely subjective—thus undermining the entire edifice of apparent mathematical impartiality.

The fact is that any arbitrary threshold will be controversial, particularly since a case which is just one word, phrase, or idea over that threshold invites disputation over whether that one word (or phrase, or idea) merits the label of plagiarism. The simplest solution is to acknowledge that “contains plagiarized material” does indeed equal “plagiarized”: there is nothing ambiguous, arbitrary, subjective, or questionable about a threshold of zero. The intent-neutral value/credit paradigm requires only that credit not be given unless an assignment is free of plagiarized material, so truly trivial plagiarism need result only in revisions and the appropriate penalty for late submission.

Citation, and What to Cite

Because of its centrality to the question of plagiarism, the reason why attribution is required is worth exploring. The citation of sources is part of a student’s apprenticeship in the scholarly line, with additional functions at the various levels of a formal education. Prior to high school a student is typically required to identify his sources only when a teacher specifically intends to introduce the concept of citation. At the secondary level, where proper citation is an element in all college-preparatory courses of study, attribution also shows the breadth of research which went into an assignment. In undergraduate studies, it provides an instructor with a means to assess the quality of the writer’s synthesis or analysis. At the graduate level and beyond, it helps the academy gauge both the writer’s familiarity with other research and the originality of his own contribution. At all levels, citation allows the reader to follow up on something of

particular interest, thus providing an additional dimension to the usefulness of the text.

Most sources which discuss citation, however, do so in the context of its function as a prophylactic against accusations of plagiarism, instead of emphasizing its purpose.⁷⁶ Most damaging of all are those which imply that citation is little more than an arbitrary requirement:

College professors view plagiarism as an insult to scholarship. If you are caught, you should expect at least a failing grade on the assignment and, perhaps, disciplinary action against you that could culminate in expulsion...⁷⁷

By casting the discussion in terms of professors' foibles rather than the constructive importance of attributing sources, such an approach reduces citation to a mere hoop through which a student must jump. Trivializing it in this way lends credibility to the common rationalization that cheating is a justifiable response to bad teaching—a kind of undergraduate civil disobedience, perhaps meritorious as well as understandable.⁷⁸

If plagiarism occurs when material which requires attribution is not cited by the student who makes use of it, the definition of what requires citation is of the first importance. The *St. Martin's Handbook for Canadians* lists three broad categories of materials which do *not* require citation: common knowledge, facts available in a wide variety of sources, and one's own findings from field research.⁷⁹ The *Simon & Schuster Handbook for Writers* lists only common

⁷⁶ See, for example, Marcel C. LaFollette, "Avoiding Plagiarism: Some Thoughts on Use, Attribution, and Acknowledgment," *Journal of Information Ethics* 3, 2 (Fall 1994): 25-35.

⁷⁷ Michael Clay Smith and Margaret D. Smith, *Wide Awake: A Guide to Safe Campus Living in the 90s* (Princeton, NJ: Peterson's Guides, 1990): 55.

⁷⁸ For a representative example, see Bob Corbett, *The Cheater's Handbook: The Naughty Student's Bible* (New York: Regan Books, 1999): ix-xi. This is not far from Miller's suggestion that Martin Luther King, Jr.'s extensive plagiarism was a kind of intellectual guerrilla warfare waged against a patronizing white university establishment. See Keith D. Miller, "Martin Luther King, Jr., and the Black Folk Pulpit," *Journal of American History*, June 1991: 120-123.

⁷⁹ Andrea Lunsford, Robert Connors, and Judy Z. Segal, *The St. Martin's Handbook for Canadians* (Scarborough, Ontario: Nelson Canada, 1989): 207.

knowledge and one's own thinking,⁵² and the *Little, Brown Handbook* agrees that common knowledge need not be cited.⁵³ The *Random House Handbook*, by contrast, identifies unnecessary citation only negatively, by advising the writer to “[p]rovide citations for all direct quotations and paraphrases, borrowed ideas, and facts that do not belong to general knowledge.”⁵⁴

The phrase “common knowledge” requires explication. The *Little, Brown* definition is “the basic knowledge people share,”⁵⁵ while *St. Martin's* advises users that “[i]f most readers like yourself would be likely to know something, you need not cite it.”⁵⁶ Neither of these rules of thumb is particularly helpful, since both leave it to the writer to gauge how informed he believes others to be—by either standard it is the sophistication of the audience which really defines common knowledge. Unhappily, the gap between what people *do* know and what they *ought* to know is so great that E. D. Hirsch (for one) has made a lucrative career out of identifying facts that he believes should be common knowledge.⁵⁷ An insecure or cautious writer would thus be likely to footnote everything, which Sheridan Baker accurately characterizes as “drudgery”⁵⁸—for student and teacher alike—while a capricious marker could easily demonstrate that virtually any uncited fact was not “common knowledge” by finding someone who did not know it.

⁵² Lynn Quitman Troyka, Joanne Buckley, and David Gates, *Simon & Schuster Handbook for Writers* (Scarborough, Ontario: Prentice Hall Canada Inc., 1996): 541-542.

⁵³ H. Ramsey Fowler and Jane E. Aaron, *The Little, Brown Handbook* (HarperCollins Publishers: 1989): 572.

⁵⁴ Frederick Crews, *The Random House Handbook* (New York: Random House, 1987): 504.

⁵⁵ H. Ramsey Fowler and Jane E. Aaron, *The Little, Brown Handbook* (HarperCollins Publishers: 1989): 572.

⁵⁶ Andrea Lunsford, Robert Connors, and Judy Z. Segal, *The St. Martin's Handbook for Canadians* (Scarborough, Ontario: Nelson Canada, 1989): 207.

⁵⁷ E. D. Hirsch, Jr. *Cultural Literacy: What Every American Needs to Know* (Houghton Mifflin, 1987). Hirsch launched not only a whole series of titles beginning with *Cultural Literacy*, but also the Core Knowledge movement in education.

⁵⁸ Sheridan Baker, *The Complete Stylist* (New York: Thomas Y. Crowell Company, 1966): 218.

The second category listed by *St. Martin's* provides a helpful suggestion: "[i]f a number of encyclopedias, almanacs, or textbooks include the information," it need not be cited. The question is, how many such appearances makes a fact "common knowledge"? Margaret Smith, recalling what she was taught in school in the 1950s, suggests that three is an adequate quantity,⁷⁷ which seems reasonable. Indeed, this rule is probably as clear and useful a standard as we shall get.

It must be emphasized that this rule of thumb applies to facts alone, not interpretations. Interpretations are the fruit of human inspiration and scholarship and as such require crediting, whereas facts do not meet this test. It is tempting to streamline this definition by suggesting that interpretations alone require footnoting, and that facts are by definition common knowledge—but, inconveniently, results of experiments, facts revealed by new research or through recent access to sources of information, and no doubt other categories of fact as well, fall far outside any reasonable definition of common knowledge.

In short, a writer is entitled to the fruit of his own intellect, and anything which he presents without citation is assumed to be his unless the contrary is obvious to the reader (through common knowledge or by familiar allusion). Everything else must be appropriately acknowledged.

Style and the Limits of Plagiarism

Since the essential characteristic of plagiarism is a false claim of credit, as long as style joins substance as one of the factors determining a mark, substantial assistance in matters of composition and style should be acknowledged. Just as income-tax specialists sign a box on a tax return that they have been paid to prepare, so too should professional writing centre tutors acknowledge their

⁷⁷ Margaret Smith, at the Living and Learning Conference held at The Forman School, Litchfield, Connecticut, July 1995.

participation in the preparation of any essay which receives more than general guidance and ordinary proofreading. Even this may be too much for some work: Dalhousie, for example, recognizes that “it is normal for a student to have others read over the manuscript to provide comments and corrections on spelling and grammar,” but bars “more substantial measures (such as the use of a professional editor)” in the preparation of a thesis.⁴¹

Less easy to legislate is the point at which assistance from nonprofessional helpers such as peer editors and parents must be acknowledged. While the correction of grammatical and spelling errors by these is acceptable (and with computerized checkers now ubiquitous it would be foolish as well as vain to attempt to ban the use of these digital equivalents), constructive comments regarding structure, clarity, or economy of expression fall into a gray area. Although few teachers at any level do so, it would be reasonable to require students to indicate—perhaps in the bibliography—when stylistic assistance has been received, and although few students do so, it would be reasonable for them to voluntarily acknowledge that help.

Perhaps the most elusive characteristic to define—though my own teachers never seemed to run short of adjectives⁴²—style is nonetheless one of the leading indicators of plagiarism. Teachers are most likely to suspect plagiarism when the student product is sharply better than past performance: in short, when what is turned in this time is substantially superior to what the student has turned in before. When a student writes with uncharacteristic fluency or sophistication, or (more commonly) employs vocabulary that the teacher has never heard him use before, it is a clear indication that there is another hand at work besides the student’s. If that hand is not acknowledged, it seems likely that

⁴¹ Dalhousie University Faculty of Graduate Studies, “Regulations for Submission of Theses,” April 2002: 1.

⁴² “Byzantine” is my favourite so far.

the portion in question is plagiarized.

The unfortunate truth is that teachers tend to be suspicious of dramatic improvement. It is not at all unlikely that a student who has for the first time actually taken trouble over his essay will find it subjected to closer than ordinary scrutiny, simply because it is so much better than his usual slapdash efforts. This occurs in situations where the teacher sees multiple samples of a student's work over time—typically in high school rather than in university (where the marker may not even be the professor)—and creates an adversarial situation. Because no *ur*-document for the prose exists to find (which is what one hopes to do when documenting plagiarism), the teacher is left with confronting the student and applying one of three strategies, none of them wholly satisfactory: quizzing him about the vocabulary or substance of the paper; asking him who helped write the paper; requiring him to re-write the paper under supervision, in order to provide a model for the purposes of comparison; or accusing him outright of plagiarism. Any of these has the potential to generate hostility with the student or his parent (see the discussion of third-party plagiarism in Chapter Four), and there may be legal implications if the student who is orally quizzed or required to write a comparison document is singled out for those prejudicial measures.

This represents an ethical dilemma for the teacher who suspects that student work has tangibly benefitted from excessive and unacknowledged stylistic assistance. He can confront the matter, and risk reaping the whirlwind; he can quietly give the work a mediocre grade, trying to strike a diplomatic balance between unappealing alternatives; or he can ignore the matter, and fail to live up to his professional obligations. The ethical questions of plagiarism, then, require closer examination.

Ethical Considerations

For the instructor who fails to respond to an instance of plagiarism, the ethical considerations are four-fold: first, he has failed in his appointed task when a student receives no or diminished value from his course; second, he has unfairly placed other students at a disadvantage when he permits (either consciously or negligently) one of their competitors to achieve a relative advantage by plagiarism;²² third, he has failed in his obligation to the university to uphold the stated standards of the institution; and fourth, he has permitted inflation in the essential coin of academe, the credit by which graduate schools, employers, and others evaluate the student's credentials. It is easy to disparage the enthusiasm with which some markers pursue the sources of a suspect text submitted for credit,²³ but teachers should be as vigilant in ensuring the honest completion of take-home exercises as they are the validity of examinations. Proof of plagiarism requires identification of the source,²⁴ and those who trouble to find it are no more than meeting the spirit of their responsibilities.

Similarly, the student who plagiarizes is also ethically compromised in five ways: first, he cheats himself by forgoing the intended benefits of the lesson;²⁵

²² This is explicitly stated in the "Sample of Academic Misconduct Notification Letter" contained in the University of Connecticut Faculty Handbook: "I sincerely regret the need for this action, but a professor has a responsibility to protect all honest students."

²³ Alastair Pennycook, "Borrowing Others' Words: Text, Ownership, Memory, and Plagiarism," in *TESOL Quarterly*, 30, 2 (Summer 1996): 212-215. This view is not limited to academics; see the mildly patronizing reference ("Courts, on occasion, may have to curb the zealous prosecution of academic dishonesty...") in Ralph D. Mawdsley, *Academic Misconduct: Cheating and Plagiarism* (Topeka, KS: National Organization on Legal Problems of Education, 1994): 98.

²⁴ It is possible at most institutions to bring charges on suspicion—e.g., when a student whose grasp of English is weak turns in a paper which would do credit to a Nobel laureate—but the case is a weak one when based exclusively on what an external adjudicator would consider a subjective assessment of writing ability. It is interesting to note that the bar for proof is higher for take-home work (on which there is far greater opportunity to plagiarize) than on examinations, for which the proctor's eyewitness testimony is usually sufficient.

²⁵ Even the study aid industry advises customers—perhaps hypocritically—to do their own work. In 1982, for example, *Coles Notes* printed in each of their titles, opposite the tables of contents, "A Note to the Reader" including this paragraph: "THE NOTES ARE NOT A SUBSTITUTE FOR THE TEXT ITSELF OR FOR THE CLASSROOM DISCUSSION OF THE TEXT, AND THE STUDENT WHO SO ATTEMPTS TO USE THEM IS DENYING HIMSELF THE VERY EDUCATION THAT HE IS PRESUMABLY GIVING HIS MOST VITAL YEARS TO ACHIEVE. [block letters original]"

second, he seeks unfair advantage over his competitors;⁷⁶ third, he deceives his instructor; fourth, he deceives those who are intended to view his credentials;⁷⁷ and fifth, he transgresses the moral standards of the academic community of which he is a member.⁷⁸

Of these the last may seem to be of the least relevance today, as acceptance of the traditional ethos gives way to increasing cynicism. The rationalizations offered by students taken to task for violating the standards of good scholarship indicate that it probably does not occur to them that a metaphysical ideal should have any authority over their actions. The benefits of a liberal education have long since surrendered the field to credentialism for future gain as a source of motivation for attending university, and in such a climate it is not surprising that an abstract ideal would lose its power to guide moral decisions.

The question of whether a cheater cheats himself also illustrates the gap between two diametrically opposed views of education: those (including most instructors) who hold that education is worthwhile on its own merits and operated according to a valid system of ethics, and those (generally students) who consider it merely a hoop to be jumped through on the way to one's

⁷⁶ Andrew Garner, "Cheaters aren't always the losers," *Mustang Daily*, 28 January 2002. Online at <http://www.mustangdaily.calpoly.edu/archive/20020129/opinion/op4.html>. This article originally appeared in the Kennesaw State University *Sentinel*, and was picked up by the U-Wire. More than a quarter-century earlier, a similar tocsin was sounded by a professor at the University of Toronto. See Stillman Drake, letter to the editor headed, "Students, fink on essay banks!" *The Varsity*, 10 November 1975: 4.

⁷⁷ Wayne C. Booth, Gregory C. Colomb, and Joseph M. Williams address these points while articulately making the case for plagiarism as the "theft... of *more than* words" [my emphasis]. See *The Craft of Research* (Chicago: The University of Chicago Press, 1995), Part Five, "Research and Ethics," especially 257. Their analysis is more appropriate to professional scholars than to students, however.

⁷⁸ For this I am indebted to Professor William Hare, who drew attention to my earlier omission of this point during my qualifying examinations.

career.” The former view holds that among the risks run by violators of academic ethics is that of losing grip on reality: Wesleyan University, for example, maintains that “plagiarism is particularly damaging to the plagiarist... [who] will almost certainly have a false understanding of himself/herself, and of the education he/she is getting.”¹⁰⁰ (Students’ illusions about their own achievement is an issue which regularly confronts instructors, who must decide how frankly to evaluate a student’s performance or potential.¹⁰¹) Warnings of eventual corruption, however, are notoriously ineffective in changing human behaviour (well-established failures in this line ranging from Victorian imprecations against “impurity” to the Surgeon General’s caution about smoking), and there is no evidence that receiving credit without value has ever been a deterrent to plagiarism. A common rationalization is that one gets nothing out of the assignment anyway, so one might as well cut one’s losses by getting nothing out of the assignment without spending a great deal of time or effort on it. This suggests that few plagiarists lose sleep over the possibility that they are cheating themselves.

(On the fringes of the idea that the cheater cheats himself is a medical metaphor. Brenda McLoughlin’s analysis defines plagiarism in terms of diagnosis hindered:

¹⁰⁰ See Wanda Kaplan and Phyllis Mable, “Students’ Perceptions of Academic Integrity,” in *Academic Integrity and Student Development: Legal Issues and Policy Perspectives* (College Administration Publications, Inc., 1988), especially 16-18. See also Elizabeth M. Nuss, “Academic Dishonesty—A Contemporary Problem in Higher Education,” in *Academic Integrity and Student Development: Legal Issues and Policy Perspectives* (College Administration Publications, Inc., 1988), especially 4.

¹⁰¹ Wesleyan University, *The Blue Book* (Middletown, CT: 1998): 77.

¹⁰² For a compelling discussion of this issue, see Paul D. Eisenberg, “The Truth, the Whole Truth, and Nothing but the Truth” in Steven M. Cahn, editor, *Morality, Responsibility and the University* (Philadelphia: Temple University Press, 1990), especially 111-114.

Another aspect of this issue is whether an institution’s marking scale is consistent with its academic policies: at the University of Toronto, for example, the marking scale denies the A range to any work which is not “original,” which may discourage complete citation and encourage plagiarism of obscure sources. I am indebted to Margaret Proctor of the University of Toronto for this suggestion.

If the transaction [between student and teacher] were just about the essay, the student could sub-contract the work without a problem. However, in setting the assignment in the first place, the instructor wants to find out what the student himself knows. By plagiarizing or sub-contracting the work... the student is acting like someone who puts ice in his mouth before the doctor takes his temperature. The doctor will then proceed on the basis of faulty information and take incorrect steps that affect the patient, possibly adversely but in any case, by definition, not optimally. In the instructor's case, his job is to impart knowledge, and he will do that incorrectly if he is given incorrect data as to his students' capabilities. The assignment is a diagnostic tool, and the plagiarizing student is screwing up the diagnosis by giving false readings.¹⁰²

This analogy is based on the generally erroneous assumption that teachers will take corrective action for the student's benefit according to the results of the student's work. This squares not at all with what happens in university, where graded work gives the professor something on which to base the marks that he is contractually obliged to submit to his employer, not the means for understanding how to re-cast his teaching for the better understanding of the undergraduates registered in his class. A high school mathematics teacher might conduct an item analysis of a test on which his class did poorly in order to understand what concept[s] his students have failed to master, but a college professor will rarely do so.)

Deceiving one's instructor is not likely to keep plagiarists up at night, either. There is a longstanding acceptance of an adversarial relationship between marker and student—described by one writer as “the ancient game of putting-one-over-on-the-instructor”¹⁰³—and an underlying feeling that undetected plagiarism is more to the marker's discredit than it is unethical in any absolute

¹⁰² Brenda McLoughlin, paraphrased by David McLoughlin in an e-mail message to Geoffrey E. Buerger dated Tuesday, May 7, 2002, 2:25:33 pm.

¹⁰³ Porter G. Perrin, *Writer's Guide and Index to English* (Chicago: Scott, Foresman and Company, 1942): 650.

sense.¹⁰⁴ Nor are the moral implications of deceiving admissions offices and future employers concerns which deter students. Since one purpose of plagiarism is to obtain high grades to present in testimony to one's worth, it would be counter-productive for a practitioner to develop scruples on this point.

This drive for grades is the result of significantly increased competitiveness for admission to "name" universities¹⁰⁵ and graduate schools. In the United States it is recognized that excellent grades may not get one in, but it is generally believed that grades which are not A's can keep one out, especially in an environment in which institutions are looking for reasons to distinguish among a surfeit of statistically outstanding candidates. In Canada, relative grades are key: the threshold for admission to the most prestigious universities rises or falls (usually rises) with the distribution of candidates' grades in any given year. Plagiarism, which is in part a response to these pressures, has contributed to the systemic grade inflation which has effectively put an end to the "gentleman's C" of past generations.¹⁰⁶ This is a long-term concern—if a degree is debased, even future students against whom the plagiarist is not competing directly will be cheated, as their degrees will have less worth in the marketplace—but not one which is likely to concern those competing by any means for places *now*.

Of the five ethical issues facing students, there is greatest ambivalence about gaining unfair advantage over others. Some argue that all's fair in love and war when it comes to competing for places in the most prestigious colleges

¹⁰⁴ In "Competing Notions of Authorship: A Historical Look at Students and Textbooks on Plagiarism and Cheating," in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 41-51, Sue Carter Simmons traces this adversarial relationship in literature about college life from the last century. (See also Chapter Four of this thesis, where the same issue is addressed in the context of British school stories from the same period.)

¹⁰⁵ See Ethan Bronner, "For '99 College Applicants, Stiffest Competition Ever," in *New York Times*, 12 June 1999.

¹⁰⁶ Martin Anderson, *Imposters in the Temple: American Intellectuals Are Destroying Our Universities and Cheating Our Students of Their Future* (New York: Simon & Schuster, 1992): 57-60.

or in the job market,¹⁰⁷ while others may feel that they would be pointlessly placing themselves at a disadvantage by not doing “what everyone else does.” Still, normative social pressures discouraging students from plagiarizing are more likely to be brought because of unfairness to peers than for any other ethical consideration.

In sum, the basic difference between the ethical issues for instructors and those for students is one of acquiescence versus commission: an instructor who countenances plagiarism permits harm to occur, while the student who plagiarizes actually inflicts harm. There is one other significant difference which should be noted: the principal practical deterrent for students, the risk and consequences of being caught, does not apply to instructors, who face no repercussions if students cheat in their classes. Indeed, the reverse may be true: instructors may actually feel deterred from meeting their ethical obligation to prevent or detect and respond to academic dishonesty by the confrontational and often time-consuming demands of due process. (This motive may also be a factor in the tendency of some instructors to try to address misconduct outside the parameters of established institutional due process.¹⁰⁸)

Institutional Ethics

In addition to ethical considerations for instructors and students, there are also institutional considerations. Schools and universities have a responsibility

¹⁰⁷ See Gary Pavela, “The Law and Academic Integrity,” in *Academic Integrity and Student Development: Legal Issues and Policy Perspectives* (College Administration Publications, Inc., 1988): 56.

¹⁰⁸ At both Dalhousie and Toronto instructors are implored not to handle cases of academic discipline on their own, and at Dartmouth the official injunction not to do so is even printed in the *student* handbook—clear indications that professors often do precisely that. Trinity, on the other hand, “recognizes that the instructor has the prerogative under the canons of academic freedom to dispense with such cases through the issuance of a punitive grade and by such means as the assignment of additional work.” See *Trinity College Faculty Manual*, section 7.2(2), available on the internet at http://www.trincoll.edu/info/faculty_manual/sections-01-27/7.html. I would draw the reader’s attention to the fact that Trinity’s inclusion of additional work is consistent with my views on value and credit.

both to establish a culture in which ethical behaviour is the norm, and to keep students out of ethical harm's way—*i.e.*, to shelter students from the temptation to be unethical. Observing that no student “can endure pressure from society and the university at the same time,” J. T. Laney observes that “while we all intend to act honorably, it is foolish to allow people to be placed in situations where they are unduly tested.”¹⁰⁸ (J. R. Geiger made the same point more succinctly in 1922: “College authorities cannot force their charges to be moral, but they certainly owe it to them to create and maintain conditions as favorable as possible to moral behavior.”¹⁰⁹)

Institutional integrity is also an important ethical consideration. Every lapse or inconsistency in the ranks of instructors or administrators fuels the student cynicism which rationalizes academic dishonesty. When Saskatchewan's Ministry of Education used American materials without acknowledging the source,¹¹⁰ when the University of Oregon plagiarized Stanford University's statement on plagiarism,¹¹¹ when the University of Minnesota paid tutors to write papers for basketball players to maintain NCAA eligibility,¹¹² when a prominent

¹⁰⁸ James T. Laney, “Through Thick and Thin: Two Ways of Talking About the Academy and Moral Responsibility,” in William May, editor, *Ethics and Higher Education* (New York: American Council on Education and Macmillan Publishing Company, 1990): 58.

¹⁰⁹ See Joseph Roy Geiger, “The Honor System in Colleges,” in *The International Journal of Ethics*, vol. XXXII (1922): 398-408. This quotation is from pp. 407-408.

¹¹⁰ Don Cochrane, “Taking Our Directions from Washington,” in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan & Woo, Limited, 1987): 36-61.

¹¹¹ UPI report in the *New York Times*, 6 June 1980, quoted in Thomas Mallon, *Stolen Words: Forays into the Origins and Ravages of Plagiarism* (New York: Ticknor & Fields, 1989): 100.

¹¹² The *Saint Paul (MN) Pioneer Press* broke the story on March 11, 1999 (Blake Morrison, “4 players benched, questioned as U promises swift investigation”), and before it was all over a number of heads rolled at the U, including those of the athletic director, head coach, and team tutor. This case and others are discussed more thoroughly in chapter 3.

For a general treatment of NCAA violations and the contempt for academic integrity sometimes shown by athletic departments, see Walter Byers, *Unsportsmanlike Conduct: Exploiting College Athletes* (Ann Arbor, MI: The University of Michigan Press, 1995).

For a more philosophical discussion, see Lonnie D. Kliever, “Ethical Issues in Intercollegiate Athletics,” in William May, editor, *Ethics and Higher Education* (New York: American Council on Education and Macmillan Publishing Company, 1990):103-118.

dean cribs his commencement address¹¹⁴ and college presidents plagiarize other speeches,¹¹⁵ these and other instances of apparent hypocrisy directly undermine institutional statements about the importance of personal and scholarly integrity.

Rebecca Moore Howard goes further, suggesting that institutional responsibility for student plagiarism is a broader issue than occasional administrative embarrassments. In her view, professorial culpability begins with and teaching practices which “beg... students to cheat” (e.g., when professors simply assign papers and have nothing further to do with those essays until it is time to mark them).¹¹⁶ For Moore Howard, indifferent teaching “encourages plagiarism because it discourages learning.”¹¹⁷ While she rather disingenuously asserts that “professors’ shortcomings [do not] excuse students’ textual transgressions,” Moore Howard clearly implies that poor pedagogy goes far toward explaining them. Such a line of reasoning justifies student dishonesty by laying it at the feet of institutional indifference or incompetence, which is a rationalization closely akin to that offered by the plagiarists themselves: according to *The Cheater’s Handbook*, “[v]ery rarely does a great teacher have a room full of cheaters.”¹¹⁸

Thus institutions should work to establish a culture in which integrity is the norm and fraudulent claims of credit the aberration, instructors should devise assignments which promote honest completion, and students should

¹¹⁴ Anthony Flint and Muriel Cohen, “BU Dean used the words of another // Source not given during speech,” *Boston Globe*, 2 July 1991: Metro 1.

¹¹⁵ For two examples, see David Abel, “Del. College President Accused of Plagiarizing Speech,” *Boston Globe*, 6 May 2000, and Denise K. Magner, “College President Regrets Having Lifted Remarks From a Forwarded E-Mail Message,” *Chronicle of Higher Education*, 22 February 2000.

¹¹⁶ Rebecca Moore Howard, “Forget About Policing Plagiarism. Just Teach.” *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

¹¹⁷ Rebecca Moore Howard, “Forget About Policing Plagiarism. Just Teach.” *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

¹¹⁸ Bob Corbett, *The Cheater’s Handbook: The Naughty Student’s Bible* (New York: Harper Collins, 1999): x.

attempt those assignments in good faith.

General Conclusions

In the final analysis, our scattershot understanding of the term plagiarism is a reflection of its diverse applications and the varied contexts in which it is applied. Multiple metaphors have been erroneously applied to plagiarism in education: neither crime, infringement, nor theft captures the true significance of academic plagiarism. Moreover, a number of scholars have roiled the waters by disputing the validity of these invalid analogies, erroneously concluding that the meaning of plagiarism has become so murky that it has ceased to have any real meaning at all. This belief, and the dozen different rationalizations that are employed in attempting to explain away apparent plagiarism, are all baseless.

In fact the definition of plagiarism is perfectly straightforward: it is the false claim of credit. Far from being than a subset of cheating, plagiarism actually includes most forms of cheating, as well as a great many other kinds of academic misrepresentation, from imposture to advance knowledge of examinations.

The misleading analogy of pregnancy has troubled educators whose sense of proportionality revolts at the idea that a paper which contains several uncited sentences should receive the same consequence as a paper purchased over the Internet. Partial plagiarism and proportional response are not precluded by a correct understanding of the nature of the offence. Using the value/credit paradigm, no work should be accepted until it is free of plagiarized material, and if making the necessary corrections to an assignment results in marks deducted for lateness or some other penalty, it should be according to established policy.

Teachers also typically believe that intent is an important factor in establishing whether or not plagiarism took place. Intent, however, is irrelevant to the fact of plagiarism. If intent to commit a fraud can be proven, plagiarism can and should be a disciplinary matter, but any text of another to which a

student lays claim constitutes plagiarism, whether the student intends to deceive or not. Until that material has been removed or properly acknowledged, the assignment is not acceptable.

The question of what requires citation is generally handled well by the myriad manuals of style that are currently available. The only unresolved issues are what constitutes “common knowledge,” and what to do about stylistic assistance which exceeds acceptable limits. The former is adequately clarified by the simple rule of thumb that the appearance of a fact in three sources warrants the assumption of common knowledge. The latter issue would be satisfied by an acknowledgment of the editorial assistance received, but without that citation the student should be held accountable for plagiarism.

Quantifying how many words constitutes plagiarism is an empty and pointless exercise.¹³⁷ Just as copying a single answer from a neighbour or a crib-sheet during a test constitutes cheating, so does claiming credit for a single telling phrase from an unacknowledged source. Moreover, if credit for an idea is being claimed falsely, there may be no words at all that can be traced to the *ur*-text. While in some respects it is unsatisfactory to leave the question of what precisely is sufficient to identify plagiarism, it is sufficient to observe (as was noted of another emotionally-charged term equally elusive of definition), that we know it when we see it¹³⁸—and that we don’t like it.

¹³⁷ It may also be invalid in a court of law. See Jennifer K. Ruark, “Statistical Evidence is Inadequate Proof of Cheating, Court Tells Pharmacy College.” *Chronicle of Higher Education*, 15 January 2001. Online at <http://chronicle.com/daily/2001/01/2001011504n.htm>.

¹³⁸ This reference to Justice Potter Stewart’s definition of pornography is a really rather obvious parallel—and at least three of us have arrived at it independently. See (in order of appearance), K[eith] R. St. Onge, *The Melancholy Anatomy of Plagiarism* (Lanham, MD: University Press of America, 1988): 51, and Laurie Stearns, “Plagiarism, Process, Property, and the Law,” in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999: 17, n. 3. Although there is no place in these pages to treat this issue, it should be noted that a common challenge to rules about plagiarism is, “What if I come up with something on my own that looks like something somebody else has written?”

Chapter Three

In the Groves of Academe

Precisely when plagiarism first appeared as an academic issue in universities is not known. Certainly accusations of plagiarism had made the jump from the literary to the scholarly sphere by the late eighteenth century, when Edward Gibbon was accused of it,¹ but whether universities were using the term at that time² has not been established. The difficulties inherent in this question include the paucity of college records prior to the late nineteenth century and the general absence of third-party reporting (e.g., newspaper accounts or court decisions) which, in later years, provide occasional glimpses into the internal affairs of universities. Not until the 1880s are there enough sources to generalize with confidence about matters of academic discipline.

Early Traces

The earliest known use of the term in a North American degree-granting institution dates to 10 November 1807 at Dartmouth College, when a student named Daniel Wells penned this declamation:

[...] Plagiarism generally arises from an ambition to excel. Unable to brook the idea of subordination, and knowing his inability to excel by fair means, the plagiarist resorts to any, by which he can obtain his purpose. Here we see the bad consequences of carrying any thing too far. That laudable ambition which was given us to arouse our ardour and excite us to industry, by being carried beyond due bounds defeats its object. Whenever the fraud is discovered it will sink the perpetrator [*sic*], lower even than he deserves.³

The bitter tag at the end of this piece suggests that Wells had been assigned this

¹ Henry Edward Davis levelled this accusation (and others) in *An Examination of the Fifteenth and Sixteenth Chapters of Mr. Gibbon's History of the Decline and Fall of the Roman Empire* (London: J. Dodsley, 1779). Gibbon, who considered the tract "a declaration of war," responded with *A Vindication of Some Passages in the XVth and XVIth Chapters of the Decline and Fall of the Roman Empire*. See *The Miscellaneous Works of Edward Gibbon, Esq.*, volume IV, edited by John, Lord Sheffield (London: John Murray, 1814).

² When Gibbon published the first volume of his *Decline and Fall of the Roman Empire*, there were nine degree-granting institutions in the 13 colonies; only four in Britain; none in Canada.

³ Declamation by Daniel Wells dated November 10, 1807, MSS 807610.1, Dartmouth College Archives.

topic by his professor to drive home a lesson, but such speculation cannot be proven.

Declamation had long been a key component in a college education by the time Wells wrote his exercise. At Yale, for example, it was for many years required that

[o]n Tuefdays and Fridays every Undergraduate in his Turn, about Six at a Time, fhall declaim in the Englifh, Latin, Greek, or Hebrew Tongue, and in no other, without fppecial Liberty from the Prefident, and fhall prefently after deliver up his Declamation to his Tutor, fairly written with his Name fubfcribed.⁴

Such declamations were intended as exercises to develop mastery of language and composition, not as evidence of original thought. Graduation depended upon a candidate's ability to convince his betters of his mastery of the curriculum:

[To graduate] the Senior-Sophifters fhall appear in the Chapel, to be examined by the Prefident, Fellows, Tutors, or any other Gentlemen of liberal Education, touching their Knowledge and Proficiency in the learned Languages; the liberal Arts and Sciences, and other Qualifications requifite for receiving a Bachelor's Degree.⁵

Indeed, originality—far from being the academic standard—was decried as an unwarranted departure from the course of study. As late as 1828 Yale was standing by the classics, and vigorously opposing any liberalization of the curriculum.”

⁴*The Lates of Yale-College, in New-Haven, in Connecticut, Enacted by the Prefident and Fellows.* (New-Haven: Printed by Thomas and Samuel Green. M,DCC,LXXIV.) This is the first edition not printed in Latin.

⁵*The Lates of Yale-College, in New-Haven, in Connecticut, Enacted by the Prefident and Fellows.* (New-Haven: Printed by Thomas and Samuel Green. M,DCC,LXXIV.)

“Reports on the Course of Instruction in Yale College; by a Committee of the Corporation and the Academical Faculty.” A copy is in Yale's Manuscripts and Archives department (call number Y65/828r), but “The Yale Report of 1828” is also included in Richard Hofstadter and Wilson Smith, editors, *American Higher Education: A Documentary History*, volume I. Useful background for the reader unacquainted with the occasionally byzantine affairs of antebellum colleges is in John S. Whitehead, *The Separation of College and State: Columbia, Dartmouth, Harvard, and Yale 1776-1876* (New Haven, CT: Yale University Press, 1973).

In this period the best indicators of institutional values are courses of study and college regulations. Published curricula show the considerable extent to which examinations (written and oral) were the basis for evaluation, and thus imply that occasions when plagiarism as it is generally understood would be few for many years. Outside the required course of study, evolving rules mirror the social changes to which all institutions respond, usually reactively. Though some institutions revise their policies infrequently—Albertus Magnus, for example, which has had an Honor Pledge for seventy years, has significantly modified its statement on academic honesty only twice in that time and made no changes at all since 1968⁷—Yale's *Regulations* provide a useful lens through which to observe the emerging issue of plagiarism.

Yale

In the eighteenth century Yale's rules focused on "regular moral Behaviour" and proscribed a variety of malfeasance ranging from "subverting the Foundation of the Christian Religion" (*i.e.*, denying Scripture) to fighting with swords.⁸ These rules changed with the passage of time, as antiquated rules were deleted and new ones introduced to meet current conditions: in 1808 dancing and ringing the college bell were specifically forbidden; in 1822, 1920, 1929 and 1934 personal conveyances (horse and carriage, "auto-mobile," motorcycle, and airplane, respectively) were similarly prohibited; in 1966, illegal drugs were banned; and so on.⁹ Not until 1885 (when "playing ball [with a bat] in the College yard" was also barred) did the first specific reference to an offence which would be considered plagiarism by today's standards appear in Yale's *Regulations*, in tandem with honesty in examinations:

⁷ *Albertus Magnus College Handbook*. (New Haven: Issued annually by the Co-operative Council of Albertus Magnus College), relevant years.

⁸ *The Lates of Yale-College*, 1774: 6-9.

⁹ *The Lates of Yale-College*, 1774, 1809, 1822; Yale College, *Rules for Scholarship, Attendance, and Conduct* (September 1920): 6; *Yale University Undergraduate Regulations* (New Haven, Connecticut: 1966).

If in an examination a student shall communicate or attempt to communicate with another student, or have in his possession unauthorized books or papers, or if a student shall offer as his own composition anything not composed by himself [emphasis added], the exercise will count as a failure, and such other penalties may be given as the Faculty may determine.¹⁰

This link to examinations is important, because it clearly establishes concern about plagiarism as a cheating offence rather than an infringement of intellectual property. Nowhere in these or any other regulations is any concern for copyright violation expressed; the College's concern was that Yale students should receive no credit for work which was not their own.

Using the same source, we may also infer that collusion during recitation was an ongoing issue for College officials. Yale students were advised in 1885 that “[a]t a recitation the penalty for receiving assistance will be a failure; for giving assistance, 5 marks.”¹¹ Two years later, however, those providing help to others were penalized 10 marks—the doubling an indication that 5 marks had been adjudged an insufficient deterrent.¹² (Assistance during recitation was also a problem facing secondary schools at this time; the author of *Psychology in Education* [1895] advised aspiring teachers that “[q]uality of moral character will be shown in recitation by the pupil's accepting or rejecting ‘promptings’ from his classmates....”¹³)

American colleges have flirted with honor codes since Revolutionary times,¹⁴ and Yale introduced an Honor System in 1922, which, for reasons which

¹⁰ Yale College, Academical Department. *Rules*. (New Haven: 1885): 6.

¹¹ Yale College, Academical Department. *Rules*. (New Haven: 1885): 6.

¹² Yale College, Academical Department. *Rules*. (New Haven: 1887): 8.

¹³ Ruric N. Roark, *Psychology in Education* (New York: American Book Company, 1895): 234.

¹⁴ In 1779 William and Mary adopted an honor system, which subsequently “spread to other institutions, in more or less modified forms, until [by 1922] it [wa]s firmly entrenched in the student life of America.” See Joseph Roy Geiger, “The Honor System in Colleges,” in *International Journal of Ethics*, vol. XXXII (1921-22): 398-408. Some colleges, such as the military academies, have had an honor code since their inception; others, including Yale, tried to introduce one and later abandoned the experiment.

are now obscure, failed to last out the decade.¹⁵ Although these were originally intended to apply to final examinations, as plagiarism became an issue it certainly fell under the purview of such codes. The history of the Honor System at Wesleyan offers insight into the difficulty of addressing plagiarism: introduced for examinations in 1893 (the same year that Princeton adopted one), and expanded to include essays and laboratory work in 1910, the System was from the first administered entirely by students. In 1929, however, adjudication of essay offences (*i.e.*, plagiarism as traditionally understood) was transferred to faculty hands before finally being returned to student oversight in 1950.¹⁶ This suggests that plagiarism, which in that period was still without clear definition, may have been a more vexatious subject than cheating for this form of due process.

Significant changes in postsecondary education occurred after the Second World War: enrollments grew rapidly (spurred in the United States by the provisions of the G.I. Bill), and universities began to place greater emphasis on their research functions than on the education of undergraduates.¹⁷ It is not yet clear whether there is a direct correlation between these and the far more explicit academic rules which appeared at the same time, but the coincidence is suggestive. In 1946 the *Yale College Regulations* elaborated for the first time upon "Academic Honesty":

Since personal integrity in private and public life is the prime requisite of a college-bred man, warning is hereby given that any student infringing this principle will be subject to a severe penalty, normally dismissal from college. This rule applies to all academic exercises, such as tests, examinations, required papers, course themes, and Senior essays. In themes, papers, and essays, especially, authorities quoted or relied upon must be given proper

¹⁵ The 1927-28 *Regulations* are the last that contain any reference to the Honor System.

¹⁶ Wesleyan University, *The Blue Book* (Middletown, CT: 1998-99): 73.

¹⁷ See Richard M. Freeland, *Academia's Golden Age: Universities in Massachusetts 1945-1970* (New York: Oxford University Press, 1992): 70-122 and 355-420.

reference. Though quotations, properly acknowledged, may be used sparingly, the work essentially must be the student's own.¹⁸

This was supplemented in 1961 by the concession that “[since] many Freshmen may not be thoroughly aware of the demands of careful and complete academic honesty in the preparation of independent papers, a special brochure on this subject will be distributed at their registration.”¹⁹ In 1963 the submission of the same work for credit in more than one course (*i.e.*, self-plagiarism) was added to the official statement on academic honesty.²⁰

Plagiarism was certainly a problem being addressed at Dartmouth. By 1959 the College had been sufficiently vexed by plagiarism to set automatic suspension as the penalty for it, and in the 1959/60 academic year duly suspended eight students for violating the rule.²¹ Dartmouth did more than punish transgressors, however. Acknowledging both that “examples of plagiarism do occur each year” and (like Yale) that “occasionally students reach college without ever having been required to make *any* [emphasis original] acknowledgment of indebtedness to outside sources,”²² the Faculty struck a committee to produce a booklet explaining both what plagiarism is and the proper forms of citation necessary to avoid it. The result, *Sources: Their Use and Acknowledgement*, included excerpts from plagiarized papers, set a standard for educating students about the offence, and has been in print and use ever

¹⁸ *Yale College Regulations* (New Haven: 1946). Subsequent issues include the same paragraph through 1959.

¹⁹ *Yale College Undergraduate Regulations* (New Haven: 1961: 9. This paragraph was initially included in a pamphlet distributed to freshmen the year before. See *The Freshman Year: Rules for Scholarship Attendance and Conduct* (Yale University: September, 1960): 11.

²⁰ *Yale College Undergraduate Regulations* (New Haven: 1963): 9.

²¹ Thaddeus Seymour, Harold L. Bond, and John L. Stewart, *Sources: Their Use and Acknowledgement* (Hanover, NH: Dartmouth College, 1960): 23.

²² Thaddeus Seymour, Harold L. Bond, and John L. Stewart, *Sources: Their Use and Acknowledgement* (Hanover, NH: Dartmouth College, 1960): 23 and 4, respectively.

since—with its fourth edition now in progress.²³

The tumult of the late 1960s led to significant revisions—mostly in the form of additional and more explicit rules, explanations of due process, and justifications for university actions such as calling in local constabulary to assist the campus police—with the result that student handbooks at Yale, as elsewhere, grew from pamphlets to booklets, and then to the size of substantial paperback novels. In 1974 Yale attempted to slow the rate at which its *Regulations* were burgeoning by advising students to “[c]onsult the statement on ‘Plagiarism and Documentation’ distributed at registration and available in the offices of the Residential College Deans,”²⁴ but within two years this statement had been returned to the *Regulations* as an Appendix, subject to annual revision. By 1987/88 Yale had given up the struggle to stay abreast of evolving definitions of appropriate use on the one hand and plagiarism on the other, opting instead to distribute (with permission) Dartmouth’s *Sources*, which it does still.

At the same time that university rules addressing academic honesty were becoming more detailed, growing concern about plagiarism was also reflected in the commercially published manuals of writing which have proliferated since the 1950s. Written to serve the college student market, these manuals include increasingly explicit statements about what plagiarism is, and directions for how to avoid it. Representative is this 1952 explanation:

To take an idea, even a suggestion, or the peculiar expression of another without acknowledgement of its source is to give the reader the false impression that the idea is your own. This is plagiarism, a serious civil and moral offense.²⁵

While it is dangerous to extrapolate on the basis of such a limited sample, it is

²³ Thaddeus Seymour, Harold L. Bond, and John L. Stewart, *Sources: Their Use and Acknowledgement* (Hanover, NH: Dartmouth College, 1960), plus revised editions published in 1987 and 1998.

²⁴ *Yale College Undergraduate Regulations* (New Haven: 1974).

²⁵ Florence M. A. Hilbish, *The Research Paper* (New York: Bookman Associates, Inc., 1952): 112.

worth noting that in a 1937 manual published by the Amos Tuck School (a branch of Dartmouth College), written in acknowledgement of “the increasing reliance on term papers and theses requiring independent study” in “collegiate and university instruction,” there is no caution about plagiarism.²⁶ Taking into account a broad range of evidence, there appear to be solid grounds for hypothesizing that 1945 was a watershed in the development of plagiarism as an academic offence—at least in the United States.

Evidence of an increase in academic fraud during this period is both anecdotal and statistical. At Boston University in the 1950s, the American civil rights leader Martin Luther King, Jr., plagiarized extensively not merely from published theological works, but also from a dissertation that had been overseen by his own supervisor some years earlier.²⁷ The *New York World-Telegram and Sun* exposed the “ghostwriting” industry in early 1960,²⁸ and later that year the Dean of the University of Pittsburgh noted that “his ‘general impression’ was that there has probably been ‘some increase in cheating during the past two years.’”²⁹ In 1964 Columbia University’s Bureau of Applied Research surveyed some 5,000 students at 99 postsecondary institutions, and found that more than half had observed cheating, and nearly half had cheated in some form themselves.³⁰

²⁶ The Committee on Research of the Amos Tuck School of Administration and Finance[,] Dartmouth College, *Manual on Research and Reports: A guidebook of procedures helpful in conducting investigations and presenting reports on subjects in the field of the social sciences* (New York: McGraw-Hill Book Company, Inc., 1937): v and *passim*.

²⁷ The June 1991 number of *The Journal of American History* was devoted to a round-table discussion of the King case. Not included were the views of Theodore Pappas, who published two books on this subject: *The Martin Luther King, Jr., Plagiarism Story* (Rockford, IL: The Rockford Institute, 1994) and *Plagiarism and the Culture War: The Writings of Martin Luther King, Jr., and Other Prominent Americans* (Tampa, FL: Hallberg Publishing Corporation, 1998).

²⁸ This exposé is described in detail in chapter 5.

²⁹ John Gelse, quoted in Fred M. Hechinger, “Scholarship by Proxy: If a Ph.D. Thesis Can Be Ghosted, Critics Feel, System Is Faulty,” *New York Times*, 28 February 1960: IV, 9.

³⁰ “A Startling Survey on College Cribbing,” *Life*, 5 February 1965: 84.

The University of Toronto

Plagiarism seems to have been of little institutional concern at Canadian universities prior to 1968. Indeed, in the ten years preceding that date not a single case of plagiarism was brought before Caput, the University of Toronto's disciplinary tribunal, though during the same period that body did address such disparate issues as examination irregularities (15), an assault on the Chief Constable, and the unauthorized removal of a Christmas tree.³¹

The 1960s, however, were a period of tremendous change on Canadian campuses. Not only were established institutions expanding more rapidly than ever before and new ones springing up, but all universities were becoming far less isolated from public interest and pressure. In response to growing and widespread criticism, the University of Toronto established a committee in 1967 to study the curriculum and make recommendations for change. The result, "Undergraduate Instruction in Arts and Science" (better known as the MacPherson Report) led to sweeping changes, including the abolition of the Honours programme and the introduction of wide-open student choice in courses,³² and thus may have contributed to increased instances of plagiarism. At about the same time a Presidential Advisory Committee on Disciplinary Procedures was struck (in response to campus disruptions) to draft a disciplinary code which would meet the requirements of changing times. When the finished "Report on Disciplinary Procedures" (also known as the Campbell Report) was

³¹ Caput summary, in University of Toronto Archives, A93-0002/002, folder labelled "Discipline".

³² C. B. MacPherson, *et al.*, "Undergraduate Instruction in Arts and Science: Report of the Presidential Advisory Committee on Undergraduate Instruction in the Faculty of Arts and Science, University of Toronto" (Toronto: printed by the University of Toronto Press, 1967).

It is interesting to note that the result of the MacPherson Report, the "New Program," was blamed by *The Varsity* for facilitating an increase in plagiarism by "allow[ing] students to take a variety of closely related courses and use the same essay (with modifications) for each of four or five courses." Tom Walkom editorial, "Stop all plagiarism by killing degrees", *The Varsity*, Wednesday, 17 November 1971: 4.

issued in 1969, its sole reference to academic honesty was this telling paragraph:

b) Cheating and Similar Offenses

In the past it is probably the case that suspected offenses of cheating in term tests, plagiarism in essays and other similar actions occurring at times other than of the formal final examination have been handled (or ignored) by the instructor. Charges that such an offence has occurred should be taken to the appropriate College, Faculty or Divisional Tribunal thereby turning over to the Tribunal the responsibility for hearings and for penalty if merited. The instructor should not act both as prosecutor and judge....³³

Clearly plagiarism *had* been addressed at the University of Toronto, but only incidentally, on an individual basis, by individual professors.

That Toronto students were plagiarizing on a significant scale was brought into the open in 1971 when *The Varsity* proposed a memorably radical solution by editorializing that the University should “[s]top all plagiarism by killing degrees”³⁴—and when the same student newspaper ran advertisements for used and custom-written term papers. Perhaps this provided the crucial impetus for the changes recommended in the Campbell Report: not until the following academic year, 1972-73, did the university Calendar include a statement about plagiarism. (Dalhousie did not follow suit until four years later, and when it did so took Toronto’s statement as a model.³⁵) The text is worth quoting at length:

Plagiarism is the act of presenting the words or ideas of another as your own. While it may be argued that few ideas are original, instructors expect students to acknowledge the sources of ideas and expressions that they use in essays. To represent them as self-created is dishonest and academically worthless.

³³ Report on Disciplinary Offences, Chapter II (“Discipline and the Teaching-Learning Function”), pp. 18-19.

³⁴ Tom Walkom editorial, “Stop all plagiarism by killing degrees”, in *The Varsity*, Wednesday, 17 November 1971: 4.

³⁵ Initially moved and seconded, Dalhousie University Minutes of Senate Council Meeting, 6 October 1975, p. 1069; carried, Dalhousie University Minutes of Senate Meeting, 20 October 1975, p. 1071. Dalhousie University Senate Minute Book, Dalhousie University Archives.

[...] The aim of scholarship is to develop your own ideas and research and only by trying to develop your own thoughts and arguments will you mature academically.³⁶

Two years later this statement was expanded to include the additional admonition that “[i]t will also be considered plagiarism if a student submits a term paper written in whole or in part by someone other than himself, or copies the answer or answers of a fellow student in any test, examination, or take-home assignment.”³⁷ This addition is significant because it clearly lumps a practice traditionally understood to be plagiarism with activities usually labelled as cheating. Whether for convenience or some other reason, by 1972 plagiarism had become the umbrella term for academic dishonesty at the University of Toronto.

Examinations, and Examination Theft

In 1972, when the commercial successors to individual ghostwriters, term paper mills (or essay banks, or research services), were making headlines across the country, an associate professor at the University of Wisconsin in Madison hearkened back to an imaginary golden age before term papers to

blame the whole situation on the students. “When I went to school our assignments were mostly by examination. But in the ‘60s students began generating pressure for independent study at all levels, and thus the term paper became the *modus operandi*. So if anyone is to blame, it’s not the multiversity, it’s the students.”³⁸

A student at the same university subsequently took issue with this analysis, which he bluntly characterized as “blatant idiocy.”³⁹ Noting that “[t]he rigors of an exam fall to the professor,” he concluded that assigning term papers

³⁶ *University of Toronto Faculty of Arts and Science, St. George Campus, 1972-73 Calendar* (Toronto: 1972): 22.

³⁷ *University of Toronto Faculty of Arts and Science, St. George Campus, 1974-75 Calendar* (Toronto: 1974): 18.

³⁸ Peter Greenberg, “Buy A Better Grade, Kid?” *Wisconsin Alumnus*, May 1972: 12.

³⁹ Cary Segall, “Term Paper Mills vs. Term Paper Rituals,” *Wisconsin Alumnus*, August-September 1972: 13.

represented an easy alternative for an instructor: rather than spend 15 hours preparing a thoughtful and comprehensive examination “[the professor] is only too happy to spew out term paper suggestions to his students”⁴⁰ and place the burden of careful composition on them.

Lost in their discussion was the fact that prior to the widespread adoption of the term paper as a means of assessing student work, examinations had long been vulnerable to determined assaults on their integrity.

Quite apart from individual acts of dishonesty such as the use of crib notes during a test, large-scale efforts to defeat examinations punctuated the twentieth century. The century had barely begun when a cheating scandal involving the burglary of an office where an examination was being printed prompted an important study of students’ moral values.⁴¹ Even after term work began to increase in importance after the Second World War, traffic in examinations—especially in the sciences—remained profitable. Shortly before the 1964 Christmas holiday, cadets at the Air Force Academy acquired the key to a locker containing science examinations, copied the exam papers, and formed a syndicate with other cadets to profit by this intelligence by selling copies of the exams.⁴² It was not a simple opportunistic theft, but rather the result of a determined and systematic effort to acquire and market Academy exams.⁴³ At the end of the scandal 109 cadets had been expelled—105 for cheating and four for toleration (*i.e.*, having failed to report honor code violations of which they were aware)—but the actual number of cadets using the purloined papers may

⁴⁰ Cary Segall, “Term Paper Mills vs. Term Paper Rituals,” *Wisconsin Alumnus*, August-September 1972: 13.

⁴¹ Earl Barnes, “Student Honor: A Study in Cheating,” in *The International Journal of Ethics*, vol. XIV (1904): 481-488.

⁴² Joseph Bride Jr., “A Smudge on the Cadet Code // Cheating ring at Air Force Academy,” *Life*, 5 February 1965: 82, 83.

⁴³ William Snead, Jr., with Jack Shepherd, “Air Academy’s Cheating Scandal,” *Life*, 24 January 1967: 23-25.

have been closer to 400, and perhaps double that number.⁴⁴

This was not an isolated case of exam theft: a major scandal rocked West Point in 1951,⁴⁵ and in 1966 hundreds of students bought exams acquired by suborning a janitor (at Ohio State University), or by breaking into a professor's office (at the University of Miami).⁴⁶ Ten years later another cheating scandal occurred at West Point,⁴⁷ and twelve years after that the suborning of another janitor at York University⁴⁸ led to the creation and report of a special committee on exam security.⁴⁹ In 1992, the United States Naval Academy experienced a similar episode of purloined examinations, which resulted in charges against 133 midshipman, the eventual dismissal of 29 of them, and a discussion of the scandal on CBS television's *60 Minutes*.⁵⁰

Examination theft is a dimension of university discipline not usually considered to be plagiarism. Prior knowledge of examination questions gives students the opportunity to prepare answers in advance, rather than responding spontaneously to questions seen for the first time when the exam paper is opened. (It is true that students who know what the questions will be still have to answer them, but their answers do not reflect the mastery that would be shown by spontaneous response.) This, in turn, places students who have not

⁴⁴ William Snead, Jr., with Jack Shepherd, "Air Academy's Cheating Scandal," *Life*, 24 January 1967: 24.

⁴⁵ CPT Brian Karinshak, "Honor White Paper: The United States Military Academy Cadet Honor Code and Honor System." West Point, NY: Center for the Professional Military Ethic, 18 January 2000. Online at <http://www.usma.edu/Committees/Honor/index.htm>.

⁴⁶ Jack Shepherd, "College Honor Systems: Can they work?" *Life*, 24 January 1967: 25.

⁴⁷ CPT Brian Karinshak, "Honor White Paper: The United States Military Academy Cadet Honor Code and Honor System." West Point, NY: Center for the Professional Military Ethic, 18 January 2000. Online at <http://www.usma.edu/Committees/Honor/index.htm>.

⁴⁸ See Sanju Vaswani, "Five students, janitor found guilty," *Excalibur*, 22, 18 (4 February 1988): 1.

⁴⁹ York University: Report of the Working Group on Examination Security," 23 May 1988. Appendix 9 of CCAS report to Senate, 26 January 1989. York University Archives.

⁵⁰ Jeffrey Gantar & Tom Patten, with Michael O'Donnell. *A Question of Honor: The Cheating Scandal That Rocked Annapolis and a Midshipman Who Decided to Tell the Truth*. Grand Rapids, Michigan: Zondervan Publishing House, 1996. For Gantar's account of the "Double-F" exam cheating, see 75-86.

had advance notice of the questions at a competitive disadvantage, and subverts the intended purpose of the examination.

The sale of stolen exams also illuminates the laws of supply and demand in the marketplace of ideas. In courses where examinations are the principal means of evaluation, the demand will be for prior knowledge of the questions, just as in courses where essays are the principal means of assessing student work the market is for finished term papers. The chief difference between the two is that the lead time and general nature of most essay assignments allows off-campus commercial efforts to flourish, while inside information about specific course examinations require local espionage. What demonstrates their kinship is that students will pay for what they cannot or choose not to do for themselves.

Dartmouth College 1972: the Ad Hoc Committee on the Honor Principle

Dartmouth College offers an example of the nexus where student, instructor, and institutional considerations meet. Site of the earliest known reference to plagiarism in an academic setting, Dartmouth has long emphasized original work. In 1831 the College "Course of Instruction &c" emphasized that "[t]he course of study and methods of instruction are designed throughout, not so much to present to the student the ideas of others however just and useful, as to encourage a close and continued application of his own powers,"⁵¹ and four years later references to original compositions and dissertations appear.⁵² In 1882-83, as part of broad curricular reform, original work was specified as a key requirement for the new status of 'Final Honors:'

[Candidates] must... present theses, satisfactory to a committee appointed by the Faculty, embodying the results of original research, or otherwise prove to the

⁵¹ *A Catalogue of the Officers and Students of Dartmouth College*. (Concord: printed by Fisk & Chase, 1831): 18-19.

⁵² *A Catalogue of the Officers and Students of Dartmouth College*. (Claremont: Samuel Logan Chase, September 1835): 22 and 24.

Faculty their ability to pursue independent research in the subject in which the Final Honors are sought.⁵³

Dartmouth's history of actively addressing student dishonesty is almost as long; examination rules were published in the first *Regulations of Dartmouth College* in 1886, and a decade later expulsion became the advertised penalty for cheating.⁵⁴ Dartmouth's record of setting a high standard and holding its students accountable makes its institutional experience with an Honor Code of particular interest.

Apparently disturbed by a pattern of undergraduate dishonesty in the late 1950s, Dartmouth's faculty voted unanimously in October 1961 to adopt an Academic Honor Code, preparation of which they delegated to the students.⁵⁵ Seen as a natural extension of a trend to give more responsibility to undergraduates,⁵⁶ the concept was initially well received⁵⁷ and eventually accepted by the student body in a College referendum that winter.⁵⁸

⁵³ *A Catalogue of Dartmouth College and the Associated Institutions, for the Year 1882-83.* (Hanover, N.H.: Printed for the College, 1882): 31.

⁵⁴ *Regulations of Dartmouth College, Hanover, N.H., October, 1886.* (Hanover, N.H.: Dartmouth Steam Press, 1886): 6-7; *Regulations of the Faculty of Dartmouth College, 1896.* (Hanover, N.H.: Dartmouth Press, 1896): 3-4.

⁵⁵ Roger Parkinson, "Honor System Motion Approved By Faculty" in *The Dartmouth*, Thursday, October 19, 1961: 1. See also the *Class of 1966 Dartmouth Handbook* (Hanover, N.H.: Published by the 1963 Green Key Society, 1962): 47. [If the dates seem confusing, the Class of 1966 entered as freshmen in September 1962, using a Handbook prepared for them by the Green Key members drawn from that year's seniors, i.e. the graduating class of 1963.]

Not everyone thought this was a good idea; see Dave Schwantes, "The Undergraduate Chair" in the *Dartmouth Alumni Magazine* (December 1961): 29: "[i]t was perhaps an unfortunate move on the part of the faculty to delegate the devising of the honor system to the students themselves."

⁵⁶ See the editorial endorsing the proposal, entitled "Fading Paternalism," in *The Dartmouth*, Thursday, October 19, 1961: 2.

⁵⁷ Roy J. Lewicki, "Students Are Polled on Honor System; Most Are in Favor," *The Dartmouth*, Friday, October 20, 1961: 1. Subsequent discussion was reported in Stephen R. Perry, "More Students Discuss Honor System," *The Dartmouth*, Tuesday, 24 October 1961: 1.

My favourite commentary is Michael Saphier's article "Negative Evidence," which cites the failure of an honor system governing coffee at a nickel a cup as evidence that the academic honor system will not work at Dartmouth. *The Dartmouth*, Wednesday, 1 November 1961: 2.

⁵⁸ See the *Class of 1966 Dartmouth Handbook* (Hanover, N.H.: Published by the 1963 Green Key Society, 1962): 47-49 ("Academic Honor Code") for a discussion.

Those supporting the Code thought it an improvement on the old culture that emphasized the central importance of getting away with it:

The present system puts the onus for preventing dishonesty on the faculty. This system tends to reinforce the feeling that the only thing wrong with dishonesty is getting caught. Under an honor system, dishonesty becomes a more personal matter. A student answerable only to his own conscience can no longer rationalize a lack of intellectual honesty with the thought that if he's to be stopped from cheating, he should be watched more closely.⁵⁰

Detractors, however, threw light on some of the points already discussed in this essay. A representative objection expressed concern that “[t]hose who cheat now will still cheat later, and... where the academic curve plays a big part, the conscientious student could suffer. I estimate about 5 per cent of the student body cheats now—that’s not bad, but it’s enough.”⁵¹ Another suggested that this was a blatant abrogation of faculty responsibility: “I came to Dartmouth in the capacity of a humble student, and I end up getting to do the **faculty’s** job, too.... I feel entitled to a proctor’s protection.”⁵² This same student also made a point echoed by others: “I never want to expose myself to an agreement, on my honor, whereby I might be forced to turn in a friend. If such an occasion were to arise, I might find myself forced to make a decision, either alternative of which I would consider wrong.”⁵³ The prediction that students would be placed on the horns of an ethical dilemma was more clearly articulated by a sociology student, whose views are worth quoting at length for the glimpse of Dartmouth life (*circa*

⁵⁰William R. Armour and Fred H. Kolouch, Letter to the Editor headed “Kernels in the Chaff” in *The Dartmouth*, Monday, 23 October 1961.

⁵¹Larry Murroff, quoted in Roy J. Lewicki, “Students Are Polled on Honor System; Most Are in Favor,” *The Dartmouth*, Friday, 20 October 1961: 1.

⁵²David Snow, Letter to the Editor headed “Faculty Passing the Buck” in *The Dartmouth*, Friday, 20 October 1961.

⁵³David Snow, Letter to the Editor headed “Faculty Passing the Buck” in *The Dartmouth*, Friday, 20 October 1961. For a syntactically challenged view (very much a period piece from the days of the Cuban Missile Crisis) in support of Snow’s position, see Rick Van Mell, Letter to the Editor headed “Spying or Learning” in *The Dartmouth*, Monday, 23 October 1961.

1961) they provide:

There are three levels of social control for the individual: (1) His own internalized norms; (2) Informal norms enforced by the peer group; (3) Formal rules enforced by institutions. At present Dartmouth relies on the internalized norms and the formal rules to produce honor in an individual. The honor system would shift the burden from formal rules to the informal peer group.

But... [t]here exists a peer group norm which prohibits squealing. Thus the honor system would establish two conflicting norms which are inviolable and enforced by the very powerful peer group— report the cheater vs. no squealing. At this time the second norm exerts more influence on the individual. Therefore, the cheater would not be reported and the system would fail. [...]

The system in effect now is preferable. Although not an honor system in theory, it is one in practice. Proctors in an exam do little to prevent cheating. The fear of peer group rejection is much more effective. Requiring persons to report cheaters would force students into unsolvable conflicts. One of the concepts Dartmouth stands for is honor to fellow members of the College. The honor system would result in too great a deterioration of fellowship for too small a gain in integrity.³

In the end this consideration was so powerful that the Undergraduate Council and the Faculty temporized. In the Honor Principle as implemented, students were not pledged to turn anyone in, merely to “take action” if they witnessed violations.⁴

In approving the concept of an honor code the faculty explicitly took a hard line on the question of plagiarism:

³Thomas K. McInerney, Letter to the Editor headed “Peer Group Conflict” in *The Dartmouth*, Wednesday, 25 October 1961.

⁴“A student who becomes aware of a violation of this Principle is bound by honor to take some action. He may report the violation, speak personally to the student, exercise some form of social sanction, or do whatever is appropriate under the circumstances.” For the most recent edition (which is no different from its predecessors), see Dartmouth College, *Student Handbook 1998-1999* (Hanover, NH: 1998): 146-147.

This suggestion was made by Alex Ulanowsky, who thought students should be given the chance to “talk the thing over” and not be *required* to turn in friends who cheat unless the cheating continues, but whether Ulanowsky’s letter played any role in shaping the final version of the Honor Principle is unclear. Alex Ulanowsky, Letter to the Editor headed “Flagrant Amoralism,” *The Dartmouth*, Saturday, 21 October 1961: 2.

When he enrolls at Dartmouth, each student accepts this responsibility with the understanding that a man who submits work which is not his own violates the purpose of the College and forfeits his right to continue at Dartmouth.⁶⁵

In fact, however, the fatalists who predicted “high workability for a while, then slow failure as more and more students, bending under work pressure and temptations of higher marks, begin cheating without fear of reprisal, ending in eventual breakdown and complete contempt upon everybody’s part for the Honor System”⁶⁶ seem to have been borne out by events.

Ten years later, in the autumn of 1972, the College struck an *ad hoc* committee “to review the application and effectiveness of the Honor Principle.”⁶⁷ When that committee completed its investigation, it grimly reported that

[i]n large numbers, Dartmouth students are both cheating and conniving at cheating by others. At the same time, many members of the faculty are neglecting to explain the Honor Principle to their students, are placing extreme temptations in the way of those students, and—for a variety of reasons—are choosing not to report violations of the Honor Principle to the Dean. [...] Our... conclusion is that for the most part, both students and faculty have abdicated their responsibility to make it work.⁶⁸

This sweeping indictment suggests that ethical considerations had been set aside by students, faculty, and the College alike. Not only did a significant proportion of students cheat—42% of the 429 respondents to the committee’s survey indicated that they had violated the Honor Principle at least once during their time at Dartmouth, and the committee extrapolated that, as a conservative

⁶⁵ From the faculty resolution formally endorsing the principle of an honor code, 18 October 1961. Dartmouth College Archives.

⁶⁶ Jonathan Bates, “For Reporting,” in *The Dartmouth*, Wednesday, 25 October 1961.

⁶⁷ Minutes of the Executive Committee Meeting of October 2, 1972, quoted in “Report of the Ad Hoc Committee on the Honor Principle” (1973), Dartmouth College Special Collections, D.C. History LB/3092/D34.

⁶⁸ “Report of the Ad Hoc Committee on the Honor Principle” (1973), Dartmouth College Special Collections, D.C. History LB/3092/D34: 14. (I should add, *obiter dicta*, that this is the best written, most compelling committee report that I have ever encountered—and I’ve seen plenty.)

estimate, there had probably been at least 1,000 infractions between February 1968 and October 1972—but they also turned a blind eye to peers who did the same: only 34 cases reached adjudication during that period.⁷⁰ The social norm had indeed proven more compelling than the institutional one, as students reported that they “consider[ed] it more dishonorable to report the name of a fellow student than to violate the Honor Principle itself.”⁷¹ The Report also ruefully acknowledged that those students who had attempted to uphold the Honor Principle had not found the experience rewarding.⁷²

The committee repudiated the idea that the cheater cheats only himself (*not* that he cheats himself as well as others) as “a rationalization of our reluctance to face the vexing task of spotting the cheater and getting him out.”⁷³ Noting the importance of class rank for admission to professional schools, the Report explicitly affirmed that dishonest students place honest ones at a disadvantage.⁷⁴ It did not address the ethical issues of deceiving instructors (for whom the committee evidently felt little sympathy) or discrediting the Dartmouth degree (which does not seem to have been raised as a concern at any time during the investigation), though it did conclude that widespread contempt for academic honor “poisons the morale of the College.”⁷⁵

The sharpest criticisms in the Report were of the faculty and, implicitly, the College. Far from “provid[ing] continuing guidance as to what constitutes

⁷⁰“Report of the Ad Hoc Committee on the Honor Principle” (1973), Dartmouth College Special Collections, D.C. History LB/3092/D34: 10. See also the statistical summary of 429 responses, attached to the report.

⁷¹“Report of the Ad Hoc Committee on the Honor Principle” (1973), Dartmouth College Special Collections, D.C. History LB/3092/D34: 3. This is consistent with findings from a survey taken forty years earlier; see George J. Dudyca, “The Moral Beliefs of College Students,” in *The International Journal of Ethics*, vol. XI.III (1932-33): 194-204, and another from the turn of the century; see Earl Barnes, “Student Honor: A Study in Cheating,” in *The International Journal of Ethics*, vol. XIV (1903-04): 481-488.

⁷²“Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973): 3.

⁷³“Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973):17.

⁷⁴“Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973):16-17.

⁷⁵“Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973):17.

academic honesty” and “promot[ing] procedures and principles which will reinforce the principle of academic honor,” the committee found that a great many professors did nothing to elucidate the Honor Principle to their classes, created circumstances conducive to cheating, and avoided confronting academic dishonesty when they came across it.⁷⁵ If the faculty gave the students little guidance, neither did the College guide the faculty: the Report noted that the current version of the Faculty Handbook made no reference at all to the Honor Principle.⁷⁶ Even the body set up to adjudicate alleged violations was criticized: the committee inferred a direct connection between the wide (and unpredictable) disparity in penalties imposed and the inclination of those professors who addressed violations at all to do so *in camera*.⁷⁷

By 1972, then, a significant proportion of instructors at Dartmouth were not meeting their ethical obligations to the students who cheated, to the students who did not, to the College, or to those beyond the College to whom students’ credentials were submitted.⁷⁸ Nor did the institution as a whole meet its obligation to establish a culture in which ethical behaviour was the norm, or to establish clearly understood guidelines for students and instructors alike. By

⁷⁵ “Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973): 4-14.

⁷⁶ “Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973): 30.

⁷⁷ “Report of the Ad Hoc Committee on the Honor Principle” (Dartmouth College: 1973): 10-14.

⁷⁸ It is possible that the timing of Dartmouth’s attempt to introduce its Honor Principle played a role in these difficulties; while most schools with similar codes developed them during times of optimism (in the early years of independence, as at William and Mary, or during the Progressive Era) and thus may have been able to develop a positive culture which sustained them in more demanding times, Dartmouth tried to implement an honor code to straighten out a campus culture which lacked an explicit tradition of honor in which to ground it, and just before the upheavals of the 1960s cast doubt on all traditional values across university campuses. In fact, Dartmouth’s review of the Honor Principle coincided with similar difficulties elsewhere, which resulted in other institutions (such as the University of Florida and Johns Hopkins University) abandoning their honor codes.

For a mid-century view of honor codes (whose warnings will seem remarkably prescient to anyone who has read the Dartmouth report), see Harold H. Titus, *Ethics for Today* (New York: American Book Company, 1947 [1936]): 345-347.

adopting an attitude of benign neglect⁷ toward the Honor Principle, the institution helped create the conditions in which violations of that Principle flourished. Dartmouth and its agents, in short, gave their students the opportunity to be dishonest, and found that almost half availed themselves of that opportunity at least occasionally—thus sharply underscoring the effects of any segment of an academic community taking its ethical obligations lightly.

Rather than recommend that Dartmouth abandon the Honor Principle, the 1973 committee instead concluded that the College should close some of the loopholes in its application. Almost thirty years later, however, the system remained vulnerable.

Dartmouth College 2000: the CS4 Plagiarism Cases

Plagiarism, though commonly thought to be particularly related to the printed word, has become more common in Computer Studies than in English. With the possible exception of the purchase of essays from term paper mills and websites (which are discussed in subsequent chapters), plagiarized computer code has emerged as the single most frequent transgression in the academy. In some measure this may be because of the difficult and abstruse nature of writing code, but it is likely that the medium itself—which lends itself to the ready transmission and duplication of data—provides an additional element of temptation. Temptation was, in fact, the central theme of Dartmouth's next Honor Principle controversy, which brought unwelcome national attention to the Computer Science Department.

In early February 2000—more than a quarter-century after the Ad Hoc Committee on the Honor Principle made their Report—Rex A. Dwyer, a visiting professor of computer science, announced that roughly 40 students—a figure which doubled within a month—appeared to have downloaded solutions to a

⁷The phrase “benign neglect” was originally coined by New York Senator Daniel Patrick Moynihan, and is now long divorced from its original political context.

Computer Science 4 (CS4) homework assignment from a website to which he had drawn their attention and then left temporarily unprotected, initiating an investigation of the incident both by the Computer Science Department and, ultimately, by the College.²⁰ Complicating that investigation was the subsequent revelation that some students had received assistance from the course TAs, after having “spent several hours on the assignment[] before giving up in frustration and seeking help from teaching assistants.”²¹ The complexity of the assignment led to a higher demand for assistance than the TAs could accommodate, and some apparently gave out the solution so students could compare it to their work to discover for themselves the correct way to complete the work. While this proved helpful in distinguishing those who had sought legitimate help from those who had simply downloaded the answer from the internet,²² it also confused the central issue of what was legitimate work and what constituted an honor code violation.²³

Of broader interest were the concerns expressed by the Dartmouth community in the wake of the revelations, which highlight relevant institutional considerations regarding the circumstances in which academic dishonesty takes place. Dwyer, who was unfamiliar with the College’s Macintosh platform and may not have been expecting to teach the course in question, did a poor job of organizing his classes. The Computer Science Department did little to support the professor and assigned inadequate tutorial assistance to his classes. Students showed little respect for Dwyer, which caused “the classroom atmosphere to

²⁰ Andrew Marnell, “Prof alleges mass cheating in CS4: Department begins investigation of entire introductory CS class,” *The Dartmouth Online*, 24 February 2000.

²¹ Andrew Marnell, “Cheating investigations will be complex,” *The Dartmouth Online*, 15 February 2000.

²² Andrew Marnell, “Cheating scandal effects widen: CS4 professor drops his CS15 course in seventh week of term,” *The Dartmouth Online*, 16 February 2000.

²³ Andrew Marnell, “TA help may count as cheating: CS4 prof says taking solutions from TAs also violated honor code,” *The Dartmouth Online*, 17 February 2000.

plunge to... a depth [not seen] since middle school."⁵⁴ All of these factors led the visiting instructor to resign from his two CS courses and leave Dartmouth two and a half terms early.⁵⁵

With the threat of possible retaliation removed by Dwyer's resignation, students spoke out. One of his Teaching Assistants felt that Dwyer not only lacked control of his classes, but did not do enough to establish it. (He also criticized the visiting professor for not seeking departmental help when he needed it.)⁵⁶ In the opinion of one undergraduate enrolled in CS4, this inability to command the respect of his students led Dwyer to seek revenge by drawing the class's attention to the website and then deliberately leaving it unprotected—in effect, entrapping them.⁵⁷ Although the College dismissed the suggestion that Dwyer intentionally left the website unprotected, the combination of an unduly difficult assignment and an accessible but forbidden source of solution was tantamount to leaving a steak on the table overnight and telling the family Labrador not to eat it—no doubt the meat *should* still be in its place in the morning, but it is a lot to expect of the dog to leave it there.

Two other analogies illustrate the conceptual gap between Dwyer and his students. One perspective likened Dwyer's failure to protect his website to "leaving the answers on the board during a test,"⁵⁸ while the other held it to be more akin to "tak[ing] a copy of an upcoming exam off a professor's desk because it was 'in the open' or stealing a car because 'the keys were in the

⁵⁴ Andrew Marnell, "Students: CS4 a mess from start," *The Dartmouth Online*, 18 February 2000.

⁵⁵ Andrew Marnell, "Dwyer resigns from CS4 teaching position," *The Dartmouth Online*, 21 February 2000.

⁵⁶ Andrew Marnell, "TA criticizes Dwyer's actions: Grad student says Dwyer should have been more 'proactive' during term," *The Dartmouth Online*, 22 February 2000.

⁵⁷ David Abel, "Students in Dartmouth cheating case crying foul," *Boston Globe*, 4 March 2000: A01. The TAs in the course supported this interpretation. See also David Abel, "Aides support accused students," *Boston Globe*, 8 March 2000: B01.

⁵⁸ Lubna Ammar, quoted in David Abel, "Aides support accused students," *Boston Globe*, 8 March 2000: B01.

ignition'.⁵⁰ Morally there should be no difference between the two (though it is suggestive that some students perceived one), but it is easier to forgive the former, when looking at the answer can hardly be avoided, than the latter, which requires a sin of commission on the part of the student. For our purposes, however, it is enough to know that the opportunity for dishonesty was created by the instructor.

Schools and universities have a responsibility both to establish a culture in which ethical behaviour is the norm, and to keep students out of ethical harm's way—*i.e.*, to shelter students from the temptation to be unethical. J. T. Laney observed that “while we all intend to act honorably, it is foolish to allow people to be placed in situations where they are unduly tested.”⁵¹ J. R. Geiger made the same point more succinctly in 1922: “College authorities cannot force their charges to be moral, but they certainly owe it to them to create and maintain conditions as favorable as possible to moral behavior.”⁵²

Professor Dwyer, however, apparently believed otherwise. Dwyer's position was that he should not have had to password-protect the website, because students governed by the Honor Principle should be above such paltry dishonesty.⁵³ He repeatedly asserted that he had been told that Dartmouth students did not cheat, which—coupled with the contempt that his students showed him in class—does make one suspect that the website had indeed been left as bait. If true, the affair does no one credit: not the students, many of whom

⁵⁰ Alex Leary, “Dartmouth Cheating Inquiry Reverberations Still Being Felt,” *The Valley News*, 10 June 2000: A1, A6.

⁵¹ James T. Laney, “Through Thick and Thin: Two Ways of Talking About the Academy and Moral Responsibility,” in William May, editor, *Ethics and Higher Education* (New York: American Council on Education and Macmillan Publishing Company, 1990): 58.

⁵² See Joseph Roy Geiger, “The Honor System in Colleges,” in *The International Journal of Ethics*, vol. XXXII (1922): 398-408. This quotation is from pp. 407-408.

⁵³ Alex Leary, “Dartmouth Probes Alleged Cheating in Computer Science Class,” *The Valley News*, 16 February 2000: A1, A7. See also David Abel, “Students in Dartmouth cheating case crying foul,” *Boston Globe*, 4 March 2000: A01.

showed such boorishness during the term and dishonesty on this assignment; not Dwyer, who struggled as an instructor and seems to have indulged in a petty attempt at payback; and not the College, which did nothing to address the situation before it came to such a spectacular crisis.

Two weeks after the incident itself the story was picked up by the Associated Press, although few journals seem to have carried it.⁴³ That changed in another two weeks, when the *Boston Globe* printed it on the front page and gave it prominent play online.⁴⁴ At the end of February the College announced that 78 CS4 students were under investigation, of whom 63 would certainly face the Committee on Standards (COS), Dartmouth's disciplinary body for Honor Principle offenses.⁴⁵ (The other 15 were required to prove to the Dean that they had not plagiarized, by demonstrating how they completed the assignment.⁴⁶) Only 27 of the 63 COS cases were heard before the College—citing the impossibility of “distinguish[ing] between those responsible and those not responsible for violations of the Academic Honor Principle”—decided to drop all of the charges.⁴⁷

While most students reacted with relief, some felt that the College should

⁴³ The first commercial outlet to carry the story was the local newspaper *The Valley News*, whose story was the basis for the subsequent Associated Press item. Alex Leary, “Dartmouth Probes Alleged Cheating in Computer Science Class,” *The Valley News*, 16 February 2000: A1, A7. The first story I found appearing under the AP byline was carried by the Nashua, NH, *Telegraph*. See “Cheating scandal hits Dartmouth: Professor says students lifted homework answers from unprotected Web site,” *Nashua Telegraph*, online at http://nashuatelegraph.com/daily_sections/news/archives/2000/february/stories/0217w-scandal.htm.

⁴⁴ Benjamin Wallace-Wells and David Abel, “Dartmouth College to question 63 students on plagiarism charges,” *Boston Globe*, 3 March 2000: B4.

⁴⁵ Andrew Marnell, “78 Implicated in CS4 Cheating Scandal,” *The Dartmouth Online*, 1 March 2000.

⁴⁶ Andrew Marnell, “78 Implicated in CS4 Cheating Scandal,” *The Dartmouth Online*, 1 March 2000.

⁴⁷ Andrew Marnell, “Extra - College Drops All Charges in Cheating Scandal Hearings,” *The Dartmouth Online*, 12 March 2000.

have punished those whose cheating could be proven.” Dwyer himself denounced the decision as “a whitewash,” and a cop-out:

While two tutors apparently did offer so-called “help” to students far beyond what I could have imagined at the time I submitted my allegations, the evidence I presented focussed on obvious *electronic* exchange of written work, in clear violation of a clear policy included in the course syllabus. The Committee’s failure to punish in some way—even if only by formal reprimand—each and every student to whom the preponderance of evidence ascribed culpability represents a gross neglect of its duty...⁹⁹

Moreover, Dwyer rejected altogether the COS rationale that the impossibility of a consistent disciplinary response precluded any response at all:

The Committee’s appeal to “fairness” as an excuse is nothing more than an obtuse unwillingness to acknowledge the commonly understood truth that some of the guilty will be overlooked in every venue of adjudication prior to the Last Judgment.¹⁰⁰ One may now argue with impeccable consistency that it can never again be “fair” to punish a Dartmouth cheater after the CS Seventy have been let off scot free.¹⁰¹

Even after leaving Hanover, Dwyer continued to pursue the issue. His poor opinion of them notwithstanding, he sent a letter to all Dartmouth students in which he asked rhetorically, “Would you want to work in a building designed by someone who had cheated to pass a structural engineering class, or undergo surgery at the hands of someone who cheated their way through med school?”¹⁰² His purpose in doing so is not entirely clear, unless he believed that

⁹⁹ Wendy Yu, “Students relieved by COS verdict,” *The Dartmouth Online*, 27 March 2000. See also David Abel, “Dartmouth officials close the book on cheating scandal: Most on N.H. campus greet news with relief,” *Boston Globe*, 13 March 2000: B01. The annual publishing hiatus caused by Dartmouth’s Spring Break accounts for the two-week difference in the *Globe* and *Daily Dartmouth* articles.

¹⁰⁰ Rex A. Dwyer, “CS4 Hearings Were a Whitewash,” *The Dartmouth Online*, 28 March 2000.

¹⁰¹ Dwyer’s Biblical allusion does not hold water. Genesis 18:23-32 suggests that the COS did the right thing.

¹⁰² Rex A. Dwyer, “CS4 Hearings Were a Whitewash,” *The Dartmouth Online*, 28 March 2000.

¹⁰³ Rex A. Dwyer, letter to Dartmouth College students, quoted in Alex Leary, “Dartmouth Cheating Inquiry Reverberations Still Being Felt,” *The Valley News*, 10 June 2000: A6.

by such an effort some might still be saved from academic perdition. This would be laudable, if somewhat unrealistic.

It is unlikely, however, that Dwyer was moved by an earnest desire to light a beacon in the wilderness. He seemed instead determined to smear the College in every way possible. He attacked Dean James Larimore (who bore the brunt of the campaign after Dwyer's return to North Carolina) in the local *Valley News* by ridiculing his decision to drop the CS4 case:

Larimore's argument for dismissing charges... seems to go like this: "Look, if I cover one eye by not looking at the computer logs, one ear by not interviewing all the students, and the other ear by not interviewing any of the tutors, all that's left is my nose. And, while I smell something bad, I can't tell where it's coming from with my nose alone." He hopes you'll forget two things: who did the covering, and what the uncovered eye saw.¹⁰³

He also sent a widely-publicized letter to the Center for Academic Integrity at nearby Duke University, suggesting that "Dean Larimore's presence on your board makes a mockery of your stated mission to 'identify, affirm and promote the values of academic integrity among students.'"¹⁰⁴ These personal attacks completed Dwyer's condemnation of the College community: he held the students, the TAs, the Computer Science Department, and the administration all responsible for the fiasco, but the only blame he assigned to himself was a naïveté about the realities of Dartmouth, and even then he doggedly insisted that he *should* have been able to assume that his students had sufficient integrity not to plagiarize when given the opportunity.

The CS4 scandal gives one a sense for how distasteful the Victorians found the "parallel-column hunters" mentioned in a previous chapter, and in Rex

¹⁰³ Rex A. Dwyer, Letter to the Editor, *The Valley News*, 24 June 2000.

¹⁰⁴ Rex A. Dwyer, letter to Center for Academic Integrity, quoted in Alex Leary, "Dartmouth Cheating Inquiry Reverberations Still Being Felt," *The Valley News*, 10 June 2000: A6.

Dwyer one gets a sense for what Thomas Churchyard must have been like three centuries earlier. Dwyer came perilously close to crossing the line which separates prosecution from persecution, and in the end became a caricature of the crusading academic.

While Dwyer may have appeared obsessed by his own particular vision of academic justice, he was perfectly correct in pointing out that a great many students contravened their college's vaunted Honor Principle. He undermined his own case by raising side issues such as the suggestion of elitism and class prejudice,¹⁰⁵ but the fact remains that Dartmouth students falsely claimed credit for an assignment, and the College chose not to discipline them.

Certain general conclusions seem warranted. First, the difficulty of the assignment probably contributed substantially to the number of students who sought to complete it by dishonest means. Second, the professor undermined his own credibility in bringing charges by having created the conditions in which the plagiarism took place. Whether or not Dwyer sought to entrap students whom he may have had (or thought he had) some reason to detest, the credible suggestion that he had done so effectively precluded administrative action. Third, the institution probably contributed to the situation either by providing the instructor either with insufficient notice and resources, or insufficient supervision. Finally, the importance (especially in the litigious United States) of juridical consistency—"fairness"—outweighed the application of penalty even for those individuals who may have admitted guilt.

¹⁰⁵ Dwyer referred to "the arrogance of that segment of the Dartmouth community that let me know from my first day at the front of the Filene Auditorium that Ivy Leaguers deserve to be taught by other Ivy Leaguers." Rex A. Dwyer, "CS4 Hearings Were a Whitewash," *The Dartmouth Outline*, 28 March 2000. Dwyer himself probably exacerbated any such feeling by making an issue of it; one assignment given after the incident in question began, "In this experiment, you are to assume you are a computer science professor visiting a small, elite university in the east from a large, state-funded university in the south with 27,000 students." Quoted in Alex Leary, "Dartmouth probes Alleged Cheating in Computer Science Class," *The Valley News*, 16 February 2000: A7.

University of Virginia: The Bloomfield Cases

Computers made headlines again in May 2001, when professor Louis A. Bloomfield discovered widespread cheating in his “How Things Work” physics classes at the University of Virginia. Bloomfield, who had accumulated five semesters’ worth of papers in one electronic database by requiring students to submit their papers through e-mail, created a program designed to compare current papers with those submitted in previous semesters. The program looked for identical strings of six words or more, and 122 student papers proved to have “at least 500 matching words in phrases of at least six consecutive words.”¹¹⁶ By the autumn the number of charges had risen to 145, and the Honor Committee struggled to get through the immense caseload in the face of scheduling conflicts and other obstacles.¹¹⁷ More daunting still, Bloomfield’s program found as many as 238 possible violations above and beyond the original list: “78 pairs of papers with 100-199 matching words, 18 pairs with 200-299 matching words, 11 pairs with 300-399 matching words and 12 pairs with 400-499 matching words.”¹¹⁸ Because the computer does not distinguish text with one purpose from text with another, those numbers do include bibliographic citations—but even so the figures are staggering.

Eleven months after the Bloomfield first initiated his investigation, only 59 of the (by then) 158 cases had been referred for trial.¹¹⁹ Most of the charges against the original authors of papers submitted more than once were dropped,

¹¹⁶ Emily Roper, “Professor initiates 122 honor cases,” *The Cavalier Daily*, 19 May 2001.

¹¹⁷ Sarah Salwen, “Committee makes slow progress with trials // Number of Bloomfield cases up to 145; two students found guilty,” *The Cavalier Daily*, 1 October 2001. See also Sarah Salwen, “Honor Committee progresses quickly with Bloomfield cases // In 21 completed trials seven students found guilty and 16 students left after admitting guilt,” *The Cavalier Daily*, 21 January 2002.

¹¹⁸ Sarah Salwen, “Bloomfield program finds more matches // New standards could add up to 238 cases of cheating to honor trial docket,” *The Daily Cavalier*, 30 November 2001.

¹¹⁹ Abby Fox, “Honor completes Bloomfield investigations // Twenty pending trials expected to be completed by end of spring semester,” *The Cavalier Daily*, 7 March 2002.

a number of students facing charges left the university, and four students were not referred to trial because “psychological evaluations reveal[ed] that a contributory mental disorder was found in the accused.”¹⁰⁰ Only 38 students were dismissed from the university—about a quarter of those facing charges, less than ten per cent of those who might have had charges initiated against them for the same offense, and about 1.5% of the nearly 2,500 who took “How Things Work” during the five semesters checked by Bloomfield’s software.¹⁰¹

The Bloomfield cases are noteworthy in four ways: first, the sheer number of cases both referred and not referred; second, the fact the original authors, who may have made their papers available to the next generation, were not prosecuted; third, that the episode gave rise to the Informed Retraction referendum at the university; and fourth, that some blamed the “culture of cheating” on Bloomfield. Of these the first illustrates the practical difficulties inherent in mass disciplinary action. There is no ethical standard by which the student who plagiarizes 499 words is less blameworthy than his classmate who presents 501 of someone else’s words as his own, but the prospect of prosecuting nearly 400 students would have swamped the Honor Committee, which meets only on weekends and conducts trials lasting an average of six hours each—an effective maximum of two per week. If all of the students whose papers seemed to include substantial plagiarism had been referred to trial, it would literally have taken several years to get through the caseload even if no other infractions were brought to the Honor Committee.

Faced with the impossibility of processing every presumed infraction,

¹⁰⁰ Jen Michaels, “Honor to complete Bloomfield cases soon // Statistics show 13 of the 51 investigations to go to trial end in guilty verdicts, 18 trials await decisions,” *The Daily Cavalier*, 19 February 2002.

¹⁰¹ Abby Fox, “Honor completes Bloomfield investigations // Twenty pending trials expected to be completed by end of spring semester,” *The Cavalier Daily*, 7 March 2002.

Honor¹¹² elected to prosecute only the most egregious offenders: those who passed the arbitrary 500-word threshold for duplicate prose. The same consideration may have applied to those previous students of “How Things Work” whose essays later reappeared under another student’s name. Ordinarily a student who knowingly permits another falsely to claim credit for his assignment would be as much at fault as the one turning in the work for the second time, but given an easy way to cut the number of cases by one third or more Honor had little choice. When the system was confronted by the Bloomfield cases, it was swamped by the magnitude of the issue and had to find a way to reduce it to manageable proportions. This was done by a kind of juridical triage, making value judgements about whose offenses were greatest, and letting the smaller fry slip through the net.¹¹³ Justice, in the Bloomfield episode, was tempered not so much by mercy as by practicality.

This laid the foundation for the third point of note: the impetus that the Bloomfield cases gave the “Informed Retraction” initiative at the University of Virginia. The essential idea of Informed Retraction was that it offered violators of the Honor Code who knew the jig was up an incentive to confess, and accept what amounted to voluntary exile from the University for a year and a half before being permitted to resume their studies.

The attractiveness of this proposal was threefold: first, it offered the prospect that bogus claims of innocence would be reduced.

[A]fter students are accused of committing honor offenses, they no longer have an incentive to be honorable — admitting to lying, cheating or stealing will only get them

¹¹² “Honor” is the short form used at the University of Virginia when referring to the Honor Committee.

¹¹³ Such picking and choosing, which prosecuted students not on the quality of the plagiarism but rather according to the quantity of material plagiarized, was the object of sharp criticism by counsel representing some of the students charged. See Sarah Salwen, “Bloomfield program finds more matches // New standards could add up to 238 cases of cheating to honor trial docket,” *The Daily Cavalier*, 30 November 2001.

kicked out... With the single sanction mandating expulsion, the only hope a guilty student has of remaining at the University is to feign innocence and hope the jury agrees. Since jury members often are reluctant to dismiss their peers, many guilty students probably get off scot-free.¹¹⁴

The second element of informed retraction's appeal—clearly influenced by the extraordinary number of Bloomfield cases—was that it would alleviate backlogs, increase the number of cases that the system could accommodate, and make it more likely that Honor would actually terminate remorselessly guilty offenders.

With informed retraction, many guilty individuals would be weeded out of the honor process before the trial stage. Then, juries that heard cases of obviously guilty individuals hopefully would have no more qualms about voting for expulsion — anyone who reached trial would have forgone the chance to receive a lesser sentence and therefore would deserve to be kicked out for good.¹¹⁵

Third, and perhaps most attractive to those who wished punishments to serve a constructive purpose, this option was held to offer rehabilitation for the transgressor.

Informed retraction would force students to take responsibility for their actions while giving them a second chance to thrive within the University's community of trust. Expelling students permanently and forcing them to attend other schools, while appropriate for those who are found guilty at an honor trial, does nothing to help those individuals become more honorable people.... The University should be a learning environment, and students who are willing to make the honorable move and admit guilt deserve the chance to come back after time off.¹¹⁶

Whether copping a plea to avoid expulsion constitutes "mak[ing] the honorable move" may, of course, be a matter of interpretation.

The long and short of the Informed Retraction proposal is that it would

¹¹⁴ "Pass informed retraction," lead editorial, *The Cavalier Daily*, 23 January 2002.

¹¹⁵ "Pass informed retraction," lead editorial, *The Cavalier Daily*, 23 January 2002.

¹¹⁶ "Pass informed retraction," lead editorial, *The Cavalier Daily*, 23 January 2002.

have provided an academic parallel to the legal system's plea bargaining. Like plea bargaining, Informed Retraction would benefit chiefly the prosecution, speeding up the process and sparing the need to take any but the most recalcitrant cases to full trial. None of its proponents suggested that it would make students any less likely to violate the Honor Code, but it might well prove to be a considerable administrative convenience.

The larger problem—unaddressed in the sometimes heated debate over informed retraction—is that students on UVa Honor juries and similar panels elsewhere are clearly reluctant to expel for plagiarism. In theory, all they are required to do at UVa is determine whether or not the Honor Code has been violated. In practice, however, some students (and presumably some professors as well) seem to weigh each violation in their own scales of values, and decline to convict (or indeed refer) when the offense seems not to warrant expulsion.¹¹⁷ (That this is itself a subversion of the Honor Code does not seem to have come up in the debate over informed retraction.) The important point for the purposes of this discussion is that the greater the penalty, the less likely it is that a conviction will result from prosecution.

Georgia Tech's experience of computer-driven plagiarism offers a useful comparison. In the autumn of 2001, professors at Georgia Tech used their own detection program, "CheatFinder," to review several assignments in CS1321 and CS1322, two introductory computer science courses. This investigation resulted in charges against 187 students, most of whom were accused of unauthorized collaboration or sharing computer code.¹¹⁸ The university (which operates its

¹¹⁷ Timothy DuBoff, "Fourth-year reflections on honor's fatal flaw," *The Cavalier Daily*, 29 March 2001.

¹¹⁸ Kelly Simmons, "187 Tech students accused of cheating // Students took two computer programming courses," *Atlanta Journal and Constitution*, 16 January 2002. See also Tony Kluemper, "C/C charges 187 with cheating," *Technique*, 18 January 2002.

recently-adopted honor code without “a one-size-fits-all” response¹¹⁹) offered students the option of accepting an F or other penalties rather than be referred to the Dean of Students,¹²⁰ and within two weeks 47 of the students had admitted cheating.¹²¹ While the balance of the Georgia Tech cases are at this writing (April 2002) still pending, it is suggestive that such a high proportion of the cases have been adjudicated so quickly.

The other point which was lost in the informed retraction discussion was the central issue of whether the majority of students will support an honor concept. Quite separate from the reluctance of juries to convict when the stakes are high is the reluctance of students to police themselves.

As it stands now, students don't like to rat out their friends, classmates and peers. Lowering the penalty to three suspended semesters for cheating won't change that fact. Students with an aversion to reporting others still won't and those that would still will.¹²²

Statistics bore this point out: a 2001 study at the University of Virginia reported that more than a quarter of the students surveyed had witnessed an Honor Code violation, but less than one per cent had reported one. The operative concern in a university community is not that the penalty is too harsh, but rather that the social code identified with such clarity at Dartmouth in 1961 is still a powerful influence at most campuses forty years later.

The final aspect of the Virginia cases worthy of particular note is that the professor who initiated Honor proceedings was himself criticized. One counsel suggested that the extent of the likely plagiarism indicated “something about

¹¹⁹ Bob Harty, quoted in Kelly Simmons, “Georgia Tech: Students admit they cheated on assignments,” *Atlanta Journal and Constitution*, 6 February 2002.

¹²⁰ Daniel Amick, “This is neither a success nor a failure,” *Technique*, 25 January 2002.

¹²¹ Kelly Simmons, “Georgia Tech: Students admit they cheated on assignments,” *Atlanta Journal and Constitution*, 6 February 2002.

¹²² “Informed retraction won't work,” lead editorial, *The Cavalier Daily*, 29 January 2002.

Bloomfield, his class and the culture of cheating he created there.”¹²³ While superficially an echo of the Dwyer scandal (and of the earlier conclusions of the Dartmouth Ad Hoc Committee that many professors neither promote the Honor Principle, nor discourage cheating, nor address academic dishonesty when they come across it), this criticism in fact underscores the reasons why professors may choose to deal with plagiarists *in camera* or not at all. Not only did his name become synonymous with the scandal in the campus press (“the Bloomfield cases”), and not only did he spend scores of hours testifying at Honor trials, but Bloomfield found himself publicly accused of fostering the very dishonesty that he was attempting to root out. What academic would choose to bring all that on himself when he could simply turn a blind eye to an established practice? Most would not; indeed, a survey conducted at the University of Virginia at about the same time as the Bloomfield scandal reported that only 60% of faculty “would be likely to initiate an honor case in an instance of clear academic dishonesty, and only 20 percent would be likely to initiate a case if they only suspected academic dishonesty.”¹²⁴

It is important to note, however, that Louis Bloomfield’s experience in enforcing an honor code was substantially different from Rex Dwyer’s. Part of the reason was that Bloomfield was not an aggrieved outsider; part, that he did not adopt an adversarial posture with his class; part, that he did not provide impetus for the plagiarism; and part, that (however disappointed or discouraged he may have been) he accepted Honor’s findings. Bloomfield did not shirk his

¹²³ David Metcalf, quoted in Sarah Salwen, “Bloomfield program finds more matches: New standards could add up to 238 cases of cheating to honor trial docket,” *The Cavalier Daily*, 30 November 2001. Unnamed “professors have even criticized Mr. Bloomfield... for violating the spirit of the honor code by checking all papers in his class.” Jeffrey R. Young, “The Cat-and-Mouse Game of Plagiarism Detection,” *Chronicle of High Education*, 6 July 2001: A26. Online at <http://chronicle.com/free/v47/i43/43a02601.htm>.

¹²⁴ Brian Winterhalter, “Clarifying informed retraction proposal,” *The Cavalier Daily*, 10 October 2001.

responsibility to uphold Virginia's Honor Code—far from it—but neither did he cast himself in the role of a crusader.

Because Bloomfield's conduct was beyond reproach, Honor was able to deal with the scandal differently than COS had. Although its work was hampered by the sheer volume of cases, Honor did convict (and thus expel) dozens of students whose guilt was beyond question—even though others who may also have committed Honor offenses were not punished. At Virginia the university was not compromised by its own agents, and as a result was able to apply its established discipline. Institutional credibility is closely tied to institutional integrity.

Institutional Culpability: Minnesota Basketball

Institutional credibility and integrity are sometimes sorely tried by athletic departments, which for years have put pressure on the academic side in the interest of fielding competitive sports teams.¹²⁵ In December 1998 a sportswriter at the the Saint Paul (MN) *Pioneer Press* received a tip that tutors at the University of Minnesota had for several years actually written papers for basketball players in order to maintain their eligibility under National Collegiate Athletic Association (NCAA) rules.¹²⁶ The story was ready three months later,¹²⁷ and first appeared in print immediately before the tip-off of the annual "March Madness" NCAA tournament. The university immediately suspended the four players

¹²⁵ For a general treatment of NCAA violations, see Walter Byers, *Unsportsmanlike Conduct: Exploiting College Athletes* (Ann Arbor, MI: The University of Michigan Press, 1995).

¹²⁶ Walker Lundy, "We ran the story when it was ready," *Pioneer Press*, 11 March 1999.

¹²⁷ The University of Minnesota basketball scandal was broken by the *Saint Paul (MN) Pioneer Press* on 10 March 1999. The lead story was George Dohrmann, "U basketball program accused of academic fraud." See also Judith Yates Borger, "Lack of contact with instructors creates opportunities for cheating"; Tom Powers, "It's university's turn to answer questions of integrity"; and that day's editorial, "Inquiry will reveal what school values most."

named by the newspaper pending an investigation,¹²⁸ which may have materially contributed to the Golden Gophers' first-round loss to Gonzaga.

The volatile Governor of Minnesota, Jesse Ventura, lashed out against the "despicable" *Pioneer Press*, bizarrely suggesting that the newspaper should have buried the story until after the tournament, presumably because by then the suspended players would no longer be required to play basketball.¹²⁹ (When contacted for comment by the rival Minneapolis *Star Tribune*, the editor of the *Pioneer Press* recalled that Ventura had, "on his first day as governor," told a crowd at the University of Minnesota, "Win if you can, lose if you must, but always cheat."¹³⁰) Sensational journalism or not, it quickly became apparent that the "U" (as the University is known in-state) had a major scandal to deal with.

The scandal broke because one of the key figures, tutor Jan Gangelhoff, came forward to admit that she had written more than 400 papers and other coursework for basketball players in the five years from her appointment in 1993 until her dismissal from the "U" in October 1998. That she had been able to do so with impunity was the result of a sequence of events beginning in the Fall 1992 term, when Alonzo Newby was hired as academic advisor to the men's basketball program at the apparent insistence of coach Clem Haskins. This was

¹²⁸ Blake Morrison, "4 players benched, questioned as U promises swift investigation," *Pioneer Press*, 11 March 1999. See also George Dohrmann, Judith Yates Berger and Blake Morrison, "U rules four players ineligible to play," *Pioneer Press*, 11 March 1999.

¹²⁹ "Ventura calls Gopher basketball report 'sensational journalism'," *Star Tribune*, 11 March 1999. The Governor was not alone; there were "many citizens who share the governor's belief that a newspaper should not interrupt the fortunes of a college basketball team" (Joe Soucheray, "College athletic system is broken, and it's about time we fixed it," *Pioneer Press*, 12 March 1999). For a sample of the remarkably hostile reaction to the *Pioneer Press* story, see "Wave of March madness builds," *Pioneer Press*, 11 March 1999, and Nancy Connor, "Readers respond in droves to U story," *Pioneer Press*, 12 March 1999. In the end, the *Pioneer Press* won a Pulitzer Prize for their investigation; see Matt Peiken, "Pioneer Press sportswriter Dohrmann wins Pulitzer Prize," *Pioneer Press*, 10 April 2000, and Matt Peiken and Kay Harvey, "Pioneer Press celebrates third Pulitzer Prize: Dohrmann's award follows report on U academic fraud," *Pioneer Press*, 11 April 2000: 1A.

¹³⁰ "Ventura calls Gopher basketball report 'sensational journalism'," *Star Tribune*, 11 March 1999.

the initial step in an “experiment” intended to provide the basketball team—with its consistently poor graduation rate and lowest academic average of any team at the “U”—with more responsive academic support than that provided by the university’s academic counseling unit.¹³¹ (Subsequent events showed that systematic academic dishonesty in the Minnesota men’s basketball program dated to the arrival of Haskins in 1986, but this did not become public knowledge for nearly two years.¹³²) The effect of this was to remove even token institutional oversight.

By 1990 it may well have been that “men’s basketball has truly become an untouchable”¹³³ at the “U”:

The faculty must have also begun to feel the cultural change [that began with Haskins’ arrival], because many of them began to treat basketball players different from how they treated other students and student-athletes. Professors who called my office to say that they knew that a basketball player didn’t write the paper he turned in because it was ‘graduate level work,’ would in the end accept the paper at face value. Faculty who called to say a basketball player cheated on a test, would end up accepting the test as written. Faculty who called to say that a certain basketball player never attended class and therefore with one week to go, would fail the course, would in the end give the player a passing grade.¹³⁴

¹³¹ George Dohrmann, “‘Experiment’: Haskins sought counselor’s move to athletic staff,” *Pioneer Press*, 10 March 1999. See also Mary Jane Smetanka, “Problems with athletes’ studies have frequently been an issue at ‘U,’” *Star Tribune*, 22 March 1999. Even in the academically-challenged world of men’s basketball, the University of Minnesota was at the bottom of the pile; see David Shaffer and George Dohrmann, “U lags Big 10 in diplomas,” *Pioneer Press*, 8 April 1999. There is evidence that the problem may even have pre-dated Haskins; in 1984 the University Assembly Committee on Intercollegiate Athletics realized that no men’s basketball player had graduated that decade. Judith Yates Borger, “U prof quit athletics committee in protest,” *Pioneer Press*, 28 April 1999.

¹³² Randy Furst and Jeff Shelman, “More accuse Haskins,” *Star Tribune*, 19 December 2001. See also Brian Hamilton, “University of Minnesota: New Haskins allegations won’t bring sanctions,” *Pioneer Press*, 20 December 2001.

¹³³ Report of Elayne Donahue, retired Director of Academic Counseling at the University of Minnesota. Excerpted as a link to Judith Yates Borger and George Dohrmann, “Ex-counseling chief goes public with report,” *Pioneer Press*, 14 April 1999.

¹³⁴ Report of Elayne Donahue, retired Director of Academic Counseling at the University of Minnesota. Excerpted as a link to Judith Yates Borger and George Dohrmann, “Ex-counseling chief goes public with report,” *Pioneer Press*, 14 April 1999.

A measure of the influence wielded within the “U” by the athletic program may be seen in the fate of the 1992 Report of the Ad Hoc Committee of Intercollegiate Athletics (known as the Shapiro Report). The Shapiro Report, which was critical of “athletic department officials’ intrusion into academic counseling and tutoring for athletes” and recommended action to limit it, was shelved when the university’s Twin Cities Campus Assembly failed to achieve its quorum of 96 at the meeting when it was presented.¹³⁵ Despite a 92-1 vote in favour, the Shapiro Report was never again placed on the agenda.

The *Pioneer Press* story, however, set in motion the events which ultimately broke open more than a decade of academic malfeasance in the men’s basketball program. University President Mark Yudof immediately ordered an independent investigation of Gangelhoff’s allegations, and the University Senate established its own Special Committee on Student Academic Integrity that summer. While these investigations were proceeding, the media reported a steady stream of revelations from past employees and players corroborating the original story. Newby, who claimed that “the Gangelhoff allegations are but a piece of a much bigger pie,”¹³⁶ refused to cooperate with the investigation in any way without complete immunity from prosecution and indemnification for present and future legal bills,¹³⁷ took disability leave,¹³⁸ and was ultimately fired

¹³⁵ David Shaffer, “Faculty committee suggested tutoring crack down six years ago,” *Pioneer Press*, 12 March 1999.

¹³⁶ Alonzo Newby, letter dated 15 October 1999 released to the press, printed in the *Pioneer Press*, 30 October 1999. Online at <http://www.pioneerplanet.com/docs/newbyletter.htm>. See also Judith Yates Borger, “Newby rips U probe,” *Pioneer Press*, 30 October 1999.

¹³⁷ George Dohrmann and Judith Yates Borger, “Key figure in U probe takes the Fifth,” *Pioneer Press*, 27 May 1999. See also Alonzo Newby, letter dated 15 October 1999 released to the press, printed in the *Pioneer Press*, 30 October 1999. Online at <http://www.pioneerplanet.com/docs/newbyletter.htm>.

¹³⁸ Blake Morrison, “U’s Newby takes disability leave // Academic counselor suffering from stress,” *Pioneer Press*, 4 April 1999.

by the university.¹³⁰ The “U” bought out Haskins’ contract in June,¹⁴⁰ though cascading discoveries of further wrongdoing later led the university to file suit to recover the \$1.5 million (US) severance package.¹⁴¹ In November, the university investigation officially verified both the substance and the details of the media reports. Both the Athletic Director and the Vice President for Student Affairs and Athletics resigned, and lesser heads rolled as well.¹⁴²

Yudof faced the press when releasing the report of the independent investigation, and confirmed that there had been “systematic, widespread academic misconduct in the men’s basketball program,” as well as other NCAA violations.¹⁴³ He also acknowledged that

the NCAA will find that we violated its standard for institutional control. Athletic and central administrators failed to adequately manage the basketball program - it became a kind of isolated fiefdom, allowed to operate virtually unchecked.... [This] deference to the wishes of Coach Haskins extended to high ranks of the university’s administration. Because of this loss of control, the fraud continued unchecked for years.¹⁴⁴

¹³⁰ Judith Yates Borger and Blake Morrison, “Newby fired for not cooperating // Former counselor won’t sue, lawyer says,” *Pioneer Press*, 19 June 1999: 1A.

¹⁴⁰ Haskins left the “U” on 25 June 1999, shortly before an incentive clause in his contract was due to become effective. George Dohrmann and Rick Shefehik, “U negotiating Haskins’ departure // Analysis: Timing is critical factor,” *Pioneer Press*, 10 June 1999: 1A. See also Charley Waters and Judith Yates Borger, “Haskins agrees to go // Coach’s deal to exceed \$1 million,” *Pioneer Press*, 25 June 1999: 1A.

¹⁴¹ George Dohrmann and Charley Waters, “University may sue Clem Haskins, officials say,” *Pioneer Press*, 14 April 2000: 1A.

¹⁴² Jim Caple, “Athletic director Dienhart quits, saying he knew nothing of fraud: Boston also to be forced out as university reports findings,” *Pioneer Press*, 19 November 1999. Online at <http://www.pioneerplanet.com/docs/1119dienquits.htm>. This resignation and that of the Vice President were confirmed by President Yudof at his press conference, who also announced that “[t]he contracts of the associate men’s athletics director and the compliance officer will not be renewed.” “Remarks of President Mark Yudof: Press Conference to Release the Academic Misconduct Report and Action Plan,” 19 November 1999. Online at http://www1.umn.edu/urelate/newsservice/newsreleases/99_11markstate.html.

¹⁴³ “Remarks of President Mark Yudof: Press Conference to Release the Academic Misconduct Report and Action Plan,” 19 November 1999. Online at http://www1.umn.edu/urelate/newsservice/newsreleases/99_11markstate.html.

¹⁴⁴ “Remarks of President Mark Yudof: Press Conference to Release the Academic Misconduct Report and Action Plan,” 19 November 1999. Online at http://www1.umn.edu/urelate/newsservice/newsreleases/99_11markstate.html.

Yudof concluded that university officials “had strong reason to be suspicious of the operation of the basketball counseling program” but “[d]espite signals of irregularities, no adequate investigation was ever launched.”¹⁴⁵ Indeed, when the “U” sued to recover Haskins’ enormous severance package, his lawyer made a great point of the fact that the university had known of these issues long before cutting a deal to obtain the coach’s resignation.¹⁴⁶ If the Minnesota administration did know (and thus colluded with the fraud), they were hoist on their own petard by Haskins. This failure of institutional oversight was also emphasized by the NCAA when it imposed additional measures nearly a year later:

the university did not discover the academic fraud through its own monitoring processes, and its thorough investigation after discovery of violations contrasted with its significant failure to monitor prior to discovery.¹⁴⁷

Neither Yudof nor the NCAA addressed the extent of the responsibility shared by those individual faculty members who had set aside professional integrity and quietly acquiesced in these events. By stressing institutional responsibility, he and the university left the ethical breaches by professors unaddressed. In some ways this is understandable—four athletic administrators and the head coach had already been sacrificed to the scandal, to say nothing of tutors and players—but all the same it was a failure to deal with the whole issue. University of Minnesota faculty knowingly countenanced plagiarism, and the administration to which they reported turned a blind eye.

¹⁴⁵ “Remarks of President Mark Yudof: Press Conference to Release the Academic Misconduct Report and Action Plan,” 19 November 1999. Online at http://www.lumn.edu/urelate/newsservice/newsreleases/99_11markstate.html.

¹⁴⁶ Associated Press, “University of Minnesota: Haskins’ attorney defends buyout: He says U knew of cheating allegations,” *Pioneer Press*, 11 January 2002: B3.

¹⁴⁷ Jane Jankowski, “NCAA Press Release: University of Minnesota, Twin Cities, Placed on Probation; Grants-in-aid, Official Visits, Evaluation Opportunities Reduced,” released 24 October 2000. Online at <http://www.ncaa.org/releases/makepage.cgi/infractions/2000102402in.htm>. The full report, “University of Minnesota, Twin Cities Public Infractions Report,” is online at <http://www.ncaa.org/releases/makepage.cgi/infractions/2000102401in.htm>.

Institutional Culpability: Tennessee Football

The University of Minnesota was confronted by the evidence of a disgruntled former employee, whose charges were investigated at length—and paid for—by a major newspaper. Corroboration was obtained from former players, retired academic staff, and computer disks, all of which were beyond the reach of the institution. There is no way of knowing how the “U” administration might have responded to Gangelhoff’s charges had she still been on the university payroll, but there is no reason to believe that President Yudof would have acted other than as he did. At the University of Tennessee, however, the administration did do otherwise.

On 26 September 1999, while the Minnesota basketball investigation was still making headlines, the sports network ESPN broke the story that similar “tutoring” took place in the Tennessee football program.¹⁴⁸ ESPN had been tipped off by an e-mail from a UT athlete, and obtained corroboration from Robin Wright, former coordinator for academic programs in the athletic department. Wright had not herself written papers for football players, but suspected that some tutors had. She was able to provide ESPN with copies of her e-mail reports to the next level of athletic administration, none of which had been passed along to the university’s NCAA compliance officer.¹⁴⁹

Although they had known of ESPN’s brewing story about possible violations for nearly two weeks, UT officials did not notify the Southeastern Conference—the NCAA division in which Tennessee teams compete—until the day before ESPN published it.¹⁵⁰ (This timing permitted the Volunteers to have

¹⁴⁸ Tom Farrey, “Memos uncover alleged UT violations,” ESPN.com, 26 September 1999. Online at <http://espn.go.com/ncf/news/1999/0926/80631.html>.

¹⁴⁹ Tom Farrey, “Memos uncover alleged UT violations,” ESPN.com, 26 September 1999. Online at <http://espn.go.com/ncf/news/1999/0926/80631.html>.

¹⁵⁰ Tom Farrey, “Tennessee faculty revokes class,” ESPN.com, 15 October 1999. Online at <http://espn.go.com/ncf/s/tennessee.html>.

the four alleged plagiarists in the lineup against their formidable rivals from Florida on 18 September, while suspending them for the game against a much weaker Memphis team a week later.) The university restricted its comment on the matter to a brief statement of two sentences, and the tutoring supervisor refused even that much. The athletic department not only declined comment, but also denied the press access to the suspended players—" [t]he best interest of the athletes comes first, the departmental issue second," according to the athletic director—though a team captain arrested for threatening to assault a police officer was not similarly insulated.¹⁵¹ The university's initial investigation was over in four days (Minnesota's took eight months) and concluded that the players identified by Wright had not violated NCAA rules.¹⁵² In responding to this Wright expressed satisfaction that the players had not been punished, because the wrongdoing had been the fault of the tutors.¹⁵³

By placing the internal investigation in the hands of the UT general counsel, President J. Wade Gilley bypassed the university's usual procedures for handling student offenses and kept direct control over the process.¹⁵⁴ (The contrast with Minnesota, where independent counsel was engaged and given *carte blanche* to pursue the investigation wherever it led, is striking.) That process was remarkably narrow. The lead lawyer restricted himself to "investigating only possible NCAA violations, not the institutional violations" (e.g., he explored neither the allegation of cheating nor the disproportionate number of grades

¹⁵¹ Bryan Mitchell, "Vols keep veil of silence on alleged academic fraud," *Daily Beacon*, v82, n26: 29 September 1999. Online at <http://dailybeacon.utk.edu/issues/v82/n26/quietvols.26v.html>.

¹⁵² "Tennessee clears athletes to play," ESPN.com, 30 September 1999. Online at <http://espn.go.com/nfc/news/1999/0930/88538.html>. See also "Tennessee gives its finding to NCAA," ESPN.com, 27 October 1999. Online at <http://espn.go.com/nfc/news/1999/1027/137435.html>.

¹⁵³ Tom Farrey, "Players reinstated, but questions remain," 1 October 1999. Online at <http://espn.go.com/nfc/s/100299tenn.html>.

¹⁵⁴ Tom Farrey, "Tennessee faculty revokes class," ESPN.com, 15 October 1999. Online at <http://espn.go.com/nfc/s/tennessee.html>.

changed for football players,¹⁵⁵ because technically neither would be an NCAA violation), and disregarded altogether the evidence of English professor Linda Bensel-Meyers.¹⁵⁶ Tennessee subsequently concluded—and reported to the NCAA—that there had been no violations.¹⁵⁷

Bensel-Meyers soon replaced Wright, who left Tennessee for a better job in Texas, as the chief faculty opponent of systematic academic dishonesty in the athletic department. She continued to press the case, and summer of 2000 provided the NCAA with additional information about four confessions of plagiarism.¹⁵⁸ In taking on that role, however, Bensel-Meyers also became a lightning-rod for hostility to the idea that academics should enjoy any ascendancy over athletics. That hostility became so great that she asked the FBI to investigate the abusive and threatening e-mails she received, five break-ins at her office, and the tapping of her telephone.¹⁵⁹ So toxic was the atmosphere that faculty colleagues began a legal fund for anonymous contributions to help Bensel-Meyers weather the campaign of intimidation.¹⁶⁰ The message was clear: “Give it a rest. The taxpayers of Tennessee like winning teams. The players pay your salary.”¹⁶¹

¹⁵⁵ Tom Farrey, “Tennessee to review grade changes,” ESPN.com, 19 October 1999. Online at <http://espn.go.com/ncf/s/991019tennessee.html>.

¹⁵⁶ Bryan Mitchell, “Athletic fraud controversy escalates,” *Daily Beacon*, v83, n24: 15 February 2000. Online at <http://dailybeacon.utk.edu/issues/v83/n24/spt-espn.24s.html>.

¹⁵⁷ Associated Press, “Tennessee gives its findings to NCAA,” ESPN.com, 27 October 1999. Online at <http://espn.go.com/ncf/news/1999/1027/137435.html>.

¹⁵⁸ ESPN, “Professor outlines additional accusations,” 10 August 2000. Published online at <http://espn.go.com/ncf/news/2000/0808/674691.html>.

¹⁵⁹ Associated Press, “Professor reports threats against her,” ESPN.com, 13 May 2000. Online at <http://espn.go.com/ncf/news/2000/0513/530404.html>. See also Associated Press, “FBI interviews professor in academic fraud case,” ESPN.com, 15 May 2000. Online at <http://espn.go.com/ncf/news/2000/0515/534036.html>.

¹⁶⁰ “Tenn. whistle-blower worries about her future,” *New Orleans Times-Picayune*, 23 July 2000. This was necessary because—though Bensel-Meyers was a professor at the university and acting as its agent—UT declined categorically to provide her with representation of any kind during legal proceedings. See “Hearing cancelled after new legal motions,” ESPN.com, 17 May 2000. Online at <http://espn.go.com/ncf/news/2000/0517/536845.html>.

¹⁶¹ E-mail to Linda Bensel-Meyers, quoted in Mike Bianchi, “Professor takes the rocky road at Rocky Top,” *Florida Times-Union*, 18 June 2000.

In addition to the alleged act of tutors writing student papers, there were a number of other parallels to the Golden Gophers scandal. As at Minnesota, many players were “student-athletes” as a courtesy title only: Tennessee’s football program boasted a graduation rate of 11% in the year it won the NCAA championship.¹⁶² As at the “U”, the faculty acted—in a decision independent of President Gilley—to discontinue the athletes-only section of an English writing course,¹⁶³ and tutors were removed from the supervision of the athletic department and placed under the authority of the academic assistance department.¹⁶⁴ As at Minnesota, there had been a series of concerns over the years about athletes and academic integrity.¹⁶⁵ Also as in the Golden Gophers case, the journalists who broke the story were attacked. Two football players and a tutor launched a lawsuit against ESPN and Wright alleging defamation and violation of privacy.¹⁶⁶ The motives of the network were also questioned; one student columnist memorably asked, “As academic dishonesty is prevalent nationwide, why choose UT to dig dirt on?”¹⁶⁷ This view was representative of comment hostile to the investigation, which generally asserted not that UT was

¹⁶² Mike Bianchi, “Professor takes the rocky road at Rocky Top,” *Florida Times-Union*, 18 June 2000.

¹⁶³ Tom Farrey, “Tennessee faculty revokes classes,” ESPN.com, 15 October 1999. Online at <http://espn.go.com/nct/s/tennessee.html>.

¹⁶⁴ Welch Suggs, “U. of Tennessee Restructures Tutoring Program for Athletes,” *Chronicle of Higher Education*, 14 June 2000. Online at <http://www.chronicle.com/daily/2000/06/2000061405n.htm>. The Minnesota and Tennessee scandals provided the impetus for similar change at other campuses, as well. See Welch Suggs, “Scandals Force Colleges to Reassess Roles of Academic Advisors for Athletes // Some shift tutoring units from athletics departments to provosts’ offices,” *Chronicle of Higher Education*, 3 December 1999. Online at <http://www.chronicle.com/weekly/v46/i15/15a05101.htm>.

¹⁶⁵ “Tennessee: Events, allegations and memos,” ESPN.com, 2 May 2000. Online at <http://espn.go.com/nct/s/tenndocs.html>.

¹⁶⁶ Bryan Mitchell, “Ridley, Gray sue ESPN for libel,” *Daily Beacon*, 29 February 2000. Online at <http://dailybeacon.utk.edu/issues/v83/n34/spt-espn.34s.html>. See also Associated Press, “Former football captain files lawsuit,” ESPN.com, 16 May 2000. Online at <http://espn.go.com/nct/news/2000/0516/534968.html>.

¹⁶⁷ His self-supplied answer was that the investigation was an ESPN conspiracy to force Tennessee to forfeit the NCAA championship it had won the season before. Michael Cunningham, “If cheaters don’t prosper, where does ESPN stand?” *Daily Beacon*, v82,n30: 5 October 1999. Online at <http://dailybeacon.utk.edu/issues/v82/n30/cunningham.30v.html>.

innocent of the charges, but that the same charges would be equally applicable to any university.

The differences in institutional reaction, however, are instructive. The University of Minnesota acted decisively, and paid a heavy price in terms of its basketball program. The University of Tennessee, by contrast, took refuge behind a shell of denial and has thus far incurred no consequences other than a certain amount of uncomfortable publicity and campus controversy. This suggests that the present NCAA position is that the universities are themselves the arbiters of what is and is not acceptable academic practice—a position which seems to nullify the NCAA's role as an impartial watchdog against abuses by the universities.

Challenging the Power of Athletics

The Minnesota and Tennessee controversies are by no means unique, even among athletic scandals. Five other cases adjudicated in 2001 illustrate the point: the University of Southern California received two years' NCAA probation for self-reported incidents of tutors writing papers for athletes;¹⁵⁵ a tenured professor the University of California at Berkeley "gave bogus course credit to two football players... to help them keep their athletics eligibility";¹⁵⁶ the coordinator of football recruiting at the University of Kentucky wrote student work, forged letters, and figured in a questionable ACT score;¹⁵⁷ officials at Mississippi Valley State attempted to use stand-ins for basketball recruits taking standardized

¹⁵⁵ Alex P. Kellogg, "NCAA Gives U. of Southern California 2 Years' Probation for Academic Fraud," *Chronicle of Higher Education*, 24 August 2001. Online at <http://chronicle.com/daily/2001/08/2001082406n.htm>. See also Rebecca Trounson and Kenneth R. Weiss, "UC Outreach Head Quits in Scandal Over False Grades," *Los Angeles Times*, 25 April 2001. Online at <http://www.latimes.com/news/state/20010425/t000034836.html>.

¹⁵⁶ Welch Suggs, "Berkeley Professor Cheated for Athletes," *Chronicle of Higher Education*, 16 March 2001: A44. Online at <http://chronicle.com/weekly/v47/i27/27a04403.htm>.

¹⁵⁷ Welch Suggs, "U. of Kentucky Admits to Numerous Violations of NCAA Rules," *Chronicle of Higher Education*, 5 March 2001. Online at <http://chronicle.com/daily/2001/01/2001013004n.htm>.

tests,¹⁷¹ and Iowa Central Community College fudged a football player's transcript.¹⁷² Perhaps most spectacular was the case of the Baylor University basketball program, which in 1993-94 was the centre of a scandal (in which assistant coaches had used the mails and fax lines to send answers and assignments to a prospect playing at a community college) that ended with federal convictions for mail- and wire-fraud.¹⁷³ These cases suggest that an emphasis on athletic success may be inimical to integrity, and indeed at many institutions there is a growing tension between the academic and athletic divisions.

A growing appreciation exists that "[t]he system is not only nondemocratic but exploitative,"¹⁷⁴ and that significant numbers of athletes are shams as students,

often admitted to institutions where they do not have a reasonable chance to graduate. They are athlete-students, brought into the collegiate mix more as performers than aspiring undergraduates. Their ambiguous academic credentials lead to chronic classroom failures or chronic cover-ups of their academic deficiencies.¹⁷⁵

In this view, universities are exploiting the athletes by providing "academic support... too often designed solely to keep them eligible, rather than guide

¹⁷¹ Alex P. Kellogg, "Mississippi Valley State University Punished for Athletics Violations," *Chronicle of Higher Education*, 24 January 2001. Online at <http://chronicle.com/daily/2001/01/2001012404n.htm>.

¹⁷² Welch Suggs, "Iowa Community College Forfeits 7 Victories Amid Academic-Fraud Charges," *Chronicle of Higher Education*, 30 January 2001. Online at <http://chronicle.com/daily/2001/03/2001030506n.htm>.

¹⁷³ Brian Murphy, "Lessons of Baylor scandal unheeded // Gophers case strikingly similar to misconduct that rocked Texas," *Pioneer Press*, 17 September 2000. See also Brian Murphy, "Trial changed jury foreman's mind about charges // He was skeptical about government's going after coaches," *Pioneer Press*, 17 September 2000.

¹⁷⁴ Linda Bense-Meyers, quoted in Robert Lipsyte, "Forget XFL; Real Revolution Is on Campus," *New York Times*, 11 February 2001. Online at <http://www.nytimes.com/2001/02/11/sports/11LIPS.html>.

¹⁷⁵ *A Call to Action: Reconnecting College Sports and Higher Education*, Report of the Knight Foundation Commission on Intercollegiate Athletics (June 2001): 16.

them toward a degree.”¹⁷⁶

This critique was powerfully presented in a *Pioneer Press* editorial cartoon entitled “The Plantation,” in which one white fat-cat remarks to another, with fabulously tall black players dropping basketballs through a hoop in the background, “Of course, we don’t teach them to read.”¹⁷⁷

Within the academy some are seeking reform. A study conducted by the Knight Foundation’s Commission on Intercollegiate Athletics undertook to address the whole sweep of corruption in American college sports. Originally established in 1990 (after a decade in which 109 institutions, including 57 of the 106 schools in Division I-A, had been disciplined by the NCAA), the Commission reconvened ten years later (after a decade on which 58 of the now 114 Division I-A schools had been disciplined) to assess progress and address ongoing issues.¹⁷⁸ Among those ongoing issues, and the reason for the inclusion of the Knight Commission in these pages, was “outrageous academic fraud.”¹⁷⁹ The Commission found that a significant contributing factor was the refusal of university faculty to fulfill their responsibility to uphold the integrity of their calling:

Above all, [faculty] must defend the academic values of their institutions. Too few faculty speak out on their campus or fight aggressively against meaningless courses or degrees specifically designed to keep athletes eligible,¹⁸⁰ suggesting they have surrendered their roles as defenders of academic integrity in the classroom.... There are scattered signs of faculty awakening, but on many

¹⁷⁶ *A Call to Action: Reconnecting College Sports and Higher Education*, Report of the Knight Foundation Commission on Intercollegiate Athletics (June 2001): 16.

¹⁷⁷ Kirk Anderson, “The Plantation,” *Pioneer Press*, March 1999.

¹⁷⁸ *A Call to Action: Reconnecting College Sports and Higher Education*, Report of the Knight Foundation Commission on Intercollegiate Athletics (June 2001): 9, 12.

¹⁷⁹ *A Call to Action: Reconnecting College Sports and Higher Education*, Report of the Knight Foundation Commission on Intercollegiate Athletics (June 2001): 13.

¹⁸⁰ For an indication that the public accepts this as a fact of major college sports, see the popular cartoon strip “Tank McNamara,” whose central character graduated from Enormous State University with a bogus major.

campuses, faculty indifference prevails even when informed critics make their case.¹⁵¹

The University of Tennessee was one such campus, where at the Faculty Senate “an embarrassed silence[,] as if the faculty acknowledged the truth but were afraid to look it in the eye” greeted Bensel-Meyer’s call for action:¹⁵²

We are charged with defending the educational mission of the institution, not with protecting the business of college athletics, a business that depends foremost on recruiting the best athletes[,] who would not be admitted as qualified for college work were they not athletes.¹⁵³

Another of the “scattered signs of faculty awakening” is the recent formation of the National Alliance for Collegiate Athletic Reform (NACAR), a group of about two dozen professors across the United States determined to “confront the academic corruption head-on and expose it in such a way that it cannot be explained.”¹⁵⁴ NACAR’s five-plank platform calls for an end to athletic department oversight of academic supports for athletes; the elimination of athletic scholarships; public disclosure of general academic information about athletes; a reduction in the number of competitions in each sport; and an end to the use of the term “student-athlete.” The fact is, however, that NACAR’s goals, and most of the Knight Commission’s recommendations, can only be accomplished administratively. Given that the Knight Commission’s findings were sharply reminiscent of a 1929 report issued by the Carnegie Foundation, which also complained about the corruption of college athletics, history suggests that substantial reform is unlikely.

¹⁵¹ *A Call to Action: Reconnecting College Sports and Higher Education*, Report of the Knight Foundation Commission on Intercollegiate Athletics (June 2001): 25.

¹⁵² Robert Lipsyte, “Forget XFL; Real Revolution Is on Campus,” *New York Times*, 11 February 2001. Online at <http://www.nytimes.com/2001/02/11/sports/11LIPS.html>.

¹⁵³ Robert Lipsyte, “Forget XFL; Real Revolution Is on Campus,” *New York Times*, 11 February 2001. Online at <http://www.nytimes.com/2001/02/11/sports/11LIPS.html>.

¹⁵⁴ Jon L. Ericson, quoted in Erik Lords, “Professors’ Group Seeks to Reform College Sports,” *Chronicle of Higher Education*, 7 April 2000: A58.

While the culpability of the athletics departments is clear in the cases noted above, faculty who collaborate with this misconduct must shoulder their fair share of the blame. There seem to be five principal reasons why professors countenance—even contribute to—the corruption of academic credit: cynicism, sympathy, team enthusiasm, lack of support for policy, and administrative pressure. Of these the first is based on a fatalism regarding the already-entrenched corruption of the system: “[m]ost faculty are cynical about sports. [Their attitude is,] Athletes get away with murder, so what, just let me concentrate on neutron scattering.”¹⁵⁵ Sympathy for student-athletes is founded on the fact that the 20 hours that they officially put in practising does not come close to the full-time commitment of interscholastic sports.¹⁵⁶ In other cases the faculty are fans. Professors may receive subtle bribes, such as prime tickets for home games, while tutors may fall from instructor and descend to groupie. As one Tennessee observer noted,

{this does not happen} with every tutor. But you get some guys who come up there just bleeding orange [the UT colour]. They don't care -- they just want to be around the football team. You've got some young ladies who come up there who just think [football players] are the greatest. And you've got hormones flying and you've got everything else going on except academics.¹⁵⁷

Others may be motivated by the conviction that standards—whether these are their institution's policy on plagiarism or the NCAA's standards for institutional

¹⁵⁵ Jeffrey Kovac, chemistry professor at Tennessee, on the faculty attitude there. “Tenn. whistle-blower worries about her future,” *New Orleans Times-Picayune*, 23 July 2000.

¹⁵⁶ Tom Farrey, “Tennessee to review grade changes,” ESPN.com, 19 October 1999. Online at <http://espn.go.com/nfl/s/991019tennessee.html>.

¹⁵⁷ Tory Edge, quoted in “UT investigates fraud allegations,” *Daily Beacon*, 28 September 1999. Online at <http://dailybeacon.utk.edu/issues/v82/n25/fraud2.25s.html>.

conduct—are inappropriate to students with learning disabilities.¹³⁸ In such cases faculty may be tempted to wage a campaign of quiet noncompliance against those regulations, by helping students bypass them, by making creative use of the mark of “Incomplete,”¹³⁹ or by working some other dodge. There is even evidence that at least one professor changed grades in courses taught by *colleagues* in order to safeguard the eligibility of athletes.¹⁴⁰

Even if an individual instructor is not susceptible to any of these four temptations, he is still vulnerable to administrative pressure if his hierarchical superiors in the university are. “No untenured professor can afford to buck The System, and even tenured professors need things from the larger constellation of university committees.... Ostracism, innuendo, denial of sabbatical leave, etc.[.] are all powerful weapons”¹⁴¹ that can be used against an uncooperative academic. The overt hostility that Bensel-Meyers found at Tennessee was at least out in the open; university settings provide far more subtle opportunities for punishing colleagues who place ethical considerations ahead of compliance with entrenched local norms. Even comparing institutions with such entrenched norms, the attitude of the university administration makes a significant difference: one need look no farther than presidents Mark Yudof, who drove reform at Minnesota, and Wade Gilley, who impeded it at Tennessee, to appreciate the impact of presidential influence.

¹³⁸ An example is Victoria Gray, a tutor at Tennessee whose position was that “[s]ometimes tutors who are trained in the English department don’t understand what learning-disabled students need.... My goal with learning-disabled students was getting them to the point where they were self-sufficient.” Quoted in Tom Farrey, “Vols won’t take action with Riley,” ESPN.com, 28 September 1999. Online at <http://espn.go.com/ncf/news/1999/0928/83606.html>. The Gray story is developed in greater detail in Tom Farrey, “Players reinstated, but questions remain,” ESPN.com, 02 October 1999. Online at <http://espn.go.com/ncf/s/100299tenn.html>.

¹³⁹ Tom Farrey, “UT football players benefit from grade changes,” ESPN.com, 7 May 2000. Online at <http://espn.go.com/ncf/s/0507tenn.html>.

¹⁴⁰ “Professor Accused of Changing Athletes’ Grades Retires Amid Inquiry,” *Chronicle of Higher Education*, 8 March 2002: A37. Online at <http://chronicle.com/weekly/v48/i26/26a03702.htm>.

¹⁴¹ I am indebted to Professor Michael E. Buerger at Bowling Green State University for this suggestion. E-mail dated Monday, 13 May 2002, 11:35:20 pm.

The Blind Eye: Non-Athletic Faculty Culpability

Athletes are not the only students who may benefit from faculty nonenforcement of the rules governing attribution. At the other end of the academic spectrum are graduate students, who may benefit either from selective enforcement or simple negligence by their supervisors. The case of Martin Luther King, Jr., whose plagiarism while a doctoral candidate at Boston University is by far the most prominent example of graduate student plagiarism, deserves particular attention in considering this question.

King's dissertation, "A Comparison of the Conceptions of God in the Thinking of Paul Tillich and Henry Nelson Wieman,"¹⁰² included extensive verbatim copying or close paraphrases from the two theologians who were the subject of his dissertation, and also from at least two previous "interpreters" of that material, Jack Boozer and John Herman Randall.¹⁰³ Most remarkably, the material King took from Boozer's work appeared in Boozer's own Boston University dissertation, which had been overseen by King's own supervisor, L. Harold DeWolf, only three years earlier.

An apologist for DeWolf might argue that detecting close similarities in language between the theological writings of the subject of a dissertation and the dissertation itself would require either exceptional familiarity with the subject or a photographic memory. It could also be argued (though hardly to DeWolf's credit) that a supervisor might be so casual in reading his student's work that he would not recognize arguments made in a thesis on the same subject which he had himself recently supervised. For DeWolf to have missed *both* the borrowings

¹⁰² Martin Luther King, Jr., "A Comparison of the Conceptions of God in the Thinking of Paul Tillich and Henry Nelson Wieman." Doctoral dissertation: Boston University, 1955. The actual detection and documentation of King's borrowing was done by the staff of the King Papers Project; the BU Committee merely spot-checked the Project's findings.

¹⁰³ "Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr." Unpublished typescript, September 1991.

from Tillich and those from Boozer, however, suggests either carelessness, cluelessness, or culpability.

David Levering Lewis suggested a “racial double standard” on the part of King’s professors.¹⁴⁴ In Lewis’s view, “a vintage liberal of a certain type” such as DeWolf might have had “demeaningly modest” expectations of African-American students.¹⁴⁵ Whether the underlying sentiment was “condescension or contempt” on DeWolf’s part, and whether or not King decided to play it for all it was worth, Lewis conjured up the image of

the young graduate student tooling about Boston on dates in his green Chevrolet, cavalierly submitting essays and dissertation chapters that were mosaics of the works of others, and of smug professors willfully indulging a bright enough degree candidate who, his studies completed, would return to the South to serve his people.¹⁴⁶

The implication of this stung S. Paul Schilling, the second reader for King’s dissertation, into specifically and categorically rejecting the suggestion that he and DeWolf were guilty of either “paternalis[m]” or “reverse racism.”¹⁴⁷ If they were not, however, it is remarkable that King was able to get away with so much.

In its most extreme form, supervisory complicity—intentional or inadvertent—can be broadly damaging to the integrity and reputation of an entire department. One Dalhousie University department was known to have failed a student during his defence because rejecting the thesis on the grounds of the plagiarism detected by the internal examiner would have embarrassed the

¹⁴⁴ David Levering Lewis, “Failing to Know: Martin Luther King, Jr.” *Journal of American History*, June 1991: 84-85.

¹⁴⁵ David Levering Lewis, “Failing to Know: Martin Luther King, Jr.” *Journal of American History*, June 1991: 84-85.

¹⁴⁶ David Levering Lewis, “Failing to Know: Martin Luther King, Jr.” *Journal of American History*, June 1991: 85.

¹⁴⁷ S. Paul Schilling to Clayborne Carson, 5 November 1990. This letter is attached as Appendix D to the “Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr.” Unpublished typescript, September 1991.

committee members who failed to detect it (and revealed the long series of plagiarized papers by which he advanced throughout his undergraduate and graduate careers in that discipline).¹⁴⁸

Lewis obliquely raises the question whether King, if he were indeed being patronized by professors who expected little from him because of his race, should be held accountable for simply taking advantage of their condescension. This in turn leads to the broader question of whether students should be punished when the faculty is culpable. The most pointed example might be that of the Minnesota basketball players, who participated in an overtly corrupt system created and impelled by their own Coach Haskins. To discipline such students for going along with the system—or, as at Tennessee, the System—seems harsh, until one considers that the alternative of doing work honestly was available not just to King, but to the Golden Gophers as well. It may have been true that faculty led them into temptation, but merely being tempted is no valid excuse for succumbing to the temptation itself. The presence of faculty complicity does not excuse students from their individual responsibilities to behave ethically.

Faculty Plagiarism

Student plagiarism, even when agents of the university actively collude with the fraud, is only one dimension of university plagiarism, albeit the most frequent and the best known. The next most common, and far more embarrassing, is plagiarism by members of the faculty. When professors plagiarize, it is an act inimical to the entire academic enterprise. There can be no question about their familiarity with the standards of the academy—by their

¹⁴⁸ This episode is, of course, completely unverifiable, because the paperwork attached to the case naturally addresses only the fact of the failure and not the underlying causal factor. I include it here because it was relayed to me during my research by a source who had been part of the process.

very advance up the ranks to faculty status, they have demonstrated their mastery of those standards, and indeed have become the gatekeepers of academic integrity. Thus professorial plagiarism undermines the credibility of the academy and provides its critics with ammunition.¹⁹⁹

Faculty plagiarize from three sources: published material, colleagues, and students. A recent example of the first—in addition to Ambrose, Goodwin, and Oates, already discussed—is Louis W. Roberts, a Classics Professor at the State University of New York at Albany, who passed off as his own translations summaries contained in an article written 70 years before.²⁰⁰ Roberts was at least sufficiently circumspect to pilfer the work of a scholar long dead; Jayme Sokolow, whose peculations are detailed at length by Mallon, blatantly plagiarized the work of authors who were not only still living, but actively publishing in the same field.²⁰¹

Plagiarizing from colleagues is worse, because it is a gross violation of the collegial relationship founded on respect for the work of other scholars. Within a department the act and the accusation are equally toxic. At Texas A&M, for example, five members of the sociology department have been embroiled in a feud running from 1995 to 2001 involving 33 charges of plagiarism and other forms of academic misconduct.²⁰² The dispute grew to involve not only the A&M

¹⁹⁹ Representative of these are Martin Anderson, *Imposters in the Temple: American Intellectuals Are Destroying Our Universities and Cheating Our Students of Their Future* (New York: Simon & Schuster, 1992), and George Roche, *The Fall of the Ivory Tower: Government Funding, Corruption, and the Bankrupting of American Higher Education* (Washington, DC: Regnery Publishing, Inc., 1994).

²⁰⁰ Sharon Walsh, "SUNY-Albany Demotes Scholar After Year-Old Allegations of Plagiarism Surface," *Chronicle of Higher Education*, 21 February 2002. Online at <http://chronicle.com/daily/2002/02/2002022103n.htm>.

²⁰¹ Mallon describes Sokolow's career, which was extended because of the astonishing reluctance of universities to be forthright with each other about his known plagiarism. Thomas Mallon, *Stolen Words* (New York: Ticknor & Fields, 1989): 144-193.

²⁰² Courtney Leatherman, "At Texas A&M, Conflicting Charges of Misconduct Tear a Program Apart," *Chronicle of Higher Education*, 5 November 1999. Online at <http://chronicle.com/weekly/v46/i11/11a01801.htm>.

Sociology Department, but the university itself, a major professional association for that discipline (the American Sociological Foundation), and a major funding agency for research in that field (the National Science Foundation).²⁰³ The controversy featured many of the things that can go wrong in a university environment: lawsuits raged; data was tampered with or destroyed; graduate degrees went unfinished; a tenure bid was recommended in a split vote, contested, and then overturned; and faculty transferred to other departments or left the university altogether.²⁰⁴

If plagiarizing from a colleague is a betrayal of the academy, plagiarizing from a student—while just as blameworthy—is even more contemptible. Sometimes such theft is subtle, but on other occasions it is remarkable for its *chutzpah*: in 1991, for example, a University of Ottawa professor presented a paper by one of his students at a conference, subsequently sold it as a class handout, and even submitted it as part of his tenure application.²⁰⁵ Publishable work which is taken from students enhances a professor's career at a tangible cost to the student's—thus justifying the use of the word "theft"—but the student is rarely in a position to object. As Neal Bowers found, those who bring accusations of plagiarism are tainted with the very offense that they expose and prosecute. For those at the beginning of a career—perhaps one should say, *seeking* the beginning of a career—pursuing redress is a fast way to acquire a damning reputation as a trouble-maker: in short, "career suicide."²⁰⁶

²⁰³ Courtney Leatherman, "At Texas A&M, Conflicting Charges of Misconduct Tear a Program Apart," *Chronicle of Higher Education*, 5 November 1999. Online at <http://chronicle.com/weekly/v46/i11/11a01801.htm>.

²⁰⁴ Courtney Leatherman, "At Texas A&M, Conflicting Charges of Misconduct Tear a Program Apart," *Chronicle of Higher Education*, 5 November 1999. Online at <http://chronicle.com/weekly/v46/i11/11a01801.htm>. See also Jennifer Jacobson and Robin Wilson, "Texas A&M Fires Professor on Accusations of Plagiarism," *Chronicle of Higher Education*, 19 July 2001. Online at <http://chronicle.com/daily/2001/07/2001071906n.htm>.

²⁰⁵ "Student Wins Suit Accusing a Professor of Plagiarism," *New York Times*, 24 September 1997.

²⁰⁶ Courtney Leatherman, "At Texas A&M, Conflicting Charges of Misconduct Tear a Program Apart," *Chronicle of Higher Education*, 5 November 1999.

How to sanction faculty who plagiarize? If the institution is to be spared criticism for maintaining a double standard, the response to professorial plagiarism can be no laxer than that to student transgressions. Thus if the University of Virginia expels students for a single Honor violation, then that college should fire faculty for a single act of plagiarism. One might even make the case that a higher standard should be expected of the faculty, and not just because professors have already mastered the rules of academe. Where student work is done for academic credit, faculty work is done for publication and professional advancement. Standards of intellectual property, irrelevant at the undergraduate level, are applicable for publishing scholars, since there is a pecuniary interest not just in the sale of books, but also in the acquisition of tenure, the winning of grants, and the awarding of chairs. Most importantly, the professor who plagiarizes sets his pen against the community of scholars, and should be outlaw regardless of where, or against whom, his depredations took place.

Dismissal, whether by that name or through resignation, retirement, or some other means of separating the employee from the institution, is the clearest and most decisive response. Some universities, among them Ithaca College, have fired faculty outright for engaging in plagiarism, and subsequent case law has upheld those dismissals.³⁰⁷ Others have permitted the employee in question to leave the university with a veneer of volition, preferring not to fire *per se* when it could be avoided.

Such a clear-cut consequence demonstrates unequivocally that the institution considers plagiarism to be beyond the academic pale, and eliminates even the possibility of a double standard. An additional, practical, argument for dismissal even in minor cases of plagiarism is its elimination of the fear of

³⁰⁷ *Peter Klinge et al. v. Ithaca College et al.*, 167 Misc. 2d 458; 634 N.Y.S.2d 1000, decided Oct. 30, 1995.

reprisals. One professor can strike back at another through unfavourable peer reviews, through published articles critical of the rival's work, by sabotaging the progress of his graduate students, and by poisoning the atmosphere at their common university through an incessant if submerged campaign of vitriol and rumour. If there is a power differential—if the vengeful plagiarist is a Dean, for example—the potential for retribution is that much greater. The faculty member who has been dismissed has far fewer opportunities to strike back.

Enforcing sanctions against faculty who plagiarize is important for collegial morale, because individual prestige is tied to institutional credibility and status. When a university's reputation is tainted by acceptance of unethical behaviour, that taint is shared to some degree by all its faculty. More significantly, not enforcing sanctions against the academically dishonest lends credibility to Moore Howard's claims that academe is a closed club, whose regulations (among them edicts barring plagiarism) are artificial barriers which exist primarily to exclude those of other classes.

A more difficult question is that of jurisdiction. In most cases, if a student commits a crime off campus during a holiday period, outside the aegis of the university, the institution cannot exact a disciplinary consequence. There is a point at which a faculty member must be considered to be writing "not on company time," and thus not subject to institutional oversight. Stephen Ambrose is a case in point: professor emeritus at the University of New Orleans, his work is now published *qua* Stephen Ambrose—his name is his own guarantee of quality, as it were, much like a brand name—rather than as a scholarly publication reflecting on the credibility of the university. His affiliation with New Orleans is irrelevant to his output—indeed, almost a mere factoid—and his output garners the university no prestige. In such circumstances, should the university seek to discipline Ambrose for transgressions against the scholarly

norm committed in the commercial arena?

It may be useful to examine the question of jurisdiction through the lens of student experience. When Irina Serbanescu was found to have contributed a plagiarized article to the *Harvard Independent*, the *Harvard Crimson*, another student publication to which Serbanescu submitted work, investigated her contributions and found that four *Crimson* articles published under her byline also contained plagiarized material.²⁹⁸ While interesting for its similarity to Stephen Glass's history at *The New Republic*—including the author's rationalization that “[m]y trying to juggle four publications contributed to not being able to do a good job on each and every article”²⁹⁹—the significance of the Serbanescu case lies in what did *not* happen: the university paid no attention whatever to the plagiarism. The institution claimed neither an interest in nor jurisdiction over either publication, which were thus left to deal with Serbanescu's plagiarism as they saw fit.³⁰⁰

Were universities to accept this model as a viable precedent, they would probably ignore Ambrose's type of plagiarism but might well take notice of Goodwin's, because the discredited works of the former were written for the commercial market and after this promotion to full professor. The latter's plagiarism, on the other hand, occurred in a work which may have contributed materially to her rise to academic stardom, and was revealed while she enjoyed a prestigious position as an Overseer of the university. In short, the University of New Orleans had little reason to fear damage to its reputation because of Ambrose, while Harvard clearly was embarrassed by Goodwin. In this sense

²⁹⁸ Garrett M. Graff, “Three Publications Investigate Plagiarism,” *Harvard Crimson*, 17 April 2001. Online at www.thecrimson.com/article.aspx?ref=103977. See also, “Harvard papers link a writer to plagiarism,” *Boston Globe*, 18 April 2001: B5.

²⁹⁹ Irina Serbanescu, quoted in Garrett M. Graff, “Three Publications Investigate Plagiarism,” *Harvard Crimson*, 17 April 2001. Online at www.thecrimson.com/article.aspx?ref=103977.

³⁰⁰ Serbanescu was sacked by the *Independent* and resigned from the *Crimson*.

institutions have a proprietary interest in faculty claims to scholarly credit, since the value of an institution's reputation is diminished by the plagiarism of its staff.

There is little the institution *can* do about an offender like Ambrose, apart from publicly disowning him and stripping him of the privileges of his emeritus status (e.g., office space), distasteful as those may be. It might be argued that university action is redundant and unnecessary: professors, unlike the undergraduates who are earning their basic credentials, live by their reputations rather than the accumulation of grades and credits. When those reputations are tarnished by controversy, it might be argued that that consequence is sufficient. This has the advantage for the university of avoiding the turmoil of the due process which is necessary for disciplinary action, but does leave the institution in the uncomfortable position of appearing indifferent to plagiarism when it is committed by a professor.

If faculty plagiarism is a problem, how much greater is its hierarchical superior, plagiarism by administrators. Perhaps the most brazen was Scott D. Miller, President of Wesley College, who plagiarized an address by the President of Connecticut College, Claire Gaudiani, and then tried to cover his tracks by removing the evidence from the College website.²¹¹ Such clear-cut cases are rare (though Miller's mistake was not unique²¹²), but they at least have the virtue of

²¹¹ Julianne Basinger, "Wesley College President Disabled Link to Paper Whose Originality Is in Question," *Chronicle of Higher Education*, 5 May 2000. Online at <http://chronicle.com/daily/2002/05/2000050502n.htm> Miller claimed that it was "a regrettable mistake" by the staffer who wrote the speech. See David Abel, "Del. College President Accused of Plagiarizing Speech," *Boston Globe*, 6 May 2000.

²¹² Richard E. Hoover, President of Hastings College, was found to have used without attribution an e-mail message which proved to have originated as a speech by an executive at Coca-Cola. Although he claimed that the absence of intent proved him innocent of plagiarism, Hoover retired when the matter became public. See Denise K. Magner, "College President Regrets Having Lifted Remarks From a Forwarded E-Mail Message," *Chronicle of Higher Education*, 22 February 2000. Online at <http://www.chronicle.com/daily/2000/02/2000022203n.htm>. Also Denise K. Magner, "Plagiarism Prompts President of Hastings College to Retire," *Chronicle of Higher Education*, 25 February 2000. Online at <http://www.chronicle.com/daily/2000/02/2000022505n.htm>.

being straightforward. Where the issue is less sharply delineated, institutional response is more difficult.

Boston University: Maitre

On 12 May 1999, Dean H. Joachim Maitre gave a commencement speech to his own Boston University College of Communications which “repeated nearly word for word portions of an article by a nationally known film critic but never acknowledged the source.”²¹³ Acting on a tip, the *Boston Globe* purchased a copy of the commencement video sold to graduates, compared Maitre’s speech with the original article by Michael Medved, and ran the story on page one.²¹⁴ Maitre, who was out of the country when the *Globe* story broke, called Medved upon his return to apologize. That call apparently satisfied the writer, who described himself as “profoundly gratified that someone of [Maitre’s] stature would so enthusiastically support my work and words.”²¹⁵ (Shortly thereafter, however, Medved, perhaps regretting his initial reaction—which might generously be interpreted as bemused, or unflatteringly be considered mawkish—began to make noises about an action for infringement.²¹⁶)

Maitre acknowledged that his “folly and carelessness are indisputable and indefensible. They have brought grave embarrassment to this great university, its faculty and students,”²¹⁷ but took refuge in a physical (or possibly metaphysical) explanation: “[e]xhausted from the various events preceding

²¹³ Anthony Flint and Muriel Cohen, “BU Dean used the words of another // Source not given during speech,” *Boston Globe*, 2 July 1991: Metro 1.

²¹⁴ Muriel Cohen and Anthony Flint, “Let Dean defend himself, Silbers says,” *Boston Globe*, 3 July 1991: Metro 3. The *Globe* had to buy the video because BU said that Maitre had spoken “off the cuff” and that therefore no printed text existed. The article by Michael Medved is, “Popular Culture and the Wars against Standards,” *Imprimis*, February 1991. Versions of the piece also appeared in *Reader’s Digest* and the *Wall Street Journal*.

²¹⁵ Michael Medved, quoted in Helen E. Jung, “Writer says Maitre apologized for misusing article,” *Boston Globe*, 5 July 1991: Metro 1.

²¹⁶ Muriel Cohen, “Author says BU apologized for response delay,” *Boston Globe*, 6 July 1991: Metro 1.

²¹⁷ H. Joachim Maitre to John Silber, 9 July 1991; reprinted in the *Boston Globe* on 13 July 1991: Metro 26.

commencement, I must have slipped into a black hole."²¹⁸ He offered John Silber, the President of Boston University, his resignation as Dean, and went even further: "should you find evidence of deliberate deception on my part during my commencement talk, I would expect you to fire me [from the faculty]."²¹⁹

The Maitre case presented a delicate problem for Silber. On the one hand, there was a growing expectation that he do something to protect BU's "public reputation and public worth,"²²⁰ while, on the other, Maitre was a valued and like-minded ally within the university. Moreover, Maitre had accumulated a good many enemies at BU and elsewhere—a number of whom were contacted for comment by the *Globe*²²¹—among whom few had any love for Silber, either. Dismissing Maitre would smack of victory for those critics of the administration. Maitre's relationship with the president was so strong²²² that, anticipating Silber might "sweep it under the rug, or whitewash it with a bland apology,"²²³ students protested outside the Dean's Office to demand his removal.²²⁴

Maitre's plagiarism was at once unimportant and very public. He seems simply to have been unprepared for the address, and used material at hand that he considered both appropriate to the occasion and consistent with his own political views. It was his outspoken attacks on those with contrary views that made it impossible for Maitre to escape unscathed; as the *Globe* editorialized,

²¹⁸ H. Joachim Maitre to John Silber, 9 July 1991; reprinted in the *Boston Globe* on 13 July 1991: Metro 26.

²¹⁹ H. Joachim Maitre to John Silber, 9 July 1991; reprinted in the *Boston Globe* on 13 July 1991: Metro 26.

²²⁰ Anthony Flint, "Maitre matter could hurt BU, some say," *Boston Globe*, 9 July 1991: Metro 1.

²²¹ See Anthony Flint, "Maitre matter could hurt BU, some say," *Boston Globe*, 9 July 1991: Metro 1. See also Charles E. Claffey, "Separating myth from Maitre // BU's controversial dean has more enemies than friends," *Boston Globe*, 12 July 1991: Living, 41.

²²² For a discussion of their relationship, see Brian C. Mooney, "Maitre resigns as dean, stays on faculty // BU head makes his judgment on friend and academic ally," *Boston Globe*, 13 July 1991: Metro 1.

²²³ Anthony Flint, "Maitre matter could hurt BU, some say," *Boston Globe*, 9 July 1991: Metro 1.

²²⁴ Anthony Flint, "Maitre's dismissal urged by BU student protesters," *Boston Globe*, 12 July 1991: Metro 39.

"[y]ou can't rail about liberals failing to meet high standards, and fail to meet them yourself."²²⁵ On the other hand, a commencement speech rarely makes any pretense to scholarship, and this one—"a reactionary ragout of paranoia, false history and internal contradictions"²²⁶—was no exception. Maitre did not publish Medved's text as his own (though he did *present* it as such), and received neither pecuniary nor professional advantage from the remarks. Since Maitre's particular blunder was also the first of a kind—though other administrators at other institutions would later fall into disgrace the same way—the lack of a precedent allowed Silber a certain latitude in responding to the situation.

Silber struck a middle course as best he could. He accepted Maitre's resignation from the deanship, but not from the university²²⁷—a decision which prompted Michael Burlingame, the scholar who had exposed Stephen Oates as a plagiarist, to write to BU's *Daily Free Press* to express

surprise[] that BU president John Silber retained Professor Maitre on the faculty after dismissing him as Dean of the College of Communication. The implication of that is that administrators must have integrity but that faculty members need not.²²⁸

Maitre, however, actually suggested the reverse: that an administrator could be *less* responsible than an ordinary professor. That September, when he was thrashing about trying to find a definition of plagiarism which might exculpate him, Maitre declared that

[t]he definition of plagiarism in the academy as applying to faculty members is directed toward scholarly research, research papers and the like. I gave a talk, not even a

²²⁵ David Nyhan, "When the words sound too familiar," *Boston Globe*, 14 July 1991: Focus 73.

²²⁶ Editorial, "Plagiarism and poor taste," *Boston Globe*, 6 July 1991: 10.

²²⁷ Brian C. Mooney, Maitre resigns as dean, stays on faculty // BU head makes his judgment on friend and academic ally," *Boston Globe*, 13 July 1991: Metro 1. See also Anthony Flint, "Maitre resigns as dean, stays on faculty // Silber says he believes lapse led to the apparent plagiarism," *Boston Globe*, 13 July 1991: 1.

²²⁸ Michael Burlingame, "Divided definitions," *The Daily Free Press*, Tuesday, 10 September 1991: 1.

formal speech, on the occasion of commencement... as the dean of the College of Communication, an administrative officer, not a faculty member. The plagiarism definition does not cover any such thing.²²⁴

This is oddly inconsistent with Maitre's initial insistence that he thought he had "done [his] duty" to credit Medved, but, for reasons he could not explain, "omitted the very statement that [he] intended to emphasize."²³⁰ Besides, Maitre's colleagues weren't buying: by a vote of 40-1, they approved a resolution specifying that the definition of plagiarism "applies to all students, faculty, administrators and staff; and to all forms of public communication, whether print, video or public speech."²³¹

Maitre shared more with Stephen Oates than Burlingame's contempt, for, like Oates, Maitre went on the attack. He condemned the charge of plagiarism as "a smear" and the *Globe's* coverage as "ambush journalism disguised as investigative reporting."²³² Also like Oates, Maitre tried to manipulate the definition of plagiarism to prove that he had not plagiarized. He first declared that plagiarism is "an act of intentional deceit, committed at grave risk to the perpetrator," then enumerated all the things that showed he had been entirely transparent in his awareness of the Medved piece, noted that he had "built a paper trail and a video trail," and triumphantly concluded that if those were "the actions of a plagiarist bent on deliberate deception, they show me to be plain

²²⁴ H. Joachim Maitre, interview in *The Daily Free Press*, quoted in Anthony Flint, "Maitre again denies plagiarism," *Boston Globe*, 10 September 1991; Metro 15.

²³⁰ H. Joachim Maitre to John Silber, 9 July 1991; reprinted in the *Boston Globe* on 13 July 1991; Metro 26.

²³¹ Resolution of the faculty of the Boston University College of Communication, 8 October 1991. Quoted in Associated Press, "Plagiarism rules reaffirmed at BU," *Boston Globe*, 10 October 1999; Metro 99.

²³² H. Joachim Maitre, quoted in Anthony Flint, "Maitre speaks out, denies plagiarism," *Boston Globe*, 4 September 1991; Metro 17.

stupid."²³³ Maitre's assertion that an act of plagiarism which has been detected is not plagiarism precisely because the plagiarist did not cover his tracks would, if accepted, mean that no plagiarism could ever be prosecuted, because the fact of the detection would preclude the offence. No one stepped forward to support this bizarre tautology.

Maitre was supported in other ways, however. Silber—no friend of the *Globe*—agreed that "there was a good deal of malice in the [*Globe's*] coverage,"²³⁴ and Acting Dean Walter Lubars wrote to students in the College to explain that there may be mitigating factors to be considered when plagiarism is found. In responding to criticism that, had a student done as Maitre did, he would be expelled, Lubars wrote:

There is a wide range of punishment for plagiarism. Intent, contrition, the surrounding circumstances -- all have a bearing. We might fail you, require you to retake a course, suspend you for a period of time, or expel you.²³⁵

Lubars suggested that Maitre had not intended to use Medved's work without credit, had been exhausted, was clearly contrite, and had "paid dearly for his oversight,"²³⁶ thus meriting no further punishment. Not only was the implication of "different degrees of plagiarism"²³⁷ a departure from College policy, Lubars' letter was inconsistent with Silber's own assessment of the case when accepting Maitre's resignation:

it is... the duty of journalists and, indeed, the duty of all responsible scholars and writers, to credit their sources.

²³³ H. Joachim Maitre, quoted in Anthony Flint, "Maitre speaks out, denies plagiarism," *Boston Globe*, 4 September 1991: Metro 17. The "I'm-not-that-stupid" defense is, in this case at least, unconvincing.

²³⁴ John Silber, quoted in Anthony Flint, "Maitre speaks out, denies plagiarism," *Boston Globe*, 4 September 1991: Metro 17.

²³⁵ Walter Lubars, quoted in Anthony Flint, "At BU, line on plagiarism redrawn," *Boston Globe*, 5 September 1991: Metro 27.

²³⁶ Walter Lubars, quoted in Anthony Flint, "At BU, line on plagiarism redrawn," *Boston Globe*, 5 September 1991: Metro 27.

²³⁷ Marcia Smith, quoted in Anthony Flint, "At BU, line on plagiarism redrawn," *Boston Globe*, 5 September 1991: Metro 27.

*Failure to do so is unacceptable whether that failure is intentional or not. As Dean Maitre himself recognizes, failure to credit sources cannot be excused on the grounds of negligence, stress, fatigue or exhaustion. This is a failure for which offenders are held strictly liable. [emphasis original]*²³⁸

In attempting to forestall criticism of Maitre's retention on the faculty as being more lenient treatment than a student would receive, Lubars created the impression of just such a double standard.

The Double Standard

When Noel Perrin appeared to have plagiarized Richard Henry Dana's *Two Years Before the Mast*, one woman "wrote in icy contempt, [making] an extended and unflattering comparison between ethics for students and ethics for teachers."²³⁹ When the extent of Stephen Ambrose's plagiarism was emerging, *The Princetonian* noted that "he would face disciplinary action for his citation methods" at their university.²⁴⁰ When Doris Kearns Goodwin was shown to be a plagiarist, the *Harvard Crimson* printed the university regulations that would require her dismissal were she a student.²⁴¹

That a double standard exists in academe is certain. Students are held to account when they plagiarize, while professors are far less likely to suffer severe consequences when they are accused of the same offence.

Although most of our campuses hem and haw when it comes to word theft by faculty who should know better, they dispense swift and sometimes harsh justice when students, who are just starting to learn to know better, fail to credit their sources appropriately.²⁴²

²³⁸ John Silber, letter dated 12 July 1991 and headed "Honest mistakes are mistakes nevertheless", *The Daily Free Press*, Tuesday, 3 September 1991: 3.

²³⁹ Noel Perrin, "How I Became a Plagiarist," *American Scholar* 61 (1992): 258.

²⁴⁰ David Robinson, "Ambrose bestsellers questioned for citation methods," *The Princetonian*, 4 February 2002: 3. Online at <http://www.dailyprincetonian.com/Content/2002/02/04/page3/>.

²⁴¹ "The Consequence of Plagiarism," *Harvard Crimson*, 11 March 2002. See also Andrew J. Miller, "Overseer's Admission of Plagiarism Come With Few Repurcussions" [sic], *Harvard Crimson*, 31 January 2002. Online at www.thecrimson.com/article.aspx?ref=161414.

²⁴² Dennis Baron, Letter to the Editor, *Chronicle of Higher Education*, 18 March 1992.

Part of the reason for this is that it is relatively easy to sanction student work. The instructor who fails a term paper for plagiarism responds adequately to the false claim of credit: the punishment fits the crime. Sanctioning Dean Maitre for filching his commencement remarks, however, represents a very different problem: what is an appropriate response? Simply withholding credit is not an option, since no credit was given in the first place.

A more sinister reason for the double standard is the power differential between student and professor. While an instructor need fear no professional repercussion from awarding a failing grade to an undergraduate plagiarist, detecting a similar offence by a colleague or an administrative superior is another matter altogether. Again the Maitre case provides a useful comparison: few of the BU professors (or students, for that matter) interviewed by the *Boston Globe* were willing to be identified by name, for fear of retribution were Maitre not dismissed.²⁴³ Collegial retaliation might take a number of forms, from hostile peer reviews to petty interference with one's graduate students to open litigation, and the rewards of openly confronting a tenured plagiarist are likely to be few.

It would be easy to interpret this view as a simple lack of moral courage—and perhaps it is precisely that—but there are other sides to the issue as well. The accusation of plagiarism is potentially a career-ender for the accused,²⁴⁴ and allowing a colleague the benefit of the doubt may be as much charity as circumspection. For others, particularly those who are also reluctant to prosecute student plagiarists, the key consideration may be simple indolence: an ingrained disinclination to meddle in what is certain to be a contentious question, and (as Louis Bloomfield found) involve hours of profitless additional effort. Where the

²⁴³ Anthony Flint, "Maitre Matter Could Hurt BU, Some Say," *Boston Globe*, 9 July 1991; Metro 1

²⁴⁴ For a worthwhile discussion of this point, see Charles S. Yanikowski, "When the Trial Is the Punishment: The Ethics of Plagiarism Accusations," *Journal of Information Ethics*, 3, 1 (Spring 1994): 83-88.

evidence is clear, such indifference transcends apathy and becomes professional negligence.

A double standard of another kind exists in the sciences, where the convention of “first author” credits the most prestigious scientist in the laboratory as the author of the research, while the junior who may have done most (perhaps all) of the actual work must be content with being listed last, or even not at all.²⁴⁵ This kind of exploitation undermines the moral credibility of the university, even when courts rule that the institution itself is not liable for the depredations of the professor.²⁴⁶ Because of the value of scientific research in establishing careers, achieving tenure, and obtaining grants, this established practice is one area—perhaps *the* one area—where a clear intellectual property right is being systematically violated by the academic establishment. That institutions regrettably acknowledge it without taking effective steps to curtail it places this dubious but entrenched practice on a par with another “Peculiar Institution” of two centuries ago.

Due Process and the Spectre of Litigation

An important factor affecting institutional responses to plagiarism is the necessity of providing adequate due process, both for reasons of intrinsic fairness and to meet the possible threat of subsequent litigation.²⁴⁷ With few exceptions, the development of these systems occurs over time, in response to the needs of the institution. One consequence of the 1972 term paper scandal at

²⁴⁵ The most prominent recent example is the case of Antonia Demas, whose litigation against David A. Levitzky on this point began in 1998. See Jason M. Reynolds, “Cornell Ph.D. Charges Her Professor With Copying From Her Dissertation,” *Chronicle of Higher Education*, 13 March 1998: A16. See also Chris Woolston, “When a Mentor Becomes a Thief,” *Chronicle of Higher Education*, 1 April 2002, Online at <http://chronicle.com/jobs/2002/04/2002040101c.htm>.

²⁴⁶ Thomas Bartlett, “New York Court Rules That Cornell U. Is Not Liable for Professor’s Alleged Misdeeds,” *Chronicle of Higher Education*, 18 February 2002. Online at <http://chronicle.com/daily/2002/02/2002021805n.htm>.

²⁴⁷ See especially Ralph D. Mawdsley, *Academic Misconduct: Cheating and Plagiarism* (Topeka, KS: National Organization on Legal Problems in Education, monograph 51, 1994).

Wisconsin, for example, was the creation of a standard appeal process designed to guarantee accused cheaters fair due process,²⁴⁸ and the sheer volume of Bloomfield cases may force the University of Virginia to review the way in which the Honor Committee addresses issues brought before it.

Having established clear procedures, most universities *do* apply them to student cases, even though some claim that plagiarism is not a problem on their campuses.²⁴⁹ Princeton vigorously (and successfully) defended a landmark case in which, although the judge felt that the penalty imposed for a largely plagiarized Spanish literature essay (the student's degree was postponed for a year) was excessive, the institution was held to have acted completely within its rights.²⁵⁰ Toronto maintains a branch of the Dean's office dedicated to processing cases of academic dishonesty, and has kept good records (accessible as statistical summaries) for nearly a quarter-century.²⁵¹ Figures on faculty discipline for plagiarism are virtually impossible to obtain, because action on personnel issues are confidential under current labour laws, but the principle of due process is the same: no one with an actual or implied contractual relationship with an institution may be denied the benefits of that relationship without a fair hearing (including the opportunity to answer the charges) which is consistent with that hearing given to others faced with similar charges.

²⁴⁸ Mentzer, "Dean Ginsberg Reflects on Term Paper Problem." *Badger Herald*, 28-30 August 1972.

²⁴⁹ John Hickman, "Cybercheating: Cribbing turns tech as students tap into Net," in *The Globe and Mail*, Saturday, March 14, 1998. Originally published in *The New Republic*. Yale (which is represented in this article as rather complacent) did not add the following statement to their Regulations until 1986/87, long after most other schools had acknowledged the problem:

Submission of an entire paper prepared by someone else is an especially egregious form of plagiarism, and is grounds for the imposition of a particularly serious penalty, even for expulsion from the University. [emphasis original]

²⁵⁰ See *Napolitano v. Princeton*, 186 N.J. Super. 576; 453 A.2d 279; 1982 N.J. Super., decided 2 June 1982, supplemented 30 June 1982; and *Napolitano v. Princeton*, 186 N.J. Super. 548; 453 A.2d 263; 1982 N.J. Super., argued 14 September 1982, decided 13 October 1982.

²⁵¹ The University of Toronto's Governing Council receives annual reports from the Disciplinary Tribunal which was established in 1973 as part of the new Code of Behaviour. Statistical summaries are available.

In law it might be argued that professorial plagiarism is qualitatively different from student plagiarism. The contract between a university and a student is for the institution to provide services to the student,²⁵² while in the relationship between a professor and the university it is the professor who provides services to the institution according to an employment contract.

This distinction notwithstanding, it remains a common feature of contract law that when one party violates a contract the other party is entitled to redress. The institution would be within its rights to declare its relationship with a student severed (thus dismissing the student) by any violation of the enrollment compact in which a student agrees to abide by the rules of the institution. At the other end of the spectrum, simply to deny credit for work falsely claimed by a student is a comparatively mild form of redress. In between are such measures as the XF grade which both denies credit and informs receivers of the transcript that academic dishonesty has occurred.²⁵³

While severing the relationship is also an option when dealing with professorial plagiarism, there are no milder sanctions parallel to those available to universities when addressing student transgressions. Faculty do not receive academic credit for their publications, so withholding any such credit is inapplicable. Faculty do not receive transcripts of their work, so the XF grade is similarly irrelevant. Indeed, when universities hope that an employee will go quietly away, communicating to the prospective employer that a breach of the standards of the academy has been committed would likely preclude the

²⁵² For an interesting decision regarding the fulfillment of the institution's contractual responsibilities to the student (who in this case [unsuccessfully] sued Columbia for "failing to teach"), see *Trustees of Columbia University v. Roy G. Jacobsen*, Superior Court of New Jersey, Appellate Division, 53 N.J. Super. 574; 148 A.2d 63; 1959 N.J. Super. LEXIS 540. Argued 19 January 1959; decided 23 January 1959.

²⁵³ Jamilah Evelyn, "Kansas Community College Cracks Down on Cheaters With New 'XF' Grade, Signifying Dishonesty" *Chronicle of Higher Education*, 7 May 2002. Online at <http://chronicle.com/daily/2002/05/2002050703n.htm>.

employee from receiving a new position elsewhere. Institutions would thus be placed on the horns of a difficult dilemma: either tell the whole truth and remain stuck with a problematic member of the faculty, or choose a path of marginal ethicality (violating the responsibility to provide honest references) and suppress the awkward truth of the episode in question.

How then to address the double standard which punishes students with failing grades or worse but only admonishes, ignores, or even rewards professors? Two diametrically opposed alternatives exist: to rationalize the gap, or close it. To be credible the former would have to specify the qualitative difference between student work and faculty publications, and enumerate the alternate means by which faculty plagiarism is to be addressed (*e.g.*, public reprimand, demotion, loss or denial of tenure, prosecution for fraud, litigation by the infringed party, and so on).

The better choice would see universities incorporate into their faculty regulations a clear policy stating that plagiarized work presented under the auspices of, and reflecting upon the credibility of, the university (*e.g.*, any scholarly publication) would be grounds for suspension or dismissal—or, if the university chooses to adopt the position that faculty should adhere to a higher standard than students, dismissal only. The issue would be more complex were a professor to plagiarize in a field unrelated to his appointment (as when a historian collaborates on a screenplay), but that would be no barrier to termination were the university to include plagiarism in the “moral turpitude” clause of its contract. Universities should also adopt a policy which would preclude hiring scholars with a history of plagiarism, and provide for dismissing with cause any faculty member who suppressed such a history.²⁵⁴

²⁵⁴ See, for an example of why such a policy is recommended, Carolyn J. Mooney, “‘I’m in Limbo’: A Scholar’s Plagiarism Raises Intractable Questions,” *Chronicle of Higher Education*, 12 February 1992.

Institutional Responsibility

The 1973 Report of the Ad Hoc Committee concluded that Dartmouth had failed to meet its institutional obligation to promote academic integrity. This unambiguous critique might be applied to many institutions, especially those that: (a) set a poor example, as when professors fabricate or plagiarize, or when professors who plagiarize are not disciplined; (b) condone or connive at plagiarism, as did the athletic departments at Minnesota and Tennessee; (c) create the conditions in which plagiarism is likely, as did Dartmouth; (d) establish what students perceive as unreasonable standards, as did Georgia Tech when forbidding students from working together;²⁵⁵ (e) fail to establish clear expectations; or (f) fail to enforce those standards through vigilant detection and equal application of a consistent means of adjudication, as Boston University did in the King case. Institutions also contribute to a campus culture conducive to plagiarism when they tacitly license forms of plagiarism by selling *Cliffs Notes* in the campus bookstore or permitting ghostwriters to operate and/or advertise on campus.

Universities have a responsibility to their constituencies: their students, who are seeking both an education and a credential which has value in the marketplace; the prospective employers of their graduates, who rely on university transcripts and references to warrant the quality of prospective employees; and even society at large, who rely on the work that these graduates will do in their professional lives. For all of these, there is a fiduciary and practical interest in the accuracy of all records of student work. Accurate records require that credit be given only when it has been earned, and so the vigorous suppression of false claims of credit is an essential prerequisite for the public

²⁵⁵ Jay Matthews, "Shaping the Learning Curve Through a Code," *Washington Post*, 16 April 2002. See also Mary DeCamp, "Students helping students does not constitute cheating," *Technique*, 25 January 2002.

credibility that is the basis of institutional reputation, and the value of a university's degrees.

Universities also have a responsibility to the secondary schools, which model their academic standards on the expectations and requirements of the institutions that their students hope to attend after receiving their high school diplomas. This responsibility consists in part of setting an example of integrity in their own affairs, and in part of making it clear to prospective students that integrity is required of applicants and demanded of students. To accept false claims of credit at in pre-university studies and then forbid students to practise the same deceptions in university would be a double standard as inimical as any. The next chapter will discuss the vexing issue of plagiarism in schools.

Chapter Four

Homework and Projects and Tests, Oh My!

It is difficult to trace plagiarism in schools because evidence is scant. Until recently academic misdemeanours were dealt with in the classroom, by the teacher, without any need to keep records. In our more litigious era, in which the ability of an instructor to act unilaterally has been considerably circumscribed by the need for due process (and by the potential for lawsuits), those records which may exist are not accessible. In the United States the federal Family Educational Rights and Privacy Act (FERPA)¹ has prevented access to disciplinary records since 1974, and schools everywhere have policies requiring the destruction of records after a certain number of years. Very few schools maintain archives of any kind, and few of those contain much more than yearbooks, photographs, miscellaneous ephemera, and sports memorabilia. Thus much of the research into academic malfeasance below the university level must be a matter of teasing out information from such sources as do exist.

Direct sources such as personal recollections and (later) news stories, and indirect sources such as institutional policies and student handbooks, all provide some insight into academic dishonesty in schools. Of these the first are the most helpful for the very earliest period covered here. For many writers the formative impact of boarding school was so great that their recollections came to be a prominent element of their memoirs, as well as an experience upon which they drew when writing fiction. The commonalities are so great when touching on this subject—even between books otherwise profoundly different from one another in scope and perspective—that some broad inferences can be drawn.

¹ Information about FERPA (§ 513 of P.L. 93-380 (The Education Amendments of 1974)) can be obtained online at <http://www.ed.gov/offices/OM/fpc/ferpalist.html>. The website of the Family Policy Compliance Office, which enforces FERPA, is: <http://www.ed.gov/offices/OM/ferpa.html>.

Cribbing

Contemporary schoolroom plagiarism is a direct descendant of the traditional practice known as “cribbing.” Cribbing grew out of a classics-based curriculum which required students to translate, or “construe,” Latin or Greek passages when called upon to do so. Students were expected to prepare the passage during “prep.”—in North American boarding schools, Study Hall—the night before class, and to bring their translations with them. In addition, students were required to prepare compositions in the classical languages. It has been remarked, not wholly without justice, that “the great mass of coarse-fibred [...] young philistines... got in general no more out of doing [this] than the bodies of tourists marching through the great galleries of Europe get from the works of art before which they are momentarily halted.”² Still, it was the system.³

The logical foundation for this system was a belief in the value of mental discipline. According to this perspective, subjects which “are in themselves distasteful to boys, and [mastered] only with great difficulty, and after much laborious perseverance”⁴ are “eminently suited to drill the mind into method and accustom it to the satisfaction of certainty.”⁵ That this view, rather than a more liberal one, prevailed established the conditions under which cribbing first emerged, then flourished, and ultimately persisted.

While confidence in the consistency of human nature suggests that some variant has existed as long as students have been required to demonstrate their knowledge for a teacher, it seems likely that cribbing is at least as old as the

² Richard Ollard, *An English Education: A Perspective of Eton* (London: William Collins Sons & Co Ltd, 1982): 81-82.

³ An excellent brief discussion of the prevalence of classics in the curriculum is in J. R. de S. Honey, *Tom Brown's Universe* (London: Millington House Books, 1977): 126-138.

⁴ Dr Balston, Headmaster of Eton, to the Clarendon Commissioners, 1862. Quoted in J. R. de S. Honey, *Tom Brown's Universe* (London: Millington Books Limited, 1977): 129.

⁵ J. R. Seeley, quoted in J. R. de S. Honey, *Tom Brown's Universe* (London: Millington Books Limited, 1977): 130.

demise of Latin as a universal language in the Tudor period. While Latin was the language of business, government and the Church, the classical curriculum made sense as the basis of a young man's education." When mastery of Latin ceased to be a necessity and became instead an eccentricity of the system, cribbing undoubtedly became a more tempting enterprise. Certainly by the early nineteenth century cribbing was firmly established as a feature of academic life in the Public Schools⁷ of the United Kingdom, and is accessible to us—if only on an anecdotal basis—through the copious memoirs and *romans à clef* of their graduates.

Although the term itself is probably older,⁸ the earliest known detailed description of cribbing as such appears in *Tom Brown's Schooldays*, which provides a portrait of Rugby when Thomas Hughes was there, at the very beginning of the Victorian era:

[T]he time-honoured institution of the Vulgus... is a short exercise, in Greek or Latin verse, on a given subject, the minimum number of lines being fixed for each form. The master of the form gave out at fourth lesson on the previous day the subject for next morning's vulgus, and at first lesson each boy had to bring his vulgus ready to be looked over... by the master, who gave and entered in his book, to the credit or discredit of the boy, so many marks as the composition merited. [...T]he master of each form had to set one hundred and fourteen subjects every year, [so] it will not be wondered that the masters gave the same subjects sometimes over again after a certain lapse of time. To meet and rebuke this bad habit of the masters,

⁷ Jonathan Gathorne-Hardy, *The Old School Tie: The Phenomenon of the English Public School* (New York: The Viking Press, 1977): 30-31.

⁷ Public Schools, in the British sense, are prestigious independent (i.e., private) schools. Schools provided by the UK government for the free education of all children are called state schools.

⁸ The *Oxford English Dictionary* traces "crib" as a colloquial expression for stealing as far back as 1748, and as a synonym for plagiarism to 1778 (Oxford University Press, 1971): 603—a point which emphasizes the literary sense of plagiarism as theft. An anecdote (unreported by the *OED*) describing Lord Byron using the word appears in Frederic Saunders, *Salad for the Social* (New York: De Witt & Davenport, 1856): 356. The persistence and geographical range of the term are shown by its inclusion as a synonym for plagiarism in Lester V. Berry and Melvin Van Den Bark, *The American Thesaurus of Slang* (New York: Thomas Y. Crowell, 1942, 1950): 502.

the school-boy mind, with its accustomed ingenuity, had invented an elaborate system of tradition. Almost every boy kept his vulgus written out in a book, and these books were duly handed down from boy to boy[.] The only objection to [this] method of doing your vulgus was, the risk that the successions might have become confused, and so that you and another follower of tradition should show up the same identical vulgus some fine morning, in which case, when it happened, considerable grief was the result—but when did such risk hinder boys or men from short cuts and pleasant paths?”

The concept of hand-me-down work in a closed community anticipates fraternity term paper libraries (discussed in the previous chapter) by nearly a century. The phenomenon probably dated at least to the mid-eighteenth century in some places; John Chandos cites the example of one boy in the early 1820s whose library of some 3000 such books included some containing verses on the [1760] death of King George II.¹⁰

One historian of the Public Schools concluded that “the vice of the system... was that few indeed of those taught were capable of ever learning to write elegant verse in *any* language. The majority, therefore, were condemned to labour towards a goal which they could never reach, however hard or long they strove.”¹¹ Worse, students were often punished for poor production, such as those at Rugby who were flogged several times a week for “failing to perform what was beyond their capacity.”¹² Even F. W. Farrar, classics master at Harrow before becoming Head Master at Marlborough, thought that schools were

¹⁰ Thomas Hughes, *Tom Brown's Schooldays* (London: J. M. Dent & Sons, Ltd., 1949 [originally published 1857]):232-233.

¹¹ John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 159. (Vexingly, Chandos does not identify his source for this information.) This was not unique to British schools. One long-serving English teacher at Deerfield Academy, Bryce Voter Lambert, required all term papers to be submitted in duplicate, at once establishing his own archive and advertising the fact to discourage just such a trade in recycled scholarship.

¹² John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 156-157.

¹³ Quoted in John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 157.

asking the impossible:

I should never think of putting this Grammar into the hands of boys who have no aptitude for linguistic studies... Taught in a parrot-like manner to crude minds, I believe that grammar becomes bewildering and pernicious...¹³

Small wonder, then, that cribbing was an attractive alternative to attempting the work.

In *Tom Brown* Hughes provides a taxonomy of the prevailing methods of preparation, beginning with that of his hero:

[Tom] carefully produced two large vulgus-books, and began diving into them, and picking out a line here, and an ending there (tags as they were vulgarly called), till he had gotten all that he thought he could make fit. He then proceeded to patch his tags together with the help of his Gradus, producing an incongruous and feeble result of eight elegiac lines, the minimum quantity [due].¹⁴

("Patching together" is a phrase repeated by Charles Darwin, whose recollections of the classical regime at Shrewsbury were not happy ones.¹⁵)

Martin, an eccentric loner, having inherited no vulgus from older friends, was obliged to be more plodding in his approach. He

proceeded to write down eight lines of English, of the most matter-of-fact kind, the first that came into his head; and to convert these, line by line, by main force of Gradus and dictionary, into Latin that would scan.¹⁶

In marked contrast to these, Arthur, the most virtuous of Tom's associates (whose innate goodness in fact acts as Tom's conscience throughout the book),

¹³ F. W. Farrar, from the preface to his "Greek Syntax," quoted in Reginald Farrar, *The Life of Frederic William Farrar* (New York: Thomas Y. Crowell & Company, 1904): 97.

¹⁴ Thomas Hughes, *Tom Brown's Schooldays* (London: J. M. Dent & Sons, Ltd., 1949 [originally published 1857]): 233-234.

¹⁵ Charles Darwin, quoted in John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 157-158. Darwin also wrote to Farrar, recalling that at Shrewsbury he [Darwin] had "learned absolutely nothing" from the classical curriculum. Quoted in Reginald Farrar, *The Life of Frederic William Farrar* (New York: Thomas Y. Crowell & Company, 1904): 104.

¹⁶ Thomas Hughes, *Tom Brown's Schooldays* (London: J. M. Dent & Sons, 1949 [1857]): 234.

does not crib at all. Rather, he

set to work, as much as possible without Gradus or other help, to clothe his idea in appropriate Latin or Greek, and would not be satisfied till he had polished it up well with the aptest and most poetic words and phrases he could[.]¹⁷

Hughes acknowledged that there was also

[a] fourth method... [which] obtained amongst big boys of lazy or bullying habits, and consisted simply in making clever boys whom they could thrash do their whole vulgus for them, and construe it to them afterwards...¹⁸

Though Hughes does go on to admonish his readers that this fourth type of vulgus-preparation “is... not to be encouraged” and that “[Arthur’s] method pays best both in marks and other ways,”¹⁹ his tone is not altogether convincing. Hughes had enjoyed Rugby, and doubtless had own his preferred method—even if as an author he felt obliged to pay lip-service to the party line.

This fourth variety in Hughes’ taxonomy of cribbing was probably a standard feature at most schools for generations of schoolboys. Evelyn Waugh confirmed the persistence of the practice in his reminiscences of his own time in school (at Lancing, 1917-1921), though in a slightly different light:

It was common for small, clever boys to gain favour with larger, stupid ones by doing their exercises for them in preparation. This I refused to do on the grounds that it was dishonest. A better-informed conscience would have recognized compliance as being not only more prudent but also more charitable. My scruple did not endear me.²⁰

If Waugh did not suffer physically for his ‘scruple,’ the young Marquess of Salisbury did; he reported in May 1844 that he had “been kicked most

¹⁷ Thomas Hughes, *Tom Brown’s Schooldays* (London: J. M. Dent & Sons, 1949 [1857]): 234.

¹⁸ Thomas Hughes, *Tom Brown’s Schooldays* (London: J. M. Dent & Sons, 1949 [1857]): 235.

¹⁹ Thomas Hughes, *Tom Brown’s Schooldays* (London: J. M. Dent & Sons, 1949 [1857]): 235.

²⁰ Evelyn Waugh, *A Little Learning: An Autobiography* (Boston: Little, Brown and Company, 1964): 109.

unmercifully... for refusing to do a fellow's theme for him..."²¹ Stafford Northcote, on the other hand, reported that he had avoided such violence because "most bullies are very stupid and I construe [for] them."²²

Proxies of this kind were not limited to the classical curriculum, or indeed to boys' schools. Forty years before *Tom Brown*, this very theme was developed in *The School-Fellows*,²³ set in a girls' school:

{Winifred, the heroine} saw that the performance of some of the [socially] lower scholars were passed off as being done by those of greater consequence. A piece of needle-work or embroidery was often begun by a young lady, who, after setting a few stitches, found out that she could not, or would not, do it: it was then taken out of her hands and given to one better skilled in the work, who did it for her.²⁴

This same method obtained for other subjects, as well:

[H]aving found that her work could be done for her, [Bridget] contrived that half her drawing should be also accomplished in the same manner. Her lessons, in French and geography, she... copied from others.... As to arithmetic, Winifred was so fond of the employment, that, after she had done her own questions, she after finished Bridget's, to save her from disgrace.²⁵

This method had its limits, of course, particularly when the subject did not lend itself to being done by another:

Music [Bridget] found very tedious, as she could adopt no plan by which another could *practise* for her; although, whenever she had any to copy, a substitute was found.²⁶

²¹ Marquess of Salisbury, quoted in John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 156.

²² Stafford Northcote, quoted in John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 156.

²³ Elizabeth Sandham, *The School-Fellows: A Moral Tale* (London: J. Souter, School Library, 1818).

²⁴ Elizabeth Sandham, *The School-Fellows: A Moral Tale* (London: J. Souter, School Library, 1818): 71.

²⁵ Elizabeth Sandham, *The School-Fellows: A Moral Tale* (London: J. Souter, School Library, 1818): 120.

²⁶ Elizabeth Sandham, *The School-Fellows: A Moral Tale* (London: J. Souter, School Library, 1818): 121.

In addition to these forms of cooperation, conscripted or otherwise, there was also theft outright. Alec Waugh recalled one Mansell, “easily... the worst scholar in a set, [who] one week ‘bagged’ the translation Clarke was using for scholarship work. He was second [of the nineteen in the set] that week. But Clarke discovered the theft. There was a fall.”²⁷ Cribbing did not exist in isolation from other forms of academic underground activity.

When examinations came into general use in the nineteenth century, replacing recitation as the principal means of assessing student mastery,²⁸ the use of cribs logically extended to this new medium. The term “crib sheets” then expanded to include the notes and answer keys that boys slipped into their sleeves or elsewhere to provide assistance *in extremis* during the examination. In a curious example of evolutionary adaptation, cribs—far from being rendered obsolete—remained just as useful after the advent of examinations as they had been before, and the term has persisted to the present.²⁹

Tom Brown's Schooldays is in large measure a hortatory book, and Arthur eventually convinces Tom to give up his crib for honest work.³⁰ In a later chapter Tom struggles both with his own conscience and with that of his close friend East, who is not of sufficiently philosophical turn to abandon easy ways of scraping by and take up those requiring work. Tom's best intentions slip away as the boys resolve to use the crib only when they are stumped by the text, with the result that they are soon back to heavy reliance on the crib.³¹

²⁷ Alec Waugh, *The Loom of Youth* (London: Geoffrey Bles, 1972 [first published 1917]): 29.

²⁸ Jonathan Gathorne-Hardy notes that Douai had examinations as early as 1721, but that exams cannot be said to be a common element in Public Schools until 1842. Jonathan Gathorne-Hardy, *The Old School Tie: The Phenomenon of the English Public School* (New York: The Viking Press, 1977): 34.

²⁹ Lester V. Berry and Melvin Van Den Bark, *The American Thesaurus of Slang* (New York: Thomas Y. Crowell, 1942, 1950): 502.

³⁰ Thomas Hughes, *Tom Brown's Schooldays* (London: J. M. Dent & Sons, Ltd., 1949 [originally published 1857]): 278-280.

³¹ Thomas Hughes, *Tom Brown's Schooldays* (London: J. M. Dent & Sons, Ltd., 1949 [originally published 1857]): 288-295.

If *Tom Brown* is hortatory, *Eric, or Little By Little*³² is an openly evangelistic cautionary tale. Published a year after *Tom Brown*, it too is based on the experiences of its author in such a school. The tragic hero, Eric Williams, suffers a long decline from virtue toward corruption and death, in which cribbing plays an important role. In the beginning Eric is as exemplary in his work as Arthur in *Tom Brown*, despite the fact that “there were only three boys out of the twenty in the form, who did not resort to modes of unfairness far worse than the use of cribs”—Eric and his two closest friends.³³

Though initially a paragon, however, Eric had the misfortune to be seated in form next to one Barker who,

totally unable to do [the Homer lesson] by his own resources, was trying to borrow a crib [from] a certain idle, good-natured boy named Llewellyn, who had ‘cribs’ to every book they did, and who, with a pernicious *bon-hommie*, lent them promiscuously to the rest, all of whom were only too glad to avail themselves of the help...³⁴

Mr. Gordon, the form master, detects the Homer crib just as it reaches Eric on its way from Llewellyn to Barker, taxes him with its possession, finds that there is no name on the fly-leaf—“in those days it was dangerous to write one’s name in a translation”—and thus no reason to believe Eric’s protestation that the crib is not his, and canes him. Eric thus “instantly became a hero with the form, who unanimously called him a great brick for not telling,”³⁵ but the pride which rankles within him as he broods on this injustice will eventually play a significant role in Eric’s slide to perdition.

Eventually, but not immediately. In the short term Eric continued to work hard and honestly in preparation for the term examination, though he

³² Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [originally published 1858]).

³³ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 45

³⁴ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 44

³⁵ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 46

was much hindered by Barker's unceasing attempt to copy his papers surreptitiously; and very much disgusted at the shameless way in which many of the boys 'cribbed' from books, and from each other, or used torn leaves concealed in their sleeves, or dates written on their wristbands, and on their nails.³⁶

Virtue is temporarily triumphant when Eric shares top honours on the examination, but soon Eric's surroundings take their toll as he strays farther and farther into sin. So far from the true path does Eric stray that he later fights a former friend of his for the right of beating another boy who refuses to countenance further cribbing.³⁷

Like Hughes, F. W. Farrar holds the teacher accountable for at least some of this moral corruption, if only because he is in large measure responsible for the prevailing laxity in the form. Mr. Gordon's students behave dishonestly whenever possible:

As usual, the cribbing at the next weekly examination was well-nigh universal, and when Mr. Gordon went out to fetch something he had forgotten, merely saying, 'I trust to your honour not to abuse my absence,' books and papers were immediately pulled out with the coolest and most unblushing indifference...

[Eric] saw how easily much of this might have been prevented; but Mr. Gordon was fresh at his work, and had not yet learnt the practical lesson (which cost him many a qualm of sorrow and disgust), that to trust young boys to any great extent is to increase their temptations. He *did* learn the lesson afterwards, and then almost entirely suppressed the practice, partly by increased vigilance, and partly by forbidding *any* book to be brought into the room during the time of examination. But meanwhile, much evil had been done by the habitual abuse of his former confidence.³⁸

It is important to note that the slackness of the teachers is explicitly used

³⁶ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 47

³⁷ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 203-209.

³⁸ Frederic W. Farrar, *Eric, or Little by Little* (London: Hamish Hamilton, 1971 [1858]): 203, 47.

to justify the cheating, a rationalization which has persisted to the present. Hughes implies that this slackness is due principally to indolence, while Farrar is more inclined to be charitable and lay the problem at the door of inexperience. In Farrar's other famous book, *St. Winifred's, or, The World of School*,³⁹ the virtuous Charlie is tempted by Wilton, whose verses are translated by another student. When he refuses to have his work done on the same basis, Charlie is tormented by the others, who effectively prevent him from doing his own work.⁴⁰ Again the teacher is ineffective, this time because of his willingness to believe a boy's word:

The master... thought it odd that Wilton could do his verses so much better than any of his other work, but he could not detect the cheating, and Wilton always assured him that the verses were entirely his own composition.⁴¹

When the tide does finally turn, and "there was a final end of suppers, smoking parties, organized cribbing, and recognized 'crams'[,]""⁴² it is because of the triumph of virtuous boys, not because of the masters.

The failure of the masters to maintain the virtue of the students is a consistent theme throughout the literature. Sixty years after Farrar's Barker, for example, Alec Waugh's Jeffries "had, like most other Public School boys, adopted a convenient broad-mindedness with regard to cribbing [:] 'If the master is such an arrant ass as to let you crib, it is his own lookout; and, after all, we take the sporting chance.'"⁴³ This is borne out in memoirs as well; Robert Graves recalled "the school tradition of concealed warfare between boys and masters" at

³⁹ Frederic W. Farrar, *St. Winifred's or the World of School* (London and Glasgow: Collins' Clear-Type Press, n.d. [originally published 1862]).

⁴⁰ Frederic W. Farrar, *St. Winifred's or the World of School* (London and Glasgow: Collins' Clear-Type Press, n.d. [1862]): 264-265.

⁴¹ Frederic W. Farrar, *St. Winifred's or the World of School* (London and Glasgow: Collins' Clear-Type Press, n.d. [1862]): 265.

⁴² Frederic W. Farrar, *St. Winifred's or the World of School* (London and Glasgow: Collins' Clear-Type Press, n.d. [1862]): 310.

⁴³ Alec Waugh, *The Loom of Youth* (London: Geoffrey Bles, 1972 [first published 1917]): 33-34.

Charterhouse. "We considered it no shame to cheat, lie, or deceive where a master was concerned[.]"⁴⁴

Undoubtedly such an attitude was common, but outright collaboration between tutor and cribber was not unknown. Chandos relates (though he does not footnote) an anecdote about the

amiable cynicism expressed by a tutor who, finding the low standards of a certain pupil's composition necessitated much labour in correction, said, 'B, you don't improve. If I could not do better than this, I'd be given'; meaning, in Etonian patois 'I'd get someone else, more able, to do the work for me.'⁴⁵

There is no way to determine whether this remarkable departure from official policy was founded on indolence or on charity, or even the belief that forcing the issue would do no good, but probably all three were contributing factors.

The moral simplicity of the early Victorian school stories underscores the prevailing belief of adults that "cribbing [was seen] as *grave sin*["⁴⁶ The earnestness of some schoolmasters is well illustrated even in Rudyard Kipling's much later *Stalky & Co.*, which is in some respects a parody of *Eric*.⁴⁷ In *Stalky* the three boys around whom the book turns (fictionalized versions of L. C. Dunsterville, G. C. Beresford, and Kipling himself) share their work according to their interests. The revelation in the masters' Common Room that "[t]he work is combined in that study. Stalky does the mathematics, M'Turk the Latin, and Beetle attends to their English and French" troubles Prout, the boys' housemaster, who concludes that this cooperation "amounts to systematic

⁴⁴ Robert Graves, *Good-bye to All That* (New York: Doubleday Books, 1998 [first published 1929]): 62.

⁴⁵ John Chandos, *Boys Together: English Public Schools 1800-1864* (New Haven: Yale University Press, 1984): 158.

⁴⁶ Jonathan Gathorne-Hardy, *The Old School Tie: The Phenomenon of the English Public School* (New York: The Viking Press, 1977): 71.

⁴⁷ In which *Eric* (and *St Winifred's*, as well) is explicitly mocked by *Stalky & Co.* Rudyard Kipling, *Stalky & Co.* (New York: Dell Publishing Co., 1968 [first published 1899]): 56, 68, 131, 216.

cribbing” and calls for strong measures on his part. Prout ultimately “read them a lecture on the enormity of cribbing” and stripped the trio of their privilege of a private study—to the outrage of the boys.⁴⁵

Prout typifies the Victorian earnestness that was already a relic at the United Services College, Westward Ho! (the school Kipling attended, and “the Coll.” of *Stalky & Co.*) by the turn of the century. When he demands why the mathematics master does not take steps to prevent Beetle, who is acknowledged to be “as the brutes that perish about sines and cosines,” from “cop[ying] serenely from Stalky,” the other rather cynically replies that “[i]t rights itself at exams, [when] Beetle shows up blank sheets.”⁴⁶ As with Westward Ho!, so too with Sherborne; Alec Waugh relates that his classics master, who was strangely blind to the systematic cheating in his form, “never understood why examinations always proved the signal for a general collapse.”⁴⁷

The practice of sharing work which featured in *Stalky* was probably more common than not. In his recollection of Harrow, Sir Winston Churchill recalled the solution to the difficulties he had been experiencing with Latin:

...I formed an alliance with a boy in the Sixth Form. He was very clever and could read Latin as easily as English. Caesar, Ovid, Virgil, Horace and even Martial's epigrams were all the same to him. My daily task was perhaps ten or fifteen lines. This would ordinarily have taken me an hour or and hour and a half to decipher, and then it would probably have been wrong. But my friend could in five minutes construe it for me word by word, and once I had

⁴⁵ Rudyard Kipling, *Stalky & Co.* (New York: Dell Publishing Co., 1968 [1899]): 103-104.

⁴⁶ Rudyard Kipling, *Stalky & Co.* (New York: Dell Publishing Co., 1968 [1899]): 102.

⁴⁷ Alec Waugh, *The Loom of Youth* (London: Geoffrey Bles, 1972 [first published 1917]): 48. My own experience suggests that this was by no means a period piece; at King's-Edgehill one boy passed Algebra only because he accumulated enough marks on his scrupulously prepared homework assignments to cushion his inevitable disaster on the term tests. The faculty discussed with great concern this manifest case of Exam Anxiety, and made the necessary allowances for the boy to receive his credit. Some years later, when he was an undergraduate at Dalhousie, the same Jeremy Cameron confessed that throughout his career at KES he had paid a classmate who, like Stalky, “positively rejoiced in mathematics” to do the homework problems, which our boy then copied out in his own handwriting and turned in as his own work.

seen it exposed, I remembered it firmly. My Sixth Form friend for his part was almost as troubled by the English essays he had to write for the Headmaster as I was by these Latin cross-word puzzles. We agreed together that he should tell me my Latin translations and that I should do his essays. The arrangement worked admirably.⁵¹

This untroubled Elysium was disturbed only once, when one of Churchill's essays was deemed good enough to draw to the attention of the Headmaster. The putative author was quite unable to discuss the implications of "his" points with the Head, who was suspicious but declined to turn an occasion for congratulation into an inquisition. After that Churchill took pains to be more pedestrian in his prose.⁵²

The particular advantage of having a friend write one's papers, of course, is that it is virtually impossible for a teacher who may be suspicious of an essay's *bona fides* to find the original version. Plagiarism from a printed source, on the other hand, is susceptible to this kind of exposure. A case in point features in the P.G. Wodehouse novella "A Prefect's Uncle," in which one boy undertakes to write a poem on behalf of another so that the recipient will have a poem to submit for a required competition. Instead of writing it, however, he borrows one outright from an obscure book of verse. The plagiarism is detected when that poem wins the prize and is recognized by the master who had written the original under a pseudonym.⁵³

⁵¹ Winston S. Churchill, *My Early Life: A Roving Commission* (New York: Charles Scribner's Sons, 1958 [first published 1930]): 21.

⁵² Winston S. Churchill, *My Early Life: A Roving Commission* (New York: Charles Scribner's Sons, 1958 [1930]): 21.

⁵³ P. G. Wodehouse, "A Prefect's Uncle" in *The Pothunters and Other School Stories* (Markham, Ontario: Penguin Books, 1985 [first published 1903]): 195-229. In another case of Life imitating Art, an incident very like this happened in 1984 at The Forman School. A student named Jack Comerford submitted to his English teacher a poem entitled "Undine," with which the teacher was so taken that he submitted it to a major poetry competition. "Undine" won, and the boy's plagiarism of it was revealed only when the chief examiner's daughter recognized it as her own—he had borrowed it from her when they were both at a summer writing program—while it was being read at the awards ceremony.

It is important to note that the principal reason to crib was to avoid doing the assignment. Alec Waugh (older brother of Evelyn) described the motivation for cribbing:

[One] did not do it to get marks[,] merely to avoid being "bottled." Some headmasters, and the writers to *The Boy's Own Paper*, draw lurid pictures of the bully who by cribbing steals the prize from the poor innocent who looks up every word in a big Liddell and Scott; but such people don't exist. No one ever cribbed in order to get a prize: they crib from mere slackness.⁵⁴

To obtain a better grade than one would otherwise receive through one's own efforts may seem the obvious benefit, but one must be wary about leaping to this conclusion. For those at the bottom of the spectrum—the slow or indolent—it is true that a crib might mean the difference between a passing and a failing grade, but most immediately it would be the difference between having free time later in the day and an imposition which would restrict the student's liberty. For the best scholars, on the other hand, the use of a crib would be risky two ways—not just because of the possibility of detection and subsequent loss of free time and status, but also because the quality of the crib might be inferior to the student's own work—and for those facing the necessity of passing external scholarship examinations the value of the short-cut would be short-lived.

The American analogues to Public Schools, independent preparatory schools,⁵⁵ were latecomers to the British tradition, but a few emulated the requirement for classics—and experienced the same problems with cribbing.⁵⁶ At Justin Martyr, the setting for Louis Auchincloss's *The Rector of Justin*, the practice provides not mere background colour, but a central source of tension in

⁵⁴ Alec Waugh, *The Loom of Youth* (London: Geoffrey Bles, 1972 [first published 1917]): 48.

⁵⁵ In the UK, "prep. schools" prepare for entrance to Public Schools. In the US, by contrast, "prep schools" prepare a student for university admission.

⁵⁶ The Headmaster's wife in *The Rector of Justin* mildly observes that "surely, all schools have trouble with trots... I distinctly remember using one at Miss Yarnell's[.]" Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 150.

the plot. In the midst of a capital campaign the “growing uniformity in recitations” alerts masters to the existence of “trots” (the word for underground translations of classical texts at Justin, though there seems to be no corresponding verb), and the Headmaster directs the Sixth Form and staff to stamp out the practice.⁵⁷ In the course of this crusade a trot is found in the desk of Shelley Tanager, the unlovable son of a potential major donor, and Headmaster leaps on the events as a choice between God and Mammon, pitting him against the trustee (and former pupil) who is cultivating the donor’s gift:

“You must not be so anxious to save the hides of those who can be useful to us. Let us not gain the world and lose our souls!”

“Has it occurred to you,” [the trustee] demanded sharply, “that you may be condemning the boy for the glory of spitting in his rich father’s eye?”⁵⁸

Complicating the situation is the fact that the trot’s presumed owner implicates Max Totten, his own cousin, who attends Justin Martyr through the generosity of the potential donor. The “contrast between Max Totten the able student, brilliant athlete and natural leader and Shelley Tanager the dunce, the fumbler and lone wolf,”⁵⁹ however, points up the probability that it is not Totten who “would be such a fool as to risk his school career for a dozen lines of Ovid.”⁶⁰

Surprisingly, Totten admits to the trot when confronted with Tanager’s accusation. The Headmaster’s wife, however, doesn’t believe it, and upon reflection neither does the trustee. He bluffs the truth out of Totten with a fabrication about fingerprints, and threatens to tell the Headmaster. Totten, however—coming down firmly on the side of Mammon—successfully negotiates for the trustee’s silence:

⁵⁷ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 149.

⁵⁸ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 151-152.

⁵⁹ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 153.

⁶⁰ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 150.

You want old Tanager's money for a greater Justin, isn't that it? In fact, your whole wagon may fall in if you don't get it, and you sure as hell won't get it if little Shelley is bounced. I, on the other hand, have my own deal with old Tanager. He knows all about Shelley and what poor stuff the kid is. He'll know who had that trot, never fear. But he's crazy to have the boy graduate, and it's my job to see that he does. If you will be kind enough to let me go through with my little plan, I'll see that you get through with yours... And otherwise we all get nothing.⁶¹

When the trustee protests that Totten will have an undeserved stain on his character, the boy replies, "For using a trot? Come off it. That's in the category of boyish pranks."⁶² Totten is expelled and Shelley does graduate (though drink and Harvard make for an early grave), his father makes an immense gift, and the reader is left to contemplate the relative values at work in the story.⁶³

Part of *The Rector of Justin's* usefulness is in what it illustrates about our principal sources for nineteenth century cribbing. *Tom Brown, Eric, Stalky, The Loom, and Rector* are all set in boarding schools, where the opportunity both for cribbing and its detection are greater than in day schools. The opportunity for the offense is created both by the predictable (indeed, virtually ossified) assignments, and also by the proximity of students not just to classmates, but to other students who have already progressed through the same stage of education. Similarly, the opportunity for the detection of the offense is created by the ability of teachers to invade the personal space of their students, and to search for the evidence. By just such a search, not by detection during classtime, was Shelley Tanager's trot found.

There is a consistency to the boarding-school culture which transcends both time and geography. *The Rector of Justin* reflects the universality of cribbing in the school context, from student practice to institutional response to "real

⁶¹ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 161.

⁶² Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 161.

⁶³ Louis Auchincloss, *The Rector of Justin* (Boston: Houghton Mifflin Company, 1964): 162-163.

world” perspective. Tanager’s resort to a trot was perfectly consistent with common student practice, so profound an offense to the Headmaster that he was willing to forgo a significant capital gift by expelling the boy, and such a normal part of the boarding school experience that being expelled for it raised in Totten no fears whatever of long-term repercussions. The student’s action is seen from the perspective of the adult world, while the school’s reaction—expulsion—illustrates the gap between that world and the values of academe.

Totten’s remark that cribbing is “in the category of boyish pranks” echoes Lindey’s assessment that schoolroom plagiarism is “innocuous enough”⁶⁴ and indeed supports the persistent view that secondary school plagiarism “is wrong but not serious.”⁶⁵

Institutional Evidence

The Rector of Justin is set in the years just before the First World War, but primary sources from that period are limited. The earliest institutional evidence of cheating in American independent schools appears in the 1923/24 “E” Book of Phillips Exeter Academy, one of the few foundations to invest adequate resources in their archives. The reference is a brief one: “Don’t cheat. Nothing incurs the dislike of your comrades so quickly. The Academy does not tolerate dishonesty.”⁶⁶ Worth noting is the attempt on the part of the Academy to use the power of peer pressure to deter wrongdoing, which implies their recognition that an appeal to a higher moral standard is not sufficient to restrain a convenient or profitable practise.

An expanded discussion of the issue in the 1930/31 “E” Book illustrates the two forms of cheating most common at Exeter.

⁶⁴ Alexander Lindey, *Plagiarism and Originality* (New York: Harper & Brothers, 1952):13.

⁶⁵ Robert Merriam, graduate of Deerfield Academy and Dartmouth College, former Dean of Students at Deerfield Academy and former Headmaster of Stoneleigh-Burnham School. Interviewed 17 March 1999 in Conway, Massachusetts.

⁶⁶ Phillips Exeter Academy, *The “E” Book*, volume XXVI (Exeter, NH: 1923/24): 18.

DISHONESTY — Prompting or other careless dishonesty in a recitation is regarded seriously. Repetition of the offense may lead to probation or dismissal. Deliberate dishonesty in a recitation will be punished by probation or dismissal.

Dishonesty in a written examination will be reported to the Faculty by the instructor, and will be punished by probation or dismissal. Deliberate dishonesty in a written examination will be punished by dismissal.⁶⁷

The prohibition against prompting recalls the much earlier injunction against “telling” and “being told,” and underscores the survival of oral examination well into this century. At the same time, however, the relative venality of “careless dishonesty” compared with “deliberate dishonesty”—the former may be punished, if repeated, by probation or dismissal, while the latter *will* be so, presumably without allowing a first offense—indicates a certain flexibility in interpretation. The greater weight attached to written examinations is shown by deliberate dishonesty being punishable by dismissal, period. Consideration for the *mens rea* remained until the 1944/45 school year, when this text was pared to the simpler, “Dishonesty in an examination or in a recitation is regarded seriously, and may be punished by probation or dismissal.”⁶⁸

The first appearance of the word “plagiarism” in *The “E” Book* was in the 1948/49 edition, which enumerates “dishonesty of any kind, including cheating on a written examination or plagiarism on outside papers” as “[m]ajor offenses, punishable by dismissal.”⁶⁹ It should be noted that recitation has disappeared (though its persistence may be inferred from the otherwise redundant adjective “written” describing examinations), replaced by “outside papers” in the ranks of protected forms of assessment. This reflects the sea-change that took place in independent schools after the Second World War, when faculty members began

⁶⁷ Phillips Exeter Academy, *The “E” Book*, volume XXXIV (Exeter, NH: 1930/31): 25.

⁶⁸ Phillips Exeter Academy, *The “E” Book*, volume XLVIII (Exeter, NH: 1944): 20.

⁶⁹ Phillips Exeter Academy, *The “E” Book*, volume LII (Exeter, NH: 1948): 19.

assigning essays and term papers, particularly in upper-level classes.⁷⁰

Not all schools followed Exeter's example in producing student handbooks. Prior to 1971 teachers at Deerfield Academy were expected to handle all issues of academic honesty themselves. In such cases, or even if the Headmaster were obliged to become involved, the incident was handled individually, rather than according to a book. That changed when, under a new Headmaster, *Deerfield Life* "sprang into existence to satisfy the lawyers"⁷¹ in 1971.⁷² Early editions (the lawyers notwithstanding) generally avoided being too specific on any point, and into the mid-1970s the only applicable reference in *Deerfield Life* was a broad prohibition of "major infractions of school policies (e.g., lying, cheating, stealing or the use of drugs or alcohol)".⁷³ Since then the influence of lawyers has been greater; the description of plagiarism in the current Deerfield student handbook runs to two pages.⁷⁴

The great independent schools of Britain and America sent their graduates off to university in far higher proportion than humbler state schools, and brought their less-salubrious academic skills with them. The practises learned in preparatory institutions became practises applied in university studies. This is the end result of the process which began at the universities, whose entrance requirements and curricula shaped the academic programs of the schools. No less an authority than Thomas Arnold, whose systemic reforms while Headmaster at Rugby transformed British Public Schools, saw this clearly:

The fact is that the public schools necessarily influence the system followed at private ones, and are themselves influenced by the universities, and with these last

⁷⁰ Robert Merriam, interviewed 17 March 1999 in Conway, Massachusetts.

⁷¹ Robert Merriam, interviewed 17 March 1999 in Conway, Massachusetts.

⁷² Deerfield Academy, *Deerfield Life* (Deerfield, Massachusetts: 1971).

⁷³ Deerfield Academy, *Deerfield Life* (Deerfield, Massachusetts: 1974): 14.

⁷⁴ Deerfield Academy, *D.A. to Z: Deerfield Academy Student Handbook 2001-2002* (Deerfield, Massachusetts: 2001): 40-41.

therefore the reform should properly begin, as they will act downwards even upon the smallest schools in the kingdom.⁷⁵

In Arnold's view, what universities demanded of matriculating students the great independent schools had to provide, while lesser institutions in erstwhile competition with the great ones needed to follow suit in order to compete. With these schools providing a steady supply of new students prepared for their curricula, universities had no reason to reform their courses of study. University graduates became schoolmasters, and naturally brought with them both their classical training and their firm belief that theirs was the best education possible. By such circular logic the classical curriculum was entrenched for generations, with cribbing—that compensatory strategy which gave less classically-inclined, or less industrious, students some relief from the linguistic grind—inevitably in its train.

Telling, and Being Told

In humbler places, where Greek and Latin were not part of the curriculum at all, oral work was just as central a part of student evaluation as in the independent schools. Plagiarism as a written offense was unknown, because assignments and resources in the common schools did not offer opportunity for the misrepresentation of one's sources as one's own work. Well into the nineteenth century, when tax-supported public schools became universal in America, students were typically expected to recite their lessons to the teacher. In some places, particularly in rural districts, this practice remained the rule rather than the exception until the Second World War. Even in Britain, where "the mania for examinations [was] pushed to its furthest limits" by 1895, "recitations from small text-books of history and geography" persisted long after it was

⁷⁵ Thomas Arnold to Lord Denbigh, 21 September 1836, quoted in J. R. de S. Honey, *Tom Brown's Universe* (London: Millington Books Limited, 1977): 9. The original is in the Warwickshire Record Office. See also Honey's discussion, 128-130.

pedagogically or economically necessary.⁷⁶

Its advantages were considerable: oral recitation required relatively modest scholarship on the part of the teacher, gave structure to the school day, imposed a kind of public accountability on the students, cost nothing in terms of supplies, and was an accurate vehicle for assessing mastery of the lesson—provided that each student was faithful to the spirit of the exercise. In such a context it was reasonable for academic honesty to be measured in terms of purity during recitation (a standard which persisted in vestigial form, as we have seen, until the Second World War).

As early as 1803, the basic rule of academic honesty was “neither tell nor be told”⁷⁷—*i.e.*, not to whisper information to a classmate who was reciting, or to seek or accept such aid when one’s own turn came. As late as the end of the nineteenth century, teachers were still being trained to view student conduct during recitation in explicitly moral terms:

Quality of moral character will be shown in recitations by the pupil’s accepting or rejecting “promptings” from his classmates; by his trying to conceal his ignorance from his teacher, or by his candid and full statement of his difficulties in comprehending the lesson; and in numerous other ways so well known to teachers of all grades.⁷⁸

‘Telling’ and ‘being told’ were thus indicators of poor character, and punished as such.

Moral Values

There is little foundation for the assumption that students are unaware that claiming another’s work is their own is morally wrong. Children know in the elementary grades that “copying” and “cheating” are forbidden, and indeed struggle chiefly with the question of whether or not to report to the teacher

⁷⁶ W. Mitchell, “Reform in Education,” *International Journal of Ethics*, VI (October 1895): 30-31

⁷⁷ Rules of Sarah Pierce Academy, 1803. Litchfield (CT) Historical Society.

⁷⁸ Ruric N. Roark, *Psychology in Education* (New York, Cincinnati, Chicago: American Book Company, 1895): 234.

peers who do cheat.⁷⁰

The moral standards of students have (consistent with the mission of public education to produce good citizens) long been an explicit concern of educators, and studies of honesty and cheating have been published almost as long as there has been a professional literature. In 1926 two scholars conducted a survey of students in two Texas high schools as a follow-up to similar studies using University of Texas men and other undergraduates. This survey asked respondents to rank by value and frequency fifteen behaviors of dubious morality: Cheating, Dancing, Drinking, Extravagance, Gambling, Gossip, Idleness, Lying, Sabbath-breaking, Selfishness, Smoking, Snobbishness, Stealing, Swearing, and Vulgar Talk. All groups ranked Cheating as the second-worst practice (only Stealing was worse), and either fifth or sixth in frequency.⁷¹ A follow-up survey six years later confirmed these results.⁷² The authors of these studies interpreted the data as showing “dishonesty” as more blameworthy than “social vice,” though somewhat—but only somewhat—less common.

One would give a great deal to know precisely what the students who participated in these studies meant by “cheating,” but that seems irrecoverable (though “cheating on examinations” is probably the correct interpretation). The authors did, however, conclude that “the moral ideas and conduct of high-school students are very similar to the moral ideas and conduct of university

⁷⁰ For a discussion of one case study, see Robert Coles, *The Moral Intelligence of Children* (New York: Random House, 1997): 35-41. For a sample of children’s and young adult books that address this topic, see Molly Mia Stewart, *Elizabeth, the Tattletale*, #47 in Francine Pascal’s Sweet Valley Kids series (New York: Bantam Books, 1994); Robert Vitarelli, *Caught Cheating, and other short stories* (New York: Young Readers Press, 1974); Martyn Godfrey, *Here She Is, Ms Teeny-Wonderful!* (Richmond Hill, Ontario: Scholastic-FAB Publications, 1984); Mary Anderson, *Do You Call That a Dream Date?* (New York: Delacorte Press, 1987); and Kate William, *Elizabeth Betrayed*, #89 in Francine Pascal’s Sweet Valley High series (New York: Bantam Books, 1992).

⁷¹ G. S. Slavens and A. P. Brogan, “Moral Judgments of High-School Students,” in *The International Journal of Ethics*, vol. XXXVIII (1927-28): 60-61.

⁷² Joseph K. Johnson and Kingsley Davis, “An Attempt to Discover Change in Moral Attitudes of High-School Students,” in *The International Journal of Ethics*, vol. XLIV (1933-34): 244-251.

students."² This begs the question of whether high school students simply acquired the values that their predecessors held, or whether former high school students brought their attitudes with them when they went to university. In fact, of course, these are not mutually exclusive, and it seems likeliest that students simply maintained in university the values that they learned in their younger years (though they did become more familiar with "social vices" in university³).

If this supposition is correct, then earlier studies of university students may be used as some indication of the prevailing values and practices of high school students at about the same time. There may have been students whose experience paralleled the hypothetical case postulated by one moralist, who thought that young men would maintain their values "only on condition that the young man is surrounded always by the influences of [his] home"⁴:

The boy to whom it has never seriously occurred to cheat in any way goes to college, and at the close of his first term finds his new friends preparing cribs for the impending examinations. He discovers that his unpreparedness in this direction is on the whole a source of amusement to his companions, while offers of instruction and aid are plentiful."

While some may have taken for granted that heading off to college meant automatic corruption, there is little evidence that this was actually so. Given the dearth of statistical, and even anecdotal, data, we must infer what we can from university sources when the high schools themselves fail us.

² G. S. Slavens and A. P. Brogan, "Moral Judgments of High-School Students," in *The International Journal of Ethics*, vol. XXXVIII (1927-28): 69.

³ As one indication, Slavens and Brogan declined to retain in their high school study the category "sexual irregularity", which had been an item on the university survey.

⁴ Frank Chapman Sharp, "Some Aims of Moral Education," *International Journal of Ethics*, IX (October 1898, January, April, and July 1899): 216.

⁵ Frank Chapman Sharp, "Some Aims of Moral Education," *International Journal of Ethics*, IX (October 1898, January, April, and July 1899): 216.

Curricular Change

During the tremendous curricular changes over the course of the twentieth century, high schools began to deliver mixed messages about attribution and thus may have contributed to confusion about plagiarism. These contradictory ideas come from both pedagogical methodologies (such as collaborative learning⁷⁰) and individuals: even today some teachers place a higher premium on information than on attribution, or on product rather than process. College writing manuals offer some clues, for practices they specifically mention may be assumed to have been current at the time of publication. One introduction to the research paper, for example, advises students that “what you have done in school as a ‘report’” is merely “sanctioned plagiarism to teach [the student] something about ants or Ankara,”⁷¹ and unacceptable as a college assignment. Even today, in virtually any secondary school, students may receive contradictory information about what constitutes acceptable practice from teachers in different disciplines. This view is supported by anecdotal evidence that, until very recently, plagiarism at the secondary level consisted mainly of “copy[ing] one another’s homework... mak[ing] too-liberal use of reference texts in preparing our term papers” or writing English essays more or less straight out of *Coles* (in the U.S., *Cliffs*) *Notes*.⁷²

There does seem to be evidence to support the hypothesis that schools began to use the term “plagiarism” only some considerable time after universities did so, whether because of the eventual replacement of teachers who

⁷⁰ See Robert I. Stahl, *Cooperative Learning in the Social Studies* (Menlo Park, CA: Addison-Wesley Publishing Co., 1994) for examples of activities that may send mixed messages.

⁷¹ Sheridan Baker, *The Complete Stylist* (New York: Thomas Y. Crowell, 1966): 218.

⁷² The earliest reference I can find in the public media to *Coles Notes* (which first appeared in 1948) is John Cartwright, “Those ‘Crib Notes’”, in the *Ottawa Journal*, June 24, 1961. An interview with Jack Coles (who started it all) worth reading is in Glen Allen, “Coles notes are sweeping the world,” in the *Toronto Star*, March 14, 1969. I am grateful to Helena Aalto at Chapters (the heirs to Coles) for copies of the company’s vertical files on *Coles Notes*.

trained for the profession in normal schools by university-educated faculty,³⁰ or for some other reason. Whatever the cause, by the early 1970s schools had begun to codify their rules or to modify existing guidelines on academic honesty to bring them into conformity with contemporary postsecondary practice.³¹

That said, it is clear that schools have never viewed plagiarism as seriously as do universities. There is no evidence, for example, that a student has ever been expelled from a public secondary school for it. This is not because high school students do not plagiarize; teachers believe students are more likely to cheat now than they were a generation ago,³² and evidence from surveys of university classes³³ indicates that students take shortcuts long before they come to college. (One student memorably told his professor that “in high school you copy from the encyclopedia. In college you copy from a real book.”³⁴) Probably teachers either accept and cope with such mistakes as a natural part of the learning process, or consider the offence so far down the list of problems being faced in the classroom that it is not worth making an issue of it.³⁴ Some may not even notice.

³⁰ I am indebted to Robert Bérard of Mount Saint Vincent University for this suggestion.

³¹ Miss Hall’s School (Pittsfield, Massachusetts), for example, did this explicitly in 1971.

³² The Carnegie Foundation for the Advancement of Teaching, *The Condition of Teaching: A State-by-State Analysis, 1990* (Princeton, N.J.: Princeton University Press, 1990).

³³ See as an example Doris Dant, “Plagiarism in high school: a survey” in *English Journal*, 75:2 (1986): 81-84. For caution about underreporting in this method of sampling, see N. J. Scheers & C. Mitchell Dayton, “Improved estimation of academic cheating behavior using the randomized response technique” in *Research in Higher Education*, 26:1 (1987).

³⁴ Quoted in Alice M. Roy, “Whose Words These Are I Think I Know: Plagiarism, the Postmodern, and Faculty Attitudes,” in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 55.

³⁵ In a recent survey of high school students, nearly half of the respondents (47%) believed that teachers sometimes ignore cheating. 18% thought that the reason a teacher turns his back on cheating is a reluctance to “deal with [the] hassle,” while 7% thought that teachers believe it “[n]ot worth [the] trouble on small assignments.” 11% believed the teacher simply doesn’t care. See Donald L. McCabe, “Student Cheating in American High Schools” (May 2001): posted online at <http://www.academicintegrity.org/hs06.asp>.

Testing, Testing

The introduction of research papers was one of two major changes in student assessment which took place in the twentieth century. By the end of the nineteenth century, oral recitation was gradually being supplanted by written examinations as the chief means of assessing student progress. The oldest forms of examination—entrance exams, and regular testing to determine progress in school—were then joined by standardized testing in the mid-twentieth century.

Ordinary schoolroom testing was subject to the same guerrilla tactics that students had used in earlier generations when construing Latin passages or reciting lessons. As long as schools have given tests ill-prepared pupils have secreted illicit crib sheets somewhere about their persons, or written notes on their shirt-cuffs, or copied off neighbors' papers, or whispered to one another when the teacher's attention was distracted, or employed in their hours of desperation other of the myriad strategies that pedagogues have long classified as "cheating." The great majority of these stratagems were merely subvariations of plagiarism: measures intended to convey to the teacher false evidence of academic achievement and subject mastery.

Entrance examinations, the original form of high stakes testing, have been a fact of life for ambitious students for many years. In the prestige-obsessed Victorian period, one of the measures of whether a foundation was or was not considered a Public School (upon which institutional survival might depend) was how it ranked on scholarship examinations.⁴⁵ While such results mattered less to parents, they were taken seriously by the schools—who created the Oxford and Cambridge Higher Certificate Examination in part to place more control over the results in their own hands and in part to level the playing field between the

⁴⁵ J. R. de S. Honey, *Tom Brown's Universe* (London: Millington Books Limited, 1977): 244-247, 264.

majority of schools and the nine Great Schools.” Nor has the fact of exam-result importance changed substantially in the last century; even today British schools anxiously await the announcement of their places on the annual performance league tables.

Standardized testing—*i.e.*, tests which are designed to measure general ability or achievement, are much more recent, dating to the emergence of the Scholastic Aptitude Test (SAT) in the US in 1947 and the more important Certificates for Secondary Education (better known by their abbreviated names, “O” [for Ordinary] and “A” [for Advanced] Levels) in the UK in 1951.³⁷ These replaced entrance examinations at the universities themselves, saving institutions money and offering them scores based on a national rather than self-selective sample. Their purpose was, and remains, to provide a just standard of comparison for choosing between candidates—a level playing field.

In some jurisdictions (*e.g.*, New York State, with its Regents examinations, and Alberta, with its Departmentals) testing has for years been a requirement of graduation from state schools. Recently many other jurisdictions—including, at this writing, 49 of the 50 American states—have joined these in establishing criterion-referenced exit examinations as a precondition for a secondary school diploma. Adopted as part of a broad movement for educational reform, these examinations are intended to guarantee that no student receives a state diploma without a minimal level of literacy, numeracy, and academic competence.

With so much riding on the examination results—high school graduation, university admission, scholarship monies, or perhaps all three—a level playing field³⁸ is hardly advantageous to insecure or marginal students. Proving the old adage that “where there’s a will, there’s a way,” such students have sought ways

³⁷ J. R. de S. Honey, *Tom Brown’s Universe* (London: Millington Books Limited, 1977): 246.

³⁸ For a thoughtful essay on the changing nature of British testing, see Lee Elliot-Major, “Have exams got easier?” *The Guardian*, 28 October 2000. Online at www.guardian.co.uk/dumb/story/0,7369,387439,00.html.

to circumvent the objective measure that exams are intended to provide. In the context of high-stakes testing, the concept of plagiarism covers a gamut of the activities designed to give students credit for a better mark on exams than their actual knowledge or ability merits. These range from smuggling unauthorized materials (*e.g.*, crib notes, programmable watches, and so on) into the exam room, to illicitly obtaining prior knowledge of the test questions, to using better-qualified surrogates pretending to be the student.

Theft of internal examination papers is a theme that has already been discussed in the previous chapter. For many years external examinations were free from being compromised by espionage, but with their increasing importance to an increasing number of students new ways have been found to seek credit for false mastery. These have ranged from sophisticated time-zone fraud on the British A-levels (in which students writing the examinations in eastern time-zones telephone or e-mail information about the questions to others in more westerly longitudes¹⁰) to the corruption of print-shop workers with access to proofs. If necessity is the mother of invention, desperation must be its midwife.

Concerns about the integrity of examinations has led both jurisdictions and companies such as the Educational Testing Service (which administers the SATs) to adopt substantial security measures. Administrators are responsible for checking the examination papers when they arrive, keeping them under lock and key before and after the test, arranging adequate supervision of the sitting, and attesting to each sitting's freedom from irregularity (or describing it). Since the effectiveness of these measures depends utterly on a school's integrity, testing companies and departments of education must rely on the honesty and vigilance of each Principal to guarantee that all appropriate measures are taken

¹⁰ Glen Owen and Laura Peek, "Timezone cheats using Net for exams," *The Times*, 02 June 2001. Online at <http://www.thetimes.co.uk/article/0,,2-2001190449,00.html>.

to safeguard the exams and—by extension—their results. That trust, however, is sometimes unwarranted.

Erasergate™ and Third-Party Plagiarism

An intended collateral benefit of exit examinations is to make schools more accountable for student learning, with a wide range of incentives and consequences for staff and institutions alike attendant upon results. Such measures make secondary school exit examinations a high-stakes proposition for teachers and schools as well as for students, and provide the impetus for an emerging phenomenon: third-party plagiarism.

With institutional revenues and individual bonuses at risk, teachers began to take steps to improve (critics would say, inflate) their pupils' performance. As the *Washington Post* describes the phenomenon,

[a]n obsession with test scores has spawned a national wave of cheating. Much of what test critics put in the category of cheating is under the radar and "systemic": skewing the instructional program to neglect subjects not tested, like science and music; incessant drilling to the test; shunting more students to special education, where their scores do not count.¹⁰⁰

The trend to accountability testing began in Texas in 1990, when the Texas Education Agency (TEA) announced its ambitious Texas Assessment of Academic Skills (TAAS). In its first four years the TAAS fully rewarded its creators' confidence, as the number of students passing rose from 56% in 1994 to 78% in 1998, while the number of low-performing school districts fell from 34 to four in the same period.¹⁰¹ Evidence that some teachers were cheating on the TAAS appeared almost immediately, however, and had spread by 1996. In 1998 a major scandal broke in the Houston Independent School District (HISD), where

¹⁰⁰ A term applied to standardized-testing scandals in both Stratford, CT, and Houston, TX.

¹⁰¹ Michael Sokolove, "True or False? A Year Later, Montgomery County's Cheating Scandal Reassessed," *Washington Post*, 24 February 2002: W18.

¹⁰² Claudia Kolker, *Los Angeles Times*, "In Texas, school exam scandals put high-stakes trend to the test," *Boston Sunday Globe*, 18 April 1999: A24.

two elementary schools, Kashmere Gardens Elementary and Berry Elementary, submitted TAAS scores that were dramatically—suspiciously—improved over the year before. Irregularities in exam administration were reported at Kashmere Gardens, and erasure analysis showed that “one third-grade class [there] had 15 times more erasures than the state average, and 100 percent of the answers were changed from wrong to right.”¹⁰² (It is also suggestive that HISD schools as a group show excessive erasures chiefly on the TAAS portions which are included in schools’ accountability ratings.) At Berry, the percentage of students who passed rose from 57 the year before to 94.5, and teachers at the school reported exam tampering directly to the superintendent.¹⁰³ In neither case did the HISD or the TEA investigate until *The Houston Press* ran an exposé of the cheating. Since the educational hierarchy placed so little credence in the integrity of the exams, the state legislature did: in 1999 Texas made it a crime—a felony!—to alter standardized test answers.¹⁰⁴

This is not solely a Texas phenomenon. Notable scandals of similar sort have erupted in California,¹⁰⁵ Connecticut,¹⁰⁶ Massachusetts,¹⁰⁷ Michigan,¹⁰⁸ New

¹⁰² Shaila Dewan, “The Fix Is In: Are educators cheating on TAAS? Is anyone going to stop them?” *Houston Press*, 25 February 1999. Online at www.houstonpress.com/issues/1999-02025/feature/html.

¹⁰³ Shaila Dewan, “The Fix Is In: Are educators cheating on TAAS? Is anyone going to stop them?” *Houston Press*, 25 February 1999. Online at www.houstonpress.com/issues/1999-02025/feature/html.

¹⁰⁴ Michael Sokolove, “True or False? A Year Later, Montgomery County’s Cheating Scandal Reassessed,” *Washington Post*, 24 February 2002: W18.

¹⁰⁵ Richard Winyon, “Adults Altered Pasadena School’s Tests, State Say,” *Los Angeles Times*, 18 January 2001. See also Martha Groves, “Teachers in Cheating Probe Face Discipline,” *Los Angeles Times*, 22 January 2000.

¹⁰⁶ Helen O’Neill and Denise Lavoie, Associated Press, “‘EraserGate’ scandal shatters community’s pride in school,” *Dallas Morning News*, 13 April 1997: 40A.

¹⁰⁷ Jodi Wilgoren, “Cheating on Statewide Tests Is Reported In Massachusetts // At Least 19 Schools Guilty, Magazine Says” *New York Times*, Friday, 25 February 2000: A14. Nancy C. Rodriguez, “Cheating teachers skews schools’ test scores,” *Eagle-Tribune*, 22 July 1999. Online at www.eagletribune.com/news/stories/19990722/FP_002.htm. Anand Vaishnav, “City teacher allegedly helped summer pupils pass key test,” *Boston Globe*, 15 August 2000: A1, A16.

¹⁰⁸ Associated Press, “MEAP Cheating // Michigan discretely examines allegations,” *Toledo Blade*, 28 May 2002: A9.

York City (where 32 schools were implicated),¹⁰⁸ the United Kingdom,¹⁰⁹ and undoubtedly other jurisdictions as well. Most were of the crude variety already described, but one which bears consideration for its difference occurred in Maryland in March 2001. The mathematics portion of the sixth grade Comprehensive Test of Basic Skills was compromised at Silver Spring International Middle School (SSIMS) when the math team leader photocopied the test and distributed the questions to eight teachers in advance.¹¹¹ At least one of the teachers unwittingly assigned some of the CTBS questions as homework, and another modeled classroom examples closely on the actual test questions. When students told the proctor during the administration of the CTBS that they had seen the questions before, the proctor reported this to the principal, who in turn reported it to the board office. The superintendent consequently began an investigation which ultimately resulted in the demotion of the principal, the dismissal of the assistant principal, the suspension of the math team leader for five years and of two other teachers for one each, the invalidation of the CTBS results, and a \$425,000 (US) penalty levied against the district by the state for the cost of the testing.¹¹²

The essential sin of the SSIMS staff seems to have been that their particular means of seeking a competitive advantage on the CTBS was overt rather than “systemic.” As in the Houston cases already noted, SSIMS staff sought to capitalize on the possession of actual exam materials, rather than simply playing

¹⁰⁸ Abby Goodnough, “Teachers Are Said to Aid in Cheating: Answers Allegedly Supplied in Tests in New York Schools,” *New York Times*, 8 December 1999: A1, A24; Lynette Holloway, “New York City Cheating Scandal’s 3 R’s: Read, Right, Wrong,” *New York Times*, 9 December 1999; and Abby Goodnough, “Union Challenges Investigator’s Finding on Teacher Cheating,” *New York Times*, 10 December 1999: C20.

¹⁰⁹ Glen Owen, “Teachers face inquiry into test cheating,” *The Times*, 20 July 2001. Online at www.thetimes.co.uk/article/0,,2-2001260937,00.htm.

¹¹¹ Michael Sokolove, “True or False? A Year Later, Montgomery County’s Cheating Scandal Reassessed,” *Washington Post*, 24 February 2002: W18.

¹¹² Michael Sokolove, “True or False? A Year Later, Montgomery County’s Cheating Scandal Reassessed,” *Washington Post*, 24 February 2002: W18.

the now-widespread game of teaching to the test. It was their generation of review materials from an advance copy—thus compromising exam security—which went over the line separating acceptable test preparation from fraud.

Contrived Opportunity

In both Texas and Maryland the staff succumbed to the easy temptation of what may best be termed *convenient opportunity*. They took no extraordinary steps to put into their own hands the means for falsely representing their students'—and, by extension, their own—achievement, but rather seized the opportunity when it appeared. This is similar to the student who copies from his neighbour during a test when it is clear that he cannot answer the questions himself.

The alternative form is *contrived opportunity*, which (as the term suggests) requires premeditation and overt action. Just as a student who brings crib notes with him to a test has contrived an opportunity to cheat, so too have adults who devise extraordinary means either of advance access to test materials or *post hoc* access to student responses. An example of the former occurred when the New Oriental School, a leading test-preparation school in China, used questions stolen from the Educational Testing Service to coach students about to take E.T.S. exams in order to study in the United States.¹¹³

Students who are familiar with the test questions are likely both to score higher than they would otherwise do and give an inflated indication of ability (the very reason why university students break into offices to steal copies of their exams), and to enjoy a relative advantage over competitors who are confronting those items for the first time. Thus companies which resort to such unscrupulous methods are able to tout their services by pointing both to

¹¹³ Daniel Walfish, "ETS Sues Exam-Coaching School in China, Charging Theft of Test Questions," *Chronicle of Higher Education*, 5 February 2001. Online at <http://chronicle.com/daily/02/2001020508n.html>.

absolute and to relative scores as evidence of the efficacy of their programs (and not without cause, for their programs are indeed responsible for the superior performance of their clients). Such third-party plagiarism is in fact a form of industrial espionage, which confers a commercial advantage upon the concern which can inflate scores on standardized tests. By our definition this is plagiarism twice over, giving both a false (because exaggerated) impression of clients' ability and an equally false (because fraudulent) indication of the efficacy of the company's instructional methods.

Unlike the criterion-referenced exit examinations, which would theoretically award top marks to all students taking them if every one demonstrated the required mastery, national standardized tests such as the American SAT rank student achievement according to a percentile scale. Such examinations thus pit each individual test-taker against every other in the battle for relative position on the percentile scale.

The only third-party *post hoc* exam irregularities which have been exposed to date have been acts of convenient opportunity, probably because modern shipping methods have cut the time between testing and scoring to such a narrow window that even a determined plagiarist cannot count on after-the-fact access to completed but unscored papers. It is far easier, and less vulnerable to detection, for someone outside the system to breach security for an early glimpse at exam content, than to manipulate the answers on a specific test paper. That said, the recent emergence of significant third-party plagiarism suggests that it is only a matter of time before some such a story emerges.

These cases illustrate that students are not the only parties to high-stakes testing who are susceptible to temptation: when bonuses—even jobs—are on the line, educators may be as likely to plagiarize as their students.

False representations of student achievement are not limited to testing. In

addition to the overt *suggestio falsi* of manipulated test answers, schools may on occasion commit the sin *suppressio veri*,¹¹⁴ as when [for example] an unfavourable grade is expunged from a student's record.¹¹⁵ It should be kept in mind that (particularly in the United States) the acceptance of students by competitive universities contributes to the prestige of the secondary schools they attend, which gives those institutions an implicit stake in their students' admissions efforts. Inflated letters of reference and the suppression of poor grades are tools that schools can use to boost a student's prospects in the admissions derby.

While there is no way to substantiate the supposition, it seems likely that more grades are deliberately inflated farther down the academic ladder than in the top set. In such cases charity rather than institutional self-interest is the likeliest motive, as teachers bump up marks so that students who would not benefit by another year in high school can graduate.¹¹⁶ This is a common enough practice, firmly rooted in the culture of schools and generally appreciated both by the beneficiaries of this largesse and their parents. *Ex post facto* grade manipulation becomes a questionable practice only when administrators unilaterally alter marks—a practice which infuriates teachers and compromises

¹¹⁴ These apt terms are Kipling's. *Stalky & Co.* were "guilty both of 'suppressio veri' and 'suggestio falsi' (well-known gods against whom they often offended)." Rudyard Kipling, *Stalky & Co.* (New York: Dell Publishing Company, 1969 [originally published 1899]): 46.

¹¹⁵ See, for an example, Jordana Hart, "Cambridge school officials allegedly erased student 'C'," *Boston Globe*, 28 December 1999: B1, B6.

¹¹⁶ This charity comes before grades are submitted, when a teacher "finds" a few extra points because failing a student will serve no useful purpose. (To offer an example drawn from personal experience, Linda Miles once gave me—I use that verb for reasons of accuracy—a passing mark in second-year German, on the strict understanding that I never defile the language again. I have kept my part of the bargain.) Since teachers have discretion in assessing student performance—provided that they can substantiate the justification for a failing grade (no student is known to have demanded documentation of a passing grade)—this is a very different matter than the administrative sleight-of-hand which voids the teacher's judgement and anonymously awards the pass.

institutional integrity.¹¹⁷

Setting an Example

Administrators and officials have also committed plagiarism without reference to student performance. Just as universities have been embarrassed by an apparent double standard regarding plagiarism, so too have schools and school systems. In 1999, for example, in an incident reminiscent of both the Jacoby and Maitre cases, the superintendent of the Hopkinton, Massachusetts, schools gave a commencement address that was identifiable (and identified) as largely borrowed from an earlier graduation speech given at (ironically enough) Georgia Tech, which had enjoyed widespread circulation on the internet.¹¹⁸ Though the superintendent briefly tried to excuse himself on the grounds that the text was in the public domain—a familiar irrelevancy—he resigned.¹¹⁹

An even more *outré* case occurred in 1985, when one Joseph Casper, a member of the Boston School Committee, gave a colleague's commencement speech (a draft of which he had pulled out of her wastebasket), immediately before she was expecting to give it herself.¹²⁰ Completely unabashed, Casper later facetiously declared that "[i]t was God's will. He put it in the wastebasket in front of me," and concluded that "[t]he moral is, I guess, don't leave speeches in

¹¹⁷ Justin Blum, "Grade Changes Found at Top D.C. School // Teacher's Discoveries at Wilson High Prompt Investigation," *Washington Post*, 9 June 2002: C01. Online at <http://www.washingtonpost.com/wp-dyn/articles/A18814-2002Jun8.html>. The Wilson High case featured 29 instances of inappropriately inflated grades, of which 11 have been substantiated to date. Each of these worked to the student's benefit, in several cases providing the margin by which the student received his high school diploma.

It is rare for grades to be adjusted downward, but it does happen. In Port Clinton, Ohio, the grade-point averages of 550 students who had taken Advanced Placement courses were modified so that their weighted marks were less than the school formula called for—thus altering class rank to the presumed benefit of others. See Steve Murphy, "Youths affected in GPA scandal to review data," *Toledo Blade*, 23 April 2002: B1. For the follow-up story noting correction of GPAs and class rank, see Steve Murphy, "Port Clinton schools fix 85 students' transcripts," *Toledo Blade*, 31 May 2002: B1, 2.

¹¹⁸ Associated Press, "Schools chief admits lifting speech," *Boston Globe*, 10 July 1999: B3.

¹¹⁹ Globe Staff and Wires, "Hopkinton Schools leader says he'll leave in 2000," *Boston Globe*, 22 July 1999: B4.

¹²⁰ "Casper's Code of Ethics," *Boston Globe*, 7 June 1985: 14.

wastebaskets."¹²¹ Casper's set a standard for individual misconduct, but even an entire educational bureaucracy can be implicated in wholesale plagiarism. A clear example (discussed in Chapter Two) is the Province of Saskatchewan's major 1984 report on education, *Directions*,¹²² which may hold the record for the number of layers of rationalization,¹²³ though none equalled Casper's ("I liked it. It was a good speech. I was so moved by it, I thought I'd give it. I never said it was mine."¹²⁴) for sheer brazenness.

Teachers and administrators, however, are not the only adults who engage in third-party plagiarism. Most cases involve curriculum-based projects and assignments rather than high-stakes testing, and are committed by parents.

Parental Involvement

It is a truism within the profession that the greatest general predictor of student success is the extent to which parents value and support academic success, so schools are reluctant to discourage parental involvement. Moreover, schools are reluctant to handicap students for having supportive parents, or to lower expectations for students from disadvantaged backgrounds. Given the laudable wish not to punish students for the sins of their parents, the question of how to establish and enforce the limits of acceptable parental involvement is, in education, the quandary that dare not speak its name.

Assessment in the secondary and younger grades is largely based on three kinds of student output: regular homework, periodic major projects (e.g., the Science Fair), and in-class tests. The last can be dismissed from this discussion,

¹²¹ Joseph Casper, quoted in the editorial, "Casper's Code of Ethics," *Boston Globe*, 7 June 1985: 14.

¹²² *Directions* (Regina: Saskatchewan Education, 1984).

¹²³ Donald Cochrane, "Taking Our Directions From Washington," in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development* (Toronto: Kagan and Woo, Limited: 1987): 37-61.

¹²⁴ Joseph Casper, quoted in the editorial, "Casper's Code of Ethics," *Boston Globe*, 7 June 1985: 14.

because nowhere are parents discouraged from helping their children study for tests, whether by making flashcards of the material, by quizzing them on the subject after dinner, or by devising another review strategy. While it is not difficult to conceive that a parent might help his child contrive crib-notes (or some such device) prior to a test, no such story has yet appeared. As a general proposition, schools have no requirement that children study independently for tests, and are glad to have parents, siblings, friends, and even tutors help them.

(It should be noted here that an entire industry has sprung up to profit from student and parent anxiety about standardized tests. In the United States the Kaplan empire and its competitors—including their overseas kin like the New Oriental School—promise to bolster client performance on the high-stakes SAT. Far from discouraging applicants from patronizing such establishments, admissions offices and consultants even recommend it for students whose percentile ranking is deemed marginal.¹²⁵ It is only a matter of time before such companies expand aggressively into the exit examination market, targeting those whose secondary school diplomas hang in the balance. Online test-prep. businesses such as TestU.com are already beginning to do so.)

Regular homework, however, is another matter. Problems sets in mathematics, chapter questions in history, book reports in English, translations in second language courses, and the like, are all assigned to preview or reinforce

¹²⁵ At times this is taken to an absurd degree. When my son applied to Phillips Exeter Academy he was required to write the SSAT, which is the middle-school equivalent of the SAT. When reviewing his file, the admissions officer at Exeter recommended that he take a Kaplan course to improve his 96th percentile standing.

This is troubling both logically and morally. If it can be assumed that a student who scores in the 96th percentile —*i.e.*, higher than 96% of those taking the same test nationwide— without using a commercial “crammer” will improve his standing by doing so, it seems pointless to direct that student to attend the crammer. If the school judges applicants strictly on the basis of a post-crammer examination, it would be more honest to make the Kaplan course an overt part of the process up front. Since the SSAT and other tests are supposed to give an indication of a student’s academic ability (rather than the far more narrow knack of taking a standardized test), the suppression of an institution’s interest in post-crammer scores is disingenuous at best.

work done in class, and bolster student comprehension of the subject matter. Grades are given to ensure that students actually do the work, but the point of the exercise is not primarily to generate marks. When the student does not do the homework himself, whether or not he turns in a completed paper is irrelevant. According to the same value/credit paradigm that applies to university studies, if a student does not complete an assignment, his receipt is invalid, and he should receive no credit for the work he falsely claims is his.

Parents, however, sometimes lose sight of the purpose of an exercise, and fallaciously consider that turning in a book review (or twenty algebra problems, or a lab report) is more important than doing it. This is particularly true of ambitious parents who view each assignment as just another hoop to jump through on the way to Yale Medical School, and of overprotective parents who want to protect their offspring from the consequences of inadequate effort or ability. That the student would be better off doing his own work,¹²⁶ even if it earned a lower mark, does not occur to the parent who does not value schoolwork for its own sake.¹²⁷

The challenge for educators lies in determining the thresholds for limiting assistance or requiring acknowledgment of it. This is in part a question of the age and academic level of the student—elementary school teachers are commonly confronted by assignments completed at home which are far superior to the

¹²⁶ It is likely that such overzealous assistance does more harm than good. Forgoing the value in an assignment places the student at a modest disadvantage, which becomes incrementally greater with the number of exercises actually completed by his parent. While one hesitates to overstate the importance of homework, over time some students might find themselves dependent upon parental assistance because they have not acquired the skills that the assignments were intended to develop.

¹²⁷ Occasionally a story appears which illustrates the extent to which parents will go to enhance an offspring's academic performance. One such appeared in December 1999, when the Deputy Superintendent of the Cambridge (Massachusetts) public schools was ousted for having pressured employees to write two Shakespeare papers for his daughter in college. Beth Daley, "School official accused of helping daughter cheat," *Boston Globe*, 21 December 1999: B1, B10. See also Beth Daley and Mac Daniel, "Cambridge school official apologizes, quits," *Boston Globe*, 22 December 1999: B9.

work that the same student generates in class, indicating that Johnny's parents have done Johnny's homework—but more broadly the issue is one of the relationship between the value of the assignment and the importance of the end product. Schoolwork completed in the elementary grades is usually of only evanescent importance (save perhaps as refrigerator art), though the value a student receives by completing an assignment may be considerable. Schoolwork has value only to the extent that it is done by the student, however, and when a student plays only a subsidiary role in the completion of a project it is of proportionally little worth.

Traces of parental involvement are greatest on substantial assignments such as Science Fair projects, when the sophistication of language and the professionalism of presentation lead teachers and judges to suspect that the project is substantially not a student's own work. Some degree of adult assistance (which varies according to the age of the student) is required, from purchasing materials to handling dangerous tools, but the student is expected to choose the project, conduct the experiment, and record, interpret, and present the data. Whether the student has actually done so can usually be determined by asking the student to explain the data or define some of the more difficult words used, and sometimes simply by asking him directly how much of the project his parents did. Determining the extent of parental involvement is not the same as knowing how to grade the work, however. For most teachers, inviting a battle over authorship of the project—which inevitably risks the implication of dishonesty—is a no-win proposition.

In assessing work of dubious authorship a teacher must consider two questions. One is comparative and competitive: Which project should win the Science Fair? The other is individual and relative: What grade should this particular project receive? Judges often shy away from awarding their laurels to

projects which seem to be substantially the work of adults. Because of the subjectivity which is part and parcel of such an exercise, such *sub rosa* decisions can be made to the satisfaction of a judge's sense of justice without confronting the essential issue, which is the inappropriate degree of parental involvement in the project. Teachers, however, have no such flexibility when awarding grades, and are thus faced with the unenviable choice of either giving a grade higher than that merited by the student's actual contribution to the project, or antagonizing parents who have worked on the project themselves. (A similar occupational hazard attends the marking of essays: many teachers have suffered appeals of grades by parents who helped write the paper—a mortifying experience for all concerned.) The best a teacher can hope for in such circumstances is a profitless debate, in which the assignment's intended student outcomes are lost in a fog of explanation and justification. Small wonder that teachers typically give good grades to such projects—which, the question of authorship aside, usually deserve them—and then move on.

The same values that lead a parent to commit third-party plagiarism also play a role in parental opposition to standards of academic honesty. Neither teachers nor administrators seek out confrontation with students and parents (in which the initial issue tends to become submerged in an adversarial relationship), and responding moderately to plagiarism when it is detected is politically as well as pedagogically prudent. A cautionary tale of what can go wrong when academic dishonesty is confronted may be found in the example of the Piper, Kansas, biology teacher who made national headlines when her school board decided to overrule her enforcement of published rules against plagiarism.

Pipergate¹²⁸

In December 2001 Christine Pelton, who used the *turnitin.com* detection engine to check suspicious papers, found that 28 of her 118 grade 10 biology students had plagiarized internet websites for a research project on leaves. She applied the school rule, which was included on the course outline that parents and students had been required to sign at the beginning of the semester, and gave the plagiarists zero on the assignment. Since the project was worth 50% of the semester grade, this would have the effect of failing the cheaters for the course. Pelton was supported by her principal and superintendent, both of whom saw the material and agreed that the plagiarism was beyond question.

Initial public and press reaction was hostile. The parents of the plagiarists went to the Piper School Board, which behind closed doors overruled the teacher, principal and superintendent. On December 11th the board directed the superintendent to order Pelton to reduce both the penalty and the value of the assignment. Pelton resigned the next day. The local television station later ran a segment which implied that there hadn't really been any plagiarism.¹²⁹

The Associated Press, however, thought that the story was worth reporting. In January 2002 a succession of stories about dishonesty were making headlines, from historians Stephen Ambrose and Doris Kearns Goodwin to the deepening Enron scandal, and plagiarism was topical again.¹³⁰ When the AP picked up the item from the *Kansas City Star* and ran a small piece about the Piper case it appeared all over the country and abroad, and became a major

¹²⁸ Mike Hendricks, "You could almost call it Pipergate," *Kansas City Star*, 30 January 2002.

¹²⁹ KMBC 9 News, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers," 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html.

¹³⁰ One columnist even detected an "inescapable parallel" with John Walker Lindh, the "American Taliban": the "apparent inability of some main character to tell right from wrong." Mike Hendricks, "You could almost call it Pipergate," *The Kansas City Star*, 30 January 2002.

story literally overnight.¹³¹ Public opinion outside the Kansas City area was critical not of Pelton and her immediate supervisors, but of the school board, which was characterized as being “spineless”¹³² and “cowed” and chided for taking “a chicken’s way out.”¹³³ Newspapers across and even outside the United States editorialized about Piper as an example of how little integrity has come to mean in America,¹³⁴ and within a week the town had become a byword for student cheating, parental interference, and spineless public oversight. The extent to which the issue became locally divisive can be seen in the results of a poll by KMBC—the same station that originally dismissed the incident as “supposed plagiarism”—which showed that only 6% of those polled supported the school board’s decision, while 94% were opposed.¹³⁵

If the superintendent had hoped that the board’s action would “bring closure to an incident which everyone -- students, parents-guardians, teacher, administrators and board members -- wishes had never occurred and hopes will not occur again,”¹³⁶ he was mistaken. While Piper tried to live down its Cheater

¹³¹ Representative of the reports in American papers is Associated Press, “Teacher overruled on plagiarism quits,” *The Toledo Blade*, 31 January 2002: A6. In the UK, the AP story was picked up by *The Guardian*, “Kan. Teacher Quits Over Grades,” 31 January 2002. Online at www.guardian.co.uk/uslatest/story/0,1282,-1484628,00.html.

¹³² Mike Hendricks, “You could almost call it Pipergate,” *The Kansas City Star*, 30 January 2002.

¹³³ “No copycat here, please, in school plagiarism case,” *Journal and Courier* (Lafayette, Indiana) editorial, 14 February 2002. Online at www.lafayettejc.com/news20020214/200202140local_opinion1013666535_shtml.

¹³⁴ See, for example, Bob Greene, “The cracks and hidden potholes on Easy Street,” *Chicago Tribune*, 17 February 2002. Online at chicagotribune.com/news/columnists/chi-020217greene.column?coll=chi-news-nav. Nor was this theme limited to the American press; see also John Ibbitson, “When cheating becomes a way of life,” *The Globe and Mail*, 25 February 2002: A15.

¹³⁵ KMBC 9 News poll, reported in “Piper Patrons Sound Off On Plagiarism Controversy: School Board Members Remain Silent On Issue,” 13 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-123300720020213-080234.html.

¹³⁶ Superintendent Michael Rooney, text of a letter quoted by the *Kansas City Star*, reported in “Piper Patrons Sound Off On Plagiarism Controversy: School Board Members Remain Silent On Issue,” 13 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-123300720020213-080234.html.

USA image and Pelton appeared on CNN,¹³⁷ the Wyandotte County district attorney began an investigation into whether the board's closed-door decision violated state law.¹³⁸ Pelton's resignation was followed by the principal's,¹³⁹ and more staff departures were predicted for the end of the year.¹⁴⁰ All twelve Deans at Kansas State University signed a letter blasting the school board for having "unwittingly encouraged and rewarded dishonesty"¹⁴¹—an unprecedented public repudiation of one level of schooling by another.

The board has also been taken to task by the Piper Teachers Association, the city's major newspaper, and parents (among whom a recall petition to unseat the board is circulating in case the multiple calls for their resignation¹⁴² are not heeded). Lest this seem to be an issue around which virtually the whole town is rallying, some in Piper are predicting that "the board [will] be vindicated when all the facts c[o]me out,"¹⁴³ and a rumour has emerged that the principal resigned "because he could find no evidence of plagiarism in the students' work."¹⁴⁴ Some residents have "expressed sympathy for the 75 percent of students who did not

¹³⁷ On Thursday, 7 February 2002. For a description of Pelton's rather more than fifteen minutes of fame, see Diane Carroll, "Former teacher at Piper deluged with media calls," *Kansas City Star*, 9 February 2002: B2.

¹³⁸ "Prosecutor Looks Into Plagiarism Dispute: School Board May Have Violated Open Meetings Act," 8 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-122678520020208-080225.html.

¹³⁹ Associated Press, "Kan. High School Principal to Resign," *New York Times*, 16 March 2002. Online at www.nytimes.com/aponline/national/AP-BRF-Plagiarism-Dispute.html.

¹⁴⁰ The resignation of one teacher was reported in Jodi Wilgoren, "School Cheating Scandal Tests a Town's Values," *New York Times*, 14 February 2002. Others are projected in Scott Summers, "Plagiarism issue receives national attention, local reaction," *Bonner Springs Chieftain*, 13 February 2002. Online at www.bonnerrsprings.com/section/news/story/2213.

¹⁴¹ Diane Carroll, "K-State deans fault Piper board: Handling of plagiarism sent wrong message, officials say," *Kansas City Star*, 7 March 2002: B1.

¹⁴² Mike Hendricks, "You could almost call it Pipergate," *Kansas City Star*, 30 January 2002. Diane Carroll, "Board hears of plagiarism backlash," *Kansas City Star*, 13 March 2002: A1. Online at www.kansascity.com/mld/kansascity/2002/03/13/news/2846785.htm as "Residents, teachers urge Piper school board to repair damage of plagiarism incident".

¹⁴³ Diane Carroll, "Board hears of plagiarism backlash," *Kansas City Star*, 13 March 2002: A1. Online at www.kansascity.com/mld/kansascity/2002/03/13/news/2846785.htm as "Residents, teachers urge Piper school board to repair damage of plagiarism incident".

¹⁴⁴ Associated Press, "Kan. High School Principal to Resign," *New York Times*, 16 March 2002. Online at www.nytimes.com/aponline/national/AP-BRF-Plagiarism-Dispute.html.

cheat, some of whom received lower semester grades... when the project they had slaved over suddenly counted less,"¹⁴⁵ while others, less altruistic, have speculated that the unwelcome publicity will hurt property values and college prospects.¹⁴⁶ "Closure" is likely to be months, perhaps years, away.

The Piper case is significant because of the number of students involved, because of the use of a plagiarism detection website to expose the cheating, because of the feckless behaviour of the school board in capitulating to parental pressure, and because of the widespread public reaction. Just as noteworthy, however, are the rationalizations that the plagiarists' parents offered. One interpreted the number of students involved as evidence that the concept of plagiarism had "not [been] effectively taught."¹⁴⁷ Another, invoking the inherent virtue of the local populace, agreed: "I don't believe, in my heart, that 38 [sic] students in this school, in this community cheated or willfully cheated. I don't believe they understood the project."¹⁴⁸ Piper students reached for comment by the press scoffed at the suggestion that the students did not know the meaning of plagiarism,¹⁴⁹ as did Pelton: "When I said, 'Plagiarism is copying word-for-

¹⁴⁵ Jodi Wilgoren, "School Cheating Scandal Tests a Town's Values," *New York Times*, 14 February 2002.

¹⁴⁶ Jodi Wilgoren, "School Cheating Scandal Tests a Town's Values," *New York Times*, 14 February 2002.

¹⁴⁷ Anonymous parent quoted by KMBC 9 News, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers," 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html.

¹⁴⁸ Carla Norotney, quoted by KMBC 9 News, "Piper Patrons Sound Off On Plagiarism Controversy: School Board Members Remain Silent On Issue," 13 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-123300720020213-080234.html.

¹⁴⁹ See, for examples, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers," 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html. Also, "Former Teacher Defends Failing Student For Plagiarism: Piper Teacher Failed 28 Sophomores," 6 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-122358220020206.130226.html.

word,' they know what copying word-for-word meant."¹⁵⁰

Another parent said she was confident that her daughter was not a plagiarist because she was an A student.¹⁵¹ (Her daughter insisted that, "I did that [project] the same way I did everything my whole school career,"¹⁵² which may explain how she came to be an A student.) Yet another refused to consider her son guilty because he continued to claim that he did not plagiarize: "I have to support him until they can prove him different"¹⁵³—presumably by means other than the evidence of *turnitin.com*. These amount to little more than simple denial, and are sentiments familiar to every educator who has disciplined students.

More complex are the arguments of those who said that the assignment itself was at fault. Three broad criticisms emerged: that the quality of the assignment invited cheating,¹⁵⁴ that the penalty was disproportionate to the amount of material actually plagiarized,¹⁵⁵ and that the penalty was exaggerated because of the disproportionate value of the assignment.¹⁵⁶ The first two are common enough rationalizations. The third, however, deserves closer scrutiny.

¹⁵⁰ Christine Pelton, quoted in KMBC 9 News, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers," 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html.

¹⁵¹ Theresa Woolley, quoted in Diane Carroll, "Teacher quits in dispute with school board over plagiarism," *The Kansas City Star*, 29 January 2002.

¹⁵² Quoted in Diane Carroll, "Teacher quits in dispute with school board over plagiarism," *The Kansas City Star*, 29 January 2002.

¹⁵³ Kim Mosier, quoted in Jodi Wilgoren, "School Cheating Scandal Tests a Town's Values," *New York Times*, 14 February 2002.

¹⁵⁴ E.g., "Only a public school teacher could come up with such a boring, idiotic, busy-work assignment. No wonder they plagiarized. What 'conclusions' were the students supposed to draw on their own anyway?" Posted by moyden, 30 January 2002, online at <http://209.157.64.200/focus/fr/618824/posts>.

¹⁵⁵ E.g., "Flunking the course for a tiny fraction of the work teaches retaliation not discipline [sic]." Posted by wirestripper, 30 January 2002, online at <http://209.157.64.200/focus/fr/618824/posts>.

¹⁵⁶ "District officials" took up this issue even before the school board's actions made the district a national laughingstock. KMBC 9 News, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers," 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html.

It is logically specious to argue that the consequences of consequences should not be consequences, but that is in effect what those who sought to overturn Pelton's grade did argue. Because the project in question was worth a full 50% of the course grade, receiving a zero necessarily meant failing the course¹⁵⁷—though the prescribed penalty called for nothing more than failing the assignment. Pelton's error in judgement was setting so great a value on a single project (which is not typical of high school courses) that a student could fail biology for failing to attribute his source for a single paragraph of text. Although the disproportionate value of the assignment would not have been an issue had all of the students in Pelton's class completed it honestly, those who argued that the leaf project should not have been worth half of the entire grade made a reasonable point.

The Piper School Board's mistake was that they tried to set aside the rule applicable to the situation and replace it with an *ad hoc* proportionate response to the plagiarism. The Board ordered the penalty for the plagiarized passages to be reduced, and the overall value of the project itself to be diminished. Had they simply decided that the project could not be worth more than the maximum value prescribed by policy (as well as good sense), no one outside metropolitan Kansas City would have heard of Piper. Because they set aside the established policy of zero for a plagiarized assignment, however, the Board gave the impression that they were spineless in the face of parental pressure; that when push came to shove they did not support their teachers, principals, or policies; and that they considered students in Piper schools exempt from ordinary standards of academic integrity. In this way they sowed the wind of public opinion, and reaped the whirlwind.

¹⁵⁷ Unlike Canada, where 50% is the accepted threshold for passing, courses in the United States set 60% as the minimum for credit.

Criticism came from both sides of the political spectrum, ironically (and temporarily) uniting the teachers' union with their conservative detractors. of particular note were comments posted on the *FreeRepublic.com* ("A Conservative News Forum") website, which explicitly linked notorious cases of plagiarism with the high school version: "The [Piper] school needs to have an assembly on the subject with special guest appearances by Joe Biden and Doris Kearns Goodwin"¹⁵⁸; and "government schools deify Martin Luther King as a 'role model' to students - even though he plagiarized his doctoral dissertation... what do you expect impressionable children to think about... plagiarism?"¹⁵⁹

Lessons from Piper: clarity and the *mens rea*

The significance of the Piper case went beyond the *stürm und drang* in the Kansas City area and in the press: ripples from the controversy affected other schools, as well. The Mystic Valley Regional Charter School in metropolitan Boston, for example, re-drafted its plagiarism policy in light of the events in Kansas, adopting an incremental series of sanctions which culminate in zero for a quarter, instead of a blanket first-offense zero for the assignment. Of particular interest is the fact that this approach explicitly precludes the use of ignorance as an aegis against academic discipline.

Mystic Valley first requires parents and students to sign a copy of the policy for the files, which provides documentary evidence that the student and parents are familiar with the policy. (This precaution did not, it is true, prevent Piper parents from claiming that their children were ignorant of what constitutes plagiarism, but it did help solidify public opinion against the perpetrators.) For first offenses in grades 7 and 8 the student is required to re-do the assignment

¹⁵⁸ doug_from_upland, 30 January 2002, posted online at <http://209.157.64.200/focus/fr/618824/posts>.

¹⁵⁹ glc1173@aol.com, 30 January 2002, posted online at <http://209.157.64.200/focus/fr/618824/posts>.

for half its value on the first offense. Second offenses result in a zero for the assignment, whether or not the first offense occurred in the same course. Third and subsequent offenses result in a zero for the quarter in the subject in which it occurred. In the high school grades the first step is eliminated, because students are held accountable for being fully conversant with the principles of academic honesty, and an even weightier final consequence added. Thus the first act of plagiarism in grades 9 through 12 results in a zero on the assignment, the second (again without regard for which course it is committed in) results in zero for the quarter, and the third results in notation on the student's transcript.¹⁰⁰

The first line of institutional defense is the school's requirement that students and parents acknowledge individual receipt of the policy, which is also included in the student handbook for ready reference. Middle School students, who for reasons of inexperience are presumably more likely than older students to claim credit for work which is not theirs, are given a consequence which both requires them to do the assignment (which defeats their purpose in plagiarizing in the first place, if indeed the plagiarism was intended) and exacts a grade penalty. Thus a young student who transgresses the school's standards of academic honesty receives a clear message (that he would have been better off just doing the assignment) and loses marks—the “relatively inexpensive life lesson in responsibility and honesty”¹⁰¹ that critics of the Piper School Board demanded.

The crucial difference between the Mystic Valley and Piper policies is that at the Massachusetts school the loss of marks is such that a single mistake for a first offense is not academically crippling. This speaks to the reluctance of

¹⁰⁰ Mystic Valley Regional Charter School Academic Honesty Policy (Malden, Massachusetts: adopted by the Board of Trustees 14 March 2002).

¹⁰¹ “No copycat here, please, in school plagiarism case.” *Journal and Courier* (Lafayette, Indiana) editorial, 14 February 2002. Online at www.lafayettejc.com/news20020214/200202140local_opinion1013666535_.shtml.

teachers to devastate a student who has made what some may consider only a relatively innocent mistake. As one teacher put it when the Mystic Valley policy was evolving in committee, “the bigger the bullet, the less likely a teacher is to pull the trigger.”¹⁶² This reluctance to impose heavy penalties, already alluded to in the previous chapter, diminishes with repeat offenses. Thus the Mystic Valley policy reserves its heaviest sanctions for repeat offenders—zero for an entire quarter for second offenses in the high school grades, and transcription notation after that. Students who choose to flout the rule, and who therefore put the chance of unintended error beyond the reach of credibility, pay a stiff price. Consistent with this view, the only students who receive a zero for the quarter on the first offense are those who download or purchase a paper¹⁶³—that act being beyond the possibility of innocent explanation, as well as the pale.

This acknowledges, however tacitly, that the *mens rea* is an important consideration at the secondary level. Most high school teachers believe that students who mean to cheat are in a moral different category than those who cluelessly transgress scholastic norms. Criminal Justice scholarship offers a useful model, which identifies four categories of *mens rea*, from least to greatest culpability: acting *negligently* (being unaware of basic duty), acting *recklessly* (being aware of possible negative consequences, and acting anyway), acting *knowingly* (being aware that the act will have a specific result), and acting *purposely* (intending the result).¹⁶⁴

According to this taxonomy teachers believe that first-time plagiarism by young students is likely negligence, the least culpable form, while the other end

¹⁶² Bradley Moriarty, Mathematics teacher at Mystic Valley Regional Charter School in Malden, Massachusetts, during faculty revision of the Academic Honesty Policy, February 2002.

¹⁶³ Mystic Valley Regional Charter School Academic Honesty Policy (Malden, Massachusetts: adopted by the Board of Trustees 14 March 2002).

¹⁶⁴ I am grateful to Dr Michael E. Buerger, Professor of Criminal Justice at Bowling Green (Ohio) State University, for this analysis. Personal e-mail dated 18 March 2002.

of the spectrum is represented by the purchase of an essay from a term paper website. In between are the students who, likely pressed for time, either overlook adequate citation (reckless) or find themselves obliged to appropriate chunks of text in order to meet either length requirements or a deadline, or both (knowing). It is a model consistent with the Mystic Valley policy, in which the incremental approach implies degrees of culpability.

This presumption of ignorance—which the intent-neutral value/credit paradigm renders pointless—seems to be a recurring theme at the various levels of education, with middle school teachers, high school teachers, and then university instructors all sequentially assuming that students don't know the rules about citation. In effect, a student is given the benefit of the doubt for half a dozen years, all because of the implicit distrust held by teachers regarding the competence of their colleagues in earlier grades.

Plagiarism and Preparation

This bashing of preceding levels is not new. As early as 1835 American universities were complaining about how badly prepared incoming undergraduates were to meet the demands of a collegiate education. One institution concluded that universities¹⁶⁵ would be obliged to waste time teaching even the most elementary lessons

till the rudiments... shall be better taught in our academies and introductory schools. Then only can our colleges rear up accomplished scholars, when they shall no longer be occupied, during the first years of their course, in teaching what should have been learned before.¹⁶⁶

For decades this presumption of inadequate preparation has shielded entering students from the letter of university rules governing plagiarism. In

¹⁶⁵ The word used is "colleges," which I have refrained from employing in this thesis because of its different meanings in the American, British, and Canadian contexts.

¹⁶⁶ *Statement of the Course of Study and Instruction Pursued at Washington College, Hartford, Connecticut; with a Catalogue of the Officers and Students. January, 1835.* (Hartford: printed by P. Canfield, 1835).

1961 Yale decided that “[since] many Freshmen may not be thoroughly aware of the demands of careful and complete academic honesty in the preparation of independent papers, a special brochure on this subject will be distributed at their registration.”¹⁶⁷ Although this is couched in the language of concern for students, Yale’s decision suggests that the university distrusted the quality of their high school preparation. At the root of this is an implicit suspicion that secondary schools fail to teach even their top students the rudimentary conventions of scholarship, but may also lead them to believe that plagiarism is no big deal.

Such a conclusion is chimerical, since secondary schools have long included the rudiments of appropriate citation in their curricula for university-bound students (in the U.S., this occurs at the very latest in grade 11 English and United States History, which in most schools both require term papers), and it would be hard to argue credibly that first year university students are not perfectly aware that they must not misrepresent others’ work as their own. In effect, universities’ unwillingness to let a truly uninformed student be sacrificed to the letter of the law—vaguely evocative of the bargain Abraham struck over Sodom and Gomorrah—means that incoming students get one free violation. While this illustrates that concern for disciplinary fairness outweighs an abstract standard of academic integrity on most institutional scales of ethics, it places accurate representation of work in its actual context at that institution: as an issue of secondary importance.

Such a policy is also potentially counter-productive. If universities accept responsibility for elementary instruction in acknowledgement, they thereby relieve secondary schools of that very responsibility. If secondary schools can rationalize sloughing off their duty to educate students about citation because

¹⁶⁷ *Yale College Undergraduate Regulations* (New Haven: 1961: 9. This paragraph was initially included in a pamphlet distributed to freshmen the year before. See *The Freshman Year: Rules for Scholarship Attendance and Conduct* (New Haven: Yale University, September, 1960): 11.

“they’ll learn it in university,” Yale’s assumptions may become a self-fulfilling prophecy. Far better to hold students and schools accountable by requiring full compliance with scholarly convention from the first paper of freshman year.

Moreover, there is no evidence whatever that high school students are ignorant of their moral and academic responsibility not to claim credit for the work of others. As the work of Rutgers dean Donald L. McCabe¹⁰⁸ shows, students know perfectly well when they are being academically dishonest. Plagiarism in secondary schools is a sin of commission.

Teacher Responsibility

University wariness notwithstanding, instructors in secondary schools have responsibilities (particularly to those going on to postsecondary work) to introduce students to the rudiments of scholarly convention, to require them to complete assignments which apply these conventions, and to be vigilant in ensuring that work which is submitted for credit also complies with them.

Hindering the fulfillment of these responsibilities are complicating factors not faced at the university level. Significant among these is the fact that the winnowing of students has only just begun by the first years of high school, so even an instructor of “college prep.” classes is likely to be confronted by a wider variety of cognitive and conceptual ability in each of his sections than a university professor will be in his. A secondary school teacher also has an additional obligation to meet each of his students’ individual learning needs—a

¹⁰⁸ A word is in order here about these studies. McCabe periodically polls students around the country—examining ethnically, geographically, institutionally, and socio-economically diverse schools and universities—regarding their attitudes, beliefs, observations, and practices regarding academic honesty. McCabe is therefore commonly “pull-quoted” by journalists seeking comment about the latest cheating scandal. For the most recent high school results, see Donald L. McCabe, “Student Cheating in American High Schools” (May 2001): posted online at <http://www.academicintegrity.org/hs01.asp>.

consideration which need not trouble college instructors.¹⁰⁰ Because a teacher's instructional and supervisory duties occupy at least seven hours a day for five days a week, because high school classes are large, and because secondary courses require a far greater number of assignments than do college classes, the sheer volume of marking and preparation makes it difficult for a high school teacher to undertake the time-consuming search for the sources of suspected plagiarism. With limited time and energy at his disposal, a teacher's principal consideration must be to expend what resources he has in providing the best education he can to the greatest number of students—even at the cost of his vigilance about dishonest practices. Accepting as realistic the proposition that strict detection may be beyond the point of diminishing returns, however, does not release a teacher from the responsibility to inform students about the rules governing attribution, to require their compliance, and to take steps to minimize academic dishonesty. Keeping in mind that leading students not into temptation is an aspect of ethical academic instruction at any level, high school faculty should make it a priority to design assignments which to minimize the opportunity and motivation for plagiarism.

If the instructor at the secondary level has more issues to consider—and less time in which to do so—than does his university colleague, the inducements for his students to plagiarize are also greater in number. Like their teachers, secondary school students spend more hours in class (which leaves fewer hours available for pressing external priorities such as social and extracurricular interests), generally take more courses at a time, have less latitude in avoiding classes which they dislike, and certainly have to complete a greater number of assignments than do their college counterparts. Moreover, the pressure to

¹⁰⁰ In the United States this is tempered by the Americans with Disabilities Act (ADA), which requires institutions to provide disabled students with the "reasonable accommodations" necessary to give them access to the same benefits enjoyed by students without disabilities.

achieve superior grades applies to a greater range and number of students than in college, for more students aspire to postsecondary admission than strive for to admission to competitive graduate programs.

High school rationalizations parallel those at the postsecondary level. Just as college students will claim that their papers should be judged by a lower standard than a work of graduate or professional scholarship, so too do high school students insist that *their* work should be held to a still lower standard of accountability because it is not a college paper. High school students must also compete for admission to and scholarships in university, just as university students must compete for places in graduate school and publications beyond that. If NCAA athletes (especially those with professional aspirations) consider their principal responsibilities to be athletic rather than academic, so too may high school 'jocks' (especially those with NCAA aspirations). Indeed, the greatest ethical danger inherent in these parallels is that students may be preparing for university by learning the strategies which will enable them to plagiarize their way through to their degrees. It is, after all, a survival skill.¹⁷⁰

Finally, the institutional culture of most high schools is overtly amoral: while most students would give lip-service agreement to the prevailing concept that "cheating is wrong," high schools rarely have a culture in which the word "honour" (or even "honesty") can be used without invoking either cynicism or mockery. In such circumstances it is no wonder that plagiarism can flourish.¹⁷¹

¹⁷⁰ For an example of 'street wise' advice to students, see Kathy Crafts and Brenda Hauther, *Surviving the Undergraduate Jungle: The Student's Guide to Good Grades* (New York: Grove Press, 1976).

¹⁷¹ See Tina Nguyen, "Teens Cheated in O.C. Class, Using E-Mail [...] It's a new frontier for adults trying to draw the line on an age-old issue," *Los Angeles Times*, 9 March 1999. Seventy per cent of the 20,000 high school students surveyed in 1998 reported that they cheated on a test at least once.

General Conclusions

Plagiarism in all its form occurs in secondary schools for a variety of reasons, ranging from the great number of assignments and the increasing number of diversions available to adolescents; the fact that students are obliged to study subjects for which they have little facility and in which they have little interest; the need to do well (or better) in order to achieve admission to the post-secondary institution of choice; the simple need to graduate (particularly when a high-stakes examination is the barrier); the wish to avoid embarrassment or humiliation, or to avoid disappointing expectations of parents or teachers; possibly even for the cynical rush of flouting a system for which one has little respect. Top students are as likely to do so as weak students, and there is no evidence that gender is in any way a predictor of this behavior.

The issue of teacher participation in pre-university plagiarism includes two main skeins: when teachers permit it, and when teachers commit it. There is virtually no way to assess the extent to which either occurs, though anecdotal evidence supports the former and public scandals occasionally illuminate the latter. Teachers may connive at student transgressions passively or actively, depending on their disinclination to expending unnecessary energy in the thankless task of bringing a culprit to academic justice; their own stake in the student's success (again, those high-stakes tests which may affect the teacher's salary or the school's funding); a distaste for confrontation; sympathy for the student; or a combination of several of these.

None of these variables invalidates the view that plagiarism is simply a false claim of academic credit. Similarly, the value/credit paradigm requiring that student work must be free from plagiarism before credit can be given for it is confirmed as a consistent, proportionate, and effective means of correcting academic malfeasance in pre-university studies without embroiling all parties in

controversy.

If universities struggle with the issue of plagiarism, it is no wonder that high schools do too. Equally, however, if universities can embrace both a clean and simple definition of plagiarism and a common-sense response to it, secondary schools can surely follow suit.

Chapter Five

Pens for Hire

When the free essay website School Sucks (www.schoolsucks.com) opened its server in 1996, proprietor Kenny Sahr received a welter of media attention¹ and precipitated widespread and well-publicized concern over the possible impact of the Internet on academic integrity.² In fact, however, Sahr was simply the latest in a long line of entrepreneurs who made their livings as purveyors of term papers, exams, and other school work. While it may be an exaggeration to claim that “[e]ssay writing services, of one type or another, have probably been amongst us almost as long as prostitution,”³ there has certainly been a commercial traffic in academic assignments for more than sixty years (and possibly much longer). The issues facing educators in the day of the Internet remain much the same as those with which they have dealt at least as far back as the Great Depression.

Early Spoor

While there are indications that “ghosting” may have been common by the 1920s,⁴ the earliest known mercantile essay service began in 1933, when a New York ghostwriter who operated under the pseudonym “G. H. Smith” set up shop. “Smith” claimed to earn as much \$10,000 per annum writing papers at rates from \$3 for a book report up to \$700 for a dissertation.⁵ The fact that Smith was touted as the “king of college ghost writers”⁶ certainly implies that he had no monopoly in the market of the 1930s, and later evidence suggests that he had

¹ For a representative example, see Maureen Milford, “Term papers on line -- good or bad?” *Gannett News Service*, 8 May 1997.

² For a representative example, see Peter Applebome, “On the Internet, Term Papers Are Hot Items,” *New York Times*, 8 June 1997: 1 and 30.

³ Barry Fox, the lawyer who represented the Sims, quoted in Maureen Murray, “Owner of essay-writing firm puzzled by sudden police raid,” *Toronto Star*, 21 April 1989. For a more direct reference to prostitution in connection with this business, see Abigail Witherspoon (psev.), “This Pen for Hire: On grinding out papers for college students,” *Harper’s Magazine*, June 1995: 56.

⁴ Alex Benson, “Dishonest Student Termed Old Story,” *New York World-Telegram and the Sun*, 3 March 1960: 3.

⁵ Roy A. Benjamin, “Ghost Goes to College,” *American Mercury*, June 1939: 157-160.

⁶ Roy A. Benjamin, “Ghost Goes to College,” *American Mercury*, June 1939: 157.

plenty of competition.⁷

The *American Mercury* published Smith's story in 1939, relating the details of his business as he chose to give them. Although some information strains credulity (e.g., the claim to assist "deans, principals, and professors [with] lectures and learned articles"), Smith's self-serving narrative is consistent with those of later essay mills in several respects. In addition to his willingness and ability to furnish a paper on any topic, Smith offered several levels of grade quality, complete with typical freshman errors or sesquipedalian language, as appropriate to the institution, instructor and assignment. He assured his customers that each paper would be written from scratch. He also glossed over the essentially corrupt character of his service by offering each client superficial consultation about effective study habits and tips for academic success.⁸

Smith's rationalizations about the nature of his business are of particular interest, in that he was the first to articulate the arguments that would be common to others of his ilk:

I am convinced I am aiding the students who use my service. My essays are always thoughtfully worked out and carefully written. If a boy will study them, he will get a lot more out of an assignment than if he had merely waded through old books and copied out meaningless data.⁹

The fallacies in Smith's reasoning are obvious. The "if" presupposes that a student who does not wish to read the material necessary to write a paper will study the paper itself closely, which hardly seems likely. As for "wad[ing] through old books and cop[y]ing out meaningless data," this is little more than a

⁷ The New York County grand jury in the Benson case later reported in its presentment "the shocking disclosure that scholastic ghost-writing had been a widespread practice" for more than two decades by 1960, which would put the industry back to the 1930s. Jack Roth, "Jury Urges Check on Ghost Writers," *New York Times*, 11 May 1960: 41.

⁸ Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939: 159.

⁹ Quoted in Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939: 160.

claim that his plagiarism is superior to a student's own. The question he begs, of course, is whether the student would get more out of the assignment were he to complete it honestly himself.

An important element in the justification of Smith's business (as with his successors') was criticism of a university education. Although his comments were milder than those of others would be, he put forward what became the standard assertion that professors were at fault for poor teaching practices:

Many students hardly know what a good essay looks like. Professors as a rule fail to discuss them and do not let students read the essays submitted by other members of the class. My papers stand as models and examples for the students.¹⁰

Smith's bravado (he boasted that he once "wrote seven essays on 'The Murals of Paolo Varonese' for students in the same class" without detection) conveys the swashbuckling sense of academic piracy in which many ghostwriters indulged over the years. Although from a perspective of sixty years it is difficult to tell whether his self-aggrandizing hyperbole ("he is 'the best-read man in the country'... his chief worry is what to do with the honors he is sure to get" when he publishes under his own name¹¹) was simply flippancy at the reporter's expense or genuine pretentiousness, Smith's posturing was not uncharacteristic of later hacks.

In practical terms, Smith advertised on college campuses using a form letter headed by the claim that "Every Man Today Has a Ghost" which assured potential customers that,

[h]aving complete bibliographical guides, great experience, and valuable clippings and research at my disposal, I can often compile an essay in two days that would cause any other person many weeks of fret and care.¹²

¹⁰ Quoted in Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939: 160.

¹¹ Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939: 159-160.

¹² Quoted in Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939:158.

Smith's overture is that of the serpent in the Garden: the unreasonable imposition of "many weeks of fret and care" contrasted with the so-very-reasonable proposition that it would be very little trouble for Smith to oblige. Later essay services have found it more expeditious to become part of the culture of campus posters (a phenomenon which had not yet developed in Smith's day), but there is no substantive difference in their approach.¹³

As his business grew Smith began engaging writers and typists to keep up with demand, until by 1939 his 600 clients required a dozen employees to satisfy. While students were paying for the services of the man who "could think rings around most of the Ph.D.'s in the country,"¹⁴ it appears that many assignments were prepared instead by the assistants in Smith's stable. As with later operations, close examination of the numbers suggests a certain inflation in the information reported by *American Mercury*. Quite apart from the obvious point that his staff of twelve must have been employed for some purpose, Smith would have had to average almost two papers a day (with an average return of \$16 per paper)—an unlikely feat for a man who never "rehash[ed] some paper done years ago" because "that isn't his idea of ghosting cricket"¹⁵—in order to have served personally the number of clients he claimed.

Unlike later services, Smith said he guaranteed his work for both "grade and non-detection." In the absence of any other source of information it is impossible to tell whether he was ever asked to make good on his grade guarantee, but we have his word for it that "no student has ever been caught" turning in a paper which he ghosted. Given that Smith's clients took some of the same precautions that today's customers of term paper mills continue to take

¹³ The more personal form letter approach sometimes prompted acid replies from the recipients of Smith's solicitations. These he claimed to keep, filed under "Vicious Retorts." Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939: 160.

¹⁴ Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939:159.

¹⁵ Roy A. Benjamin, "Ghost Goes to College," *American Mercury*, June 1939:158.

(e.g., “a ‘C’ student ask[ing] for a ‘C’ paper so the professor won’t be suspicious at the sudden improvement”) there is no *prima facie* reason to doubt the latter claim.¹⁶

Professors were not unaware of Smith’s activities. By his own account the President of one college wrote directly to ask him “as a gentleman” to cease and desist, while another sought state intervention to have his operation shut down.¹⁷ New York was successful in requiring Smith to register as a business—a typewriting business— but had no legislation on the books barring the nature of the enterprise.

Shortly after the *American Mercury* article academic entrepreneurs were driven from the newspapers by the Second World War, though there is nothing to suggest that they were driven out of business. Such evidence as there is indicates that those in the trade continued to operate quietly. Certainly both newspaper advertisements and “the long-established practice”¹⁸ of direct-mail solicitations continued during the War. Even while the United States military struggled to hold their own against the U-boats in the North Atlantic and Japan’s Imperial Navy in the Pacific, notices appeared in the New York dailies with the seductive header:

We write it. *You* sign it.
Speeches, reports, dissertations, theses.
Satisfaction guaranteed. Reasonable rates.
We write it. *You* sign it.¹⁹

Indeed, since New York State’s 1947 Education Law included provisions banning the fraudulent acquisition of a degree,²⁰ it may be inferred that ghostwriting had

¹⁶ Roy A. Benjamin, “Ghost Goes to College,” *American Mercury*, June 1939: 158-159.

¹⁷ Roy A. Benjamin, “Ghost Goes to College,” *American Mercury*, June 1939:160.

¹⁸ Harry W. Hastings, “Homer’s Wink,” *College English*, vol. 5, December 1943: 149. I am grateful to W. L. Pollender, Jr., for bringing this reference to my attention.

¹⁹ Quoted in Harry W. Hastings, “Homer’s Wink,” *College English*, vol. 5, December 1943: 149.

²⁰ Laws of New York, 1947, chapter 820 (the Education Law), § 224 and § 225.

continued fundamentally unabated at least since the 1930s. Samuel J. Michelson, whose business was disrupted during the 1960 scandal in New York City, claimed at that time to have been in continual operation for twenty-five years, and there is no reason to doubt that claim.²¹

The World-Telegram and Sun's Scoop

The "ghostwriting" industry did not again attract front-page attention until 1960, when Alex Benson, a *New York World-Telegram and The Sun* reporter, went undercover to expose several New York City firms in a series of seven articles.

Benson's story began on December 8, 1959, when a college acquaintance called to tell him that when she answered a *New York Times* advertisement for "freelance writers and researchers" she was asked to write a short undergraduate paper on *The Iliad*.²² With the approval of his editor, Benson used this contact to become an employee of this ghostwriting firm himself. On January 14, 1960, Benson went to the apartment which doubled as its office and met the Columbia Teachers College student for whom he would take a psychology exam.²³ The client gave Benson his text and class notes, assured him that handwriting would not be an issue because the exam would be multiple choice, and advised him to be sure to write the exam in the room proctored by the professor, because the TA might notice the substitution.²⁴

By this time Benson was working with the District Attorney's Office, who asked him to go through with the imposture. If he was detected or did badly, the DA would raid the agency; if successful, Benson would continue his

²¹ Jack Roth, "Fraud Laid To Rest In Ghost Writing," *New York Times*, 12 April 1960: 30.

²² Alex Benson, "College Ghosts: How a Phone Call Uncovered Scandal," *New York World-Telegram and Sun*, 25 February 1960: 1.

²³ Alex Benson, "How 'Ghost' Firm Hired Reporter as Student's Ringer," *New York World-Telegram and Sun*, 26 February 1960: 1 & 4.

²⁴ Alex Benson, "How 'Ghost' Firm Hired Reporter as Student's Ringer," *New York World-Telegram and Sun*, 26 February 1960: 4.

“employment” to acquire more evidence.²⁵ Benson successfully wrote the exam on the 18th, and that evening returned text and notes to the client—who expressed anxiety only about being given “a flunk” if the scam were detected.²⁶ Four days later Benson met with the two assistant DAs monitoring the investigation, and subsequently sent letters to nine other bureaus, selected on the basis of their ads in the rival *New York Times*.²⁷

Incredibly, the owner of one of those agencies offered Benson a partnership early in February.²⁸ The agency claimed customers at the four largest universities in the city as well as out-of-town custom from other Ivy League schools, but the owner wanted to spend more time with his literary agency than with the ghostwriting branch of the business. The deal was that Benson would keep the first \$100 of income per week in lieu of salary, splitting every dollar above that 50/50 with the owner, who paid all the overhead expenses out of his share. Benson could take the “plum” assignments himself, and farm out other work “to our freelance staff, retaining our 20 per cent commission.”²⁹ Although work did not pour in immediately—“thesis season” came later in the term—Benson had access to company files, and found evidence of “two or three years” of ghostwriting for students. These included the names of clients and individual ghostwriters alike. He also found a file in which one hapless client, a doctoral candidate, was threatened with exposure unless he made up his arrears

²⁵ Alex Benson, “Chiseling in School: How Reporter Ghosted Test,” *New York World-Telegram and Sun*, 27 February 1960: 1 & 2.

²⁶ Alex Benson, “College Ghosts: Student Saw No Wrong In Ringer Test,” *New York World-Telegram and Sun*, 29 February 1960: 1 & 16.

²⁷ Alex Benson, “College Ghosts: Student Saw No Wrong In Ringer Test,” *New York World-Telegram and Sun*, 29 February 1960: 16.

²⁸ Alex Benson, “College Ghosts: Reporter Becomes Partner in Thesis-Writing Agency,” *New York World-Telegram and Sun*, 1 March 1960: 1 and 3.

²⁹ Alex Benson, “College Ghosts: Reporter Becomes Partner in Thesis-Writing Agency,” *New York World-Telegram and Sun*, 1 March 1960: 3.

in payments. With all this in hand, Benson quit the business and went to the DA.³⁰

District Attorney Frank S. Hogan's men raided four ghost-writing agencies on February 25 (allowing the *World-Telegram and The Sun* to scoop the *Times* by leading that day's edition with the story),³¹ bringing Benson's investigation to a close. Acting on warrants issued by General Sessions Judge Gerald P. Culkin, the DA's men seized some two tons of evidence and brought eight agencies before a grand jury.³² The grand jury began hearing evidence on March 15,³³ and two weeks later received a two-month extension because of the volume of evidence and the anticipated number of witnesses still to be heard.³⁴ The grand jury was able to complete the investigation well before the extended deadline, however, and on April 11 six persons were formally charged with violating sections 224 and 225 of the State Education Law. In all there were 35 counts, involving 25 students at 14 colleges.³⁵

Among those arraigned were the Assistant Principal of a Brooklyn public school (who had been operating his Educational Research Association for ten years before the raid), four other agency proprietors, and a 54-year-old freelance writer who had impersonated a 23-year-old Teachers College student in an examination.³⁶ By early November their cases had been decided, typically with a

³⁰ Alex Benson, "College Ghosts: Reporter Discovers Cheaters Can Buy Doctorates," *New York World-Telegram and Sun*, 2 March 1960: 3.

³¹ Robert E. Prall, "Hogan Raids Ghost Writers Hired by Cheating Students," *New York World-Telegram and Sun*, 25 February 1960: 1.

³² "Grand Jury to Get College Fraud Data," *New York Times*, 4 March 1960: 15. Originally only four agencies were charged (see "Ghost Writers Under Fire; College Cheating Charged," *New York Times*, 26 February 1960: 1), and it is not known how that list doubled within the week.

³³ "'Ghost' Inquiry Begins," *New York Times*, 16 March 1960: 25.

³⁴ "Ghost Writers Hunted: Grand Jury's Investigation Is Extended Until [sic] June 1," *New York Times*, 30 March 1960: 26.

³⁵ Jack Roth, "Fraud Laid To 6 In Ghost Writing," *New York Times*, 12 April 1960: 1, 30.

³⁶ Jack Roth, "Fraud Laid To 6 In Ghost Writing," *New York Times*, 12 April 1960: 30.

guilty pleas, \$500 fines and suspended sentences.³⁷ Unlike Smith earlier and others later, they were not recent graduates—one was 73—but rather business-people whose agencies handled other work in addition to essays. Their prosecution ended a period of two decades of comfortable and profitable obscurity.

The ghostwriters and their employers were not the only ones to suffer consequences in the wake of Benson's investigation. Within a week of Hogan's raid the student for whom Benson wrote the examination was expelled by Teachers College,³⁸ and one doctoral candidate at Indiana who had hired Benson's firm was suspended by that university.³⁹ (It is not clear whether these schools learned of their students' activities from Benson or from the District Attorney's office, but with current standards of due process it is doubtful whether any institution would act so precipitately today.) Press coverage of the affair does not mention the academic fate of any other student, although the names of the nine local teachers who had patronized the ghostwriters were apparently reported to the New York City Board of Education.⁴⁰

Public reaction to the scandal seemed to be a mix of outrage and resignation over the mendacity of students and ghostwriters alike, tempered by the rather smug conviction that only poor students plumbed such depths. This was articulated by Benson, who voiced the general belief that

[s]erious forms of cheating are practiced only by inadequate, inferior students, persons who should be off the academic rolls on the score of scholarship alone.

³⁷ "Student's 'Ghost' Enters Guilty Plea," *New York Times*, 25 June 1960: 9; "Ghost Writer Fined \$500," *New York Times*, 16 September 1960: 13; "2 Writers Admit Guilt; Face Sentencing on Preparing College Students' Papers," *New York Times*, 27 September 1960, 15; "Ghostwriter Is Fined; Woman Pays \$500 Instead of Spending 30 Days in Jail," *New York Times*, 5 November 1960: 14.

³⁸ "College Expels Student Chiseler," *New York World-Telegram and Sun*, 1 March 1960: 3.

³⁹ "Indiana U. Suspends Ghost-Hiring Student," *New York World-Telegram and Sun*, 2 March 1960: 3.

⁴⁰ Jack Roth, "Fraud Laid To 6 In Ghost Writing," *New York Times*, 12 April 1960: 1.

Institutions which award degrees to such low-caliber students are cheapening the value of their degrees.⁴¹

Nearly 40 years later, the public response to Internet-generated papers is characterized—and compromised—by similar complacency.

It is important to note that this affair not only embarrassed those institutions which had failed to detect the plagiarism but also damaged the credibility of colleges generally. Commentators were inclined to blame “bad teachers”—and, by extension, their employers—for students’ ability to pass in fraudulent work without detection. The more exalted the degree, the greater the calumny. The *Times* opined that

if a professional hack can undertake, even for \$2000 or more, to write a scholarly research thesis in a few weeks or months which ought to presume years of previous study and at least a year of specific research, then the real scandal is not with ghostly but with live scholarship.⁴²

Benson editorialized that his own experience proved the existence of a significant problem:

Something is wrong somewhere if an outsider who is far from being a genius can get an A-minus on a final examination in a graduate course on the strength of a few hours of reading and without having attended a single lecture.⁴³

Even the grand jury made recommendations for systemic reforms both within the universities and in the public sector,⁴⁴ but there is no evidence that anything came of these.

Term paper companies, if they persisted, kept a lower profile during the

⁴¹ Alex Benson, “Dishonest Student Termed Old Story,” *New York World -Telegram and the Sun*, 3 March 1960.

⁴² Fred M. Hechinger, “Scholarship by Proxy: If a Ph.D. Thesis Can Be Ghosted, Critics Feel, System Is Faulty,” *New York Times*, 28 February 1960: IV, 9.

⁴³ Alex Benson, “Dishonest Student Termed Old Story,” *New York World -Telegram and the Sun*, 3 March 1960.

⁴⁴ Jack Roth, “Jury Urges Check on Ghost Writers; Bids State Keep Constant Eye on Agencies,” *New York Times*, 11 May 1960: 41.

1960s. Academic misconduct continued, to be sure, coming to light most spectacularly in a cheating scandal at the Air Force Academy in the autumn of 1964. A group of cadets formed a ring to steal and sell examinations, and by the time they were apprehended in January 1965 the number of cadets using their wares was conservatively estimated at 300-400, of whom 109 were dismissed.⁴⁵ (The other major service academies have also suffered similar embarrassments: West Point in 1951 and Annapolis in 1992.⁴⁶) During this period colleges' continued emphasis on testing as a source of marks probably helped keep term papers out of the limelight.⁴⁷

The Warren Empire

Shortly after Hogan raided the ghostwriters of Manhattan, the Chancellor of the University of Pittsburgh told the *Times* that "the problem of plagiarism... comes in waves... [y]ou must always guard against it."⁴⁸ The next wave arrived a decade later, and it was again the New York press which drew public attention to it. On July 10, 1971, the *Times* published its own exposé of the term paper industry.⁴⁹ Focusing on Termpapers Unlimited, Inc., the *Times* piece featured interviews with Kenneth and Ward Warren, the firm's proprietors. The Warren brothers claimed that in their first year of business Termpapers Unlimited had sold nearly 10,000 term papers at rates ranging from \$3.50 per page for custom

⁴⁵ See Joseph Bride Jr., "Cheating Ring at Air Force Academy: A Smudge On the Cadet Code," *Life*, 5 February 1965: 82-83, which was published shortly after the scandal broke. Two years later, one of the ringleaders told the inside story in William Snead, Jr., and Jack Shepherd, "Air Academy's Cheating Scandal," *Look*, 24 January 1967: 23-25.

⁴⁶ I know of no treatment of the Army scandal other than newspaper reports, but the Navy event is described from the perspective of one of the cashiered midshipmen in Jeffrey Gantar, Tom Patten and Michael O'Donnell, *A Question of Honor: The Cheating Scandal That Rocked Annapolis and a Midshipman Who Decided to Tell the Truth* (Grand Rapids, Michigan: Zondervan Publishing House, 1996).

⁴⁷ In "A Startling Survey on College Cribbing," *Life*, 5 February 1965: 84, for example, term papers are not even mentioned.

⁴⁸ Quoted in Fred M. Hechinger, "Scholarship by Proxy: If a Ph.D. Thesis Can Be Ghosted, Critics Feel, System Is Faulty," *New York Times*, 28 February 1960.

⁴⁹ Gene L. Maeroff, "Market in Term Papers Is Booming," *New York Times*, 10 July 1971: 25 & 27.

work to \$2 per page for off-the-rack essays, with premiums for rush assignments.⁵⁰

The Warrens claimed that their inventory had been built by purchasing 'A' essays at \$5 apiece, but this cannot be corroborated.⁵¹ (The provenance of the stock is an open question, since the Warrens may have trafficked, knowingly or not, in stolen essays. Nearly two dozen papers stolen from Harvard professors at about this time turned up in the inventory of New York firms,⁵² and other colleges experienced similar events.) The Warrens boasted that all of their writers were college graduates (many with advanced degrees), and that many were "moonlighting faculty members, graduate students, [and] technical writers" who, as "independent contractors," earned \$2 per page as long as they produced at least 50 pages a week. Purchasers were not guaranteed exclusive use of commissioned essays; each piece produced by Termpapers Unlimited was added to the company's stock.

Information given by the Warrens during interviews cannot be accepted uncritically. Not only are some of their claims questionable on their merits (if peak production was 500 papers a week during May, it is difficult to see how 10,000 essays could have been sold by a company which had only set up shop the previous autumn) or unlikely (e.g., their declared intention of becoming a publicly-traded company), but there were also inconsistencies in the multiple versions of their story (Ward Warren, for example, a Babson undergraduate in July 1971, claimed to be a graduate of Boston University three months later⁵³).

⁵⁰ Gene L. Maeroff, "Market in Term Papers Is Booming," *New York Times*, 10 July 1971: 25.

⁵¹ Gene L. Maeroff, "Market in Term Papers Is Booming," *New York Times*, 10 July 1971: 25.

⁵² "23 Term Papers Sold After Theft; Concern in Queens to Give Them Back to Harvard," *New York Times*, 13 February 1972: 54. See also Fred M. Hechinger, "Term Papers: Passing Grades For a Price" in *New York Times*, 17 March 1972.

⁵³ Sharyn Wisniewski, "Now profs write papers for students," *Daily Cardinal*, 26 October 1971: 1. In fact Warren registered at B.U. for summer courses, but received his degree from Babson in September 1971. I am grateful to the respective Registrar's Offices of these universities for confirmation of this.

Such contradictions make it difficult to credit any of Warren's statements, such as his claim to be "a self made millionaire" after only a year in business⁵⁴—an accomplishment which, using Warren's figures and rates, would have required the sale between July and October (hardly peak season for the product) of at least three times the essays claimed sold between September and June. However improbable the details, there is little doubt that Tempapers Unlimited, Inc. was making money, and quickly. Moreover, the company was spreading out, establishing branches at campuses across the country.

One such franchise was Academic Marketplace (a local competitor, Marty Pesham, had previously taken the name Tempapers Unlimited) in Madison, Wisconsin. It was operated by Bruce Inksetter, a former assistant professor at UW who lost his job when he failed to complete his dissertation. Inksetter, a former freelance essay writer who bought the franchise from Warren for \$500,⁵⁵ operated out of his apartment and sold chiefly off-the-rack essays from the Warrens' catalogue of 3,000 titles. There were other players in the field, as well: Pesham specialized in custom work, and a third firm, Quality College Research, also shared the local market.⁵⁶ In addition, there were freelance writers willing to turn their hands to an essay or two—one of whom was the first to place an advertisement in the campus press ("TERM PAPERS originally done, highest quality 251-1976"⁵⁷).

The most quotable of these entrepreneurs was certainly Pesham; Inksetter, by contrast, was a reluctant spokesman for his industry, and Quality

⁵⁴ Sharyn Wisniewski, "Now profs write papers for students," *Daily Cardinal*, 26 October 1971.

⁵⁵ Ken Bingenheimer, "Term Paper Businesses Prosper in Madison," *Badger Herald*, 21 October 1971.

⁵⁶ Peter Greenberg, "Buy A Better Grade, Kid?" *Wisconsin Alumnus*, May 1972:10-12.

⁵⁷ Classified advertisement in *Daily Cardinal*, 29 September 1971: 18. Prior to October 1 Inksetter was a freelance operator in Madison, but the telephone number in this ad is not the same as that used by Academic Marketplace. Since Inksetter worked out of his apartment, it is unlikely that the classified ad was his.

College Research positively shunned the limelight. Like Ward Warren, Pesham was inclined to be flexible with facts: when first interviewed he claimed to employ 150 writers, among them “three dozen TA’s and a dozen professors,”⁵⁸ none less qualified than graduate students maintaining a 3.4 GPA, and but he later revised these figures to 60 moonlighting Teaching Assistants supplemented by “a few... unemployed teachers and other specialists.”⁵⁹ With this in mind his claims to have an overall rate of 92% ‘A’ grades and a commitment from moonlighting university employees to give an ‘A’ to any paper written by them⁶⁰ must be considered warily. Even more questionable (though, given the climate of the 1971-72 academic year, not inherently impossible) is Pesham’s claim to have expanded from his local business to “67 campus franchises across the country” in less than nine months.⁶¹

The activities of these entrepreneurs was brought to light by the student press in Madison. The *Badger Herald* broke the story⁶²—which, rather ironically, ran in the same issue that carried Pesham’s first block ad—and the *Daily Cardinal* picked it up immediately.⁶³ They reported that one could buy a “custom” paper from Pesham for \$2.90 a page or shop Inksetter’s catalogue for a “prewritten” essay at \$2.50 a page, which precipitated not only demands that the university take action but also a flood of calls from potential customers seeking phone numbers.⁶⁴ Student commentators rejected the term paper mills’ claims to legitimacy⁶⁵ and called openly for “the U” to “expel the sniveling scum that have

⁵⁸ Bingenheimer, “Term Paper Businesses Prosper in Madison,” and Sharyn Wisniewski, “Now profs write papers for students,” *Daily Cardinal*, 26 October 1971.

⁵⁹ Peter Greenberg, “Wanna Buy A Better Grade, Kid?,” *Wisconsin Alumnus*, May 1972: 11.

⁶⁰ Bingenheimer, “Term Paper Businesses Prosper in Madison,” and Sharyn Wisniewski, “Now profs write papers for students,” *Daily Cardinal*, 26 October 1971.

⁶¹ Peter Greenberg, “Wanna Buy A Better Grade, Kid?,” *Wisconsin Alumnus*, May 1972: 11.

⁶² Ken Bingenheimer, “Term Paper Businesses Prosper in Madison,” *Badger Herald*, 21 October 1971.

⁶³ Sharyn Wisniewski, “Now profs write papers for students,” *Daily Cardinal*, 26 October 1971.

⁶⁴ Peter Greenberg, “Wanna Buy A Better Grade, Kid?,” *Wisconsin Alumnus*, May 1972: 11.

⁶⁵ E.g., letters to the editor by Diane Dulin and Sharon Starr in the 2 November 1971 *Cardinal*.

used such services, and fire those teachers who have dishonored their calling by playing the whore to the student body.”⁶⁶

Despite this public exposure of the industry, the University of Wisconsin at Madison experienced no immediate increase in disciplinary actions. Although Pesham boasted of having sold 3,000 essays in Madison alone during the fall term⁶⁷ and Inksetter claimed a sale of 430 to various UW campuses,⁶⁸ none of the dozen or so cases of plagiarism reported to Dean of Students Paul Ginsberg during the same period involved a purchased paper.⁶⁹ Ginsberg thought that professors were probably dispensing individual justice,⁷⁰ but Pesham had a different explanation: “professors are so involved in their own work that they don’t even know what is going on... You could take a chair out from under most of them and they wouldn’t know it.”⁷¹ Probably both men had part of the picture.

The *Daily Cardinal’s* follow-up story is especially interesting because it relates one student’s experience with a paper purchased from Termpapers Unlimited. The student, Dale Welch, had been caught turning in the same paper on Ingmar Bergman’s “Virgin Spring” that a student in another section had submitted, but escaped ruin when the TA who detected the fraud allowed him to earn a passing grade by writing another essay in place of the commissioned one. When Welch confronted Pesham about the duplication he was met with prevarication and evasion, balanced by the offer of a credit toward his next

⁶⁶ JOC, “Goniffs of Hogwallow,” in *Badger Herald*, 4-7 November 1971: 9.

⁶⁷ Peter Greenberg, “Wanna Buy A Better Grade, Kid?,” *Wisconsin Alumnus*, May 1972: 11.

⁶⁸ Sharyn Wisniewski, “Termpaper factories prosper though far from fool proof,” *Daily Cardinal*, 1 February 1972: 1.

⁶⁹ Sharyn Wisniewski, “Termpaper factories prosper though far from fool proof,” *Daily Cardinal*, 1 February 1972.

⁷⁰ Sharyn Wisniewski, “Termpaper factories prosper though far from fool proof,” *Daily Cardinal*, 1 February 1972.

⁷¹ Sharyn Wisniewski, “Now profs write papers for students,” *Daily Cardinal*, 26 October 1971: 2.

purchase.⁷² This is instructive for what it reveals about the legitimacy of Pesham's claim to sell only custom work: it may be that the essay in question had been written that semester for that course, but either Welch or the unnamed other student must have purchased a paper which had already been written for another customer.

The *Cardinal* piece also sheds light on the economic forces at work on the Madison campus. The prices quoted in the story suggest that Academic Marketplace had been forced to drop its prices to compete: the price of "copy orders"—i.e., catalogue purchases—fell to \$2.25 per page, and the cost of custom work dropped to \$3.95 per page⁷³ from its autumn peak of \$4.50.⁷⁴ Termpapers Unlimited's price, on the other hand, remained constant. Given his apparent practice of selling the same essay to two customers (or more), it is clear how Pesham was able to charge a dollar per page less than Inksetter for "custom" work, pay his writers \$2 per page,⁷⁵ and still maintain a healthy profit margin.

Term Paper Mills Go National

Term paper mills were a national phenomenon by this time. Research Assistance of Los Angeles had been active in the west coast market since 1969,⁷⁶ companies with names like Quality Bullshit Services and International Termpapers Inc. were receiving international attention,⁷⁷ and local outlets proliferated across the United States. One such was visited by Tinney S. Humphreys, a reporter for *The Chronicle of Higher Education* "temporarily joining

⁷² Sharyn Wisniewski, "Termpaper factories prosper though far from fool proof," *Daily Cardinal*, 1 February 1972:

⁷³ Sharyn Wisniewski, "Termpaper factories prosper though far from fool proof," *Daily Cardinal*, 1 February 1972:

⁷⁴ Ken Bingenheimer, "Term Paper Businesses Prosper in Madison," *Badger Herald*, 21 October 1971.

⁷⁵ Michael Mentzer, "Termpapers From Boom to Bust," *Badger Herald*, 12-14 June 1972: 3.

⁷⁶ According to Research Assistance Catalog 24 (September 1994: 1), "Research Assistance has been serving the professional and academic communities since October, 1969."

⁷⁷ Kathy Muir, "Plagiarism: only for the lazy?," *The Varsity*, 17 November 1971: 6-7.

the ranks of students who shop for their homework," whose description is worth quoting at some length:

I called on a Friday to inquire about the proper procedure for ordering my paper. Cash in advance, I was told -- \$1.90 a page for papers already in the files, \$3.85 a page for a written-to-order job. [...]

The office suite of Termpapers, Inc. is on the ground floor of an ordinary office building [in Washington, D.C.]. The small front room has two chairs and a counter, and on the wall behind the counter is a stenciled sign: "We Do Not Condone Plagiarism."

A long-haired man greeted me and pulled out an order blank. Did I need a paper written, or would I like to look through the files? How many pages? Name, address, phone, class, instructor? Where did I hear about Termpapers, Inc. -- ads, word of mouth, article, leaflets? Should they mail it, or would I pick it up? Did I want a bibliography and footnotes? How soon did I need it?

He asked for any instructions I could give on how the paper was to be written, but not for what grades I usually made or what caliber I expected the paper to be.

The order blank stated in capital letters, "FOR RESEARCH AND REFERENCE PURPOSES ONLY." It also offered a choice among "Termpaper Format," "Graduate Level," "Master Thesis Format," and "Ph.D. Format." The reverse side claimed that the company was the "Quickest Most Professional Termpaper Service in the U.S." with a "Library of 10,000," a "Professional Staff of College Graduates," and the "Lowest Possible Prices Available."

[...] It was a B- paper, 10 pages long, no footnotes or bibliography. It cost \$38.50.... I could have added a title page with my name on it and turned it in exactly as it was.⁷⁸

It is possible that this company was Educational Research Inc. (located, ironically, on Wisconsin Avenue), which advertised in the *Badger Herald* at about the same time as Humphreys' visit,⁷⁹ but this cannot be proven.

The first indication of trouble brewing for these entrepreneurs came not

⁷⁸ Tinney S. Humphreys, "Term Papers for Sale: A Consumer's Test," *Chronicle of Higher Education*, 6 March 1972. See also Carol Gray, "Life in a Term-Paper Factory," *New York Times*, 6 March 1977: 30.

⁷⁹ See the classified advertisement in *Badger Herald*, 20-23 April 1972: 12.

from Madison but from Manhattan, where the Attorney General of New York State took four companies to court alleging that "965 students in 100 colleges in New York have paid \$35,416 for the companies' services from Nov. 1 to Jan. 31 [1972]" and that the firms were "subverting the process of learning [by] encouraging intellectual dishonesty and cheating."⁵⁰ Shortly thereafter Ginsberg acknowledged that the University of Wisconsin was monitoring events in New York and contemplating similar action.⁵¹

The New York case was *State of New York v. Kathleen Saksniit et al.*, in which Attorney General Louis J. Lefkowitz obtained an injunction barring the continued commerce in schoolwork and even appointing a temporary receiver of the corporate defendants.⁵² In the written decision by Judge Abraham Gellinoff the court gave a detailed description of the term paper companies, which is worth reproducing at length for the comprehensive picture it gives of their operations:

Almost all of defendants' customers are students who have been attracted either through advertising in college newspapers, or by "fliers" given to passersby at college campuses. The advertisements, with the motto, "We give results", proclaim: "Great savings. 10,000 papers at \$ 1.90 a page." More recently, the advertisements have added the statement, "Twice as many papers as last semester with summaries and grade levels on every one."

The "flier" states: "Do you have a term paper assignment that's a little too much work? Are you cramped for time with a nightmarish deadline closing in? Let us help you. We have a team of professional writers who can handle any subject. Our papers are custom made, and

⁵⁰ "Term Paper Hawkers Sued in NY," *Badger Herald*, 17-20 February 1972: 3. See also Walter H. Waggoner, "State Acts to Outlaw Companies Selling Theses," *New York Times*, 11 February 1972: 46. Waggoner's article places the number of colleges involved at 109.

⁵¹ Nancy J. Begalke, "U. Eyes Court Action Against 'Term Paper Mills,'" *Capital Times*, 20 February 1972. This story was filed on the AP wire and carried by other newspapers as well. See also the UPI story headed "Court Orders Term Papers Sale Halt," *Milwaukee Sentinel*, 19 April 1972.

⁵² *State of New York v. Kathleen Saksniit et al.*, Supreme Court of New York, Special Term, New York County, 69 Misc. 2d 554; 332 N.Y.S.2d 343; 1972 N.Y. Misc., 18 April 1972.

professionally typed. We offer the most economical work anywhere, at no sacrifice in quality or service to you." At the bottom of the "flier" is the statement, "This material is intended to be used for research and reference purposes only."

The student may respond to defendants' advertising in person or by mail. If he comes to their office, he sees three signs on the wall, reading: "We don't guarantee grades", "We don't condone plagiarism" and "No refunds." The student receives a form to fill out, which requests, besides the student's name and address, the name of his school, course and instructor. Although the form bears the statement, "For research and reference purposes only," it also provides a large blank space in which the student is requested to state the number of pages the term paper should have, to give a "detailed description of desired paper," and to list "references left behind" -- textbooks and other data for use in preparing the term paper. The student pays the required fee in advance; \$ 1.90 per page for a term paper defendants have in stock, or \$ 3.85 per page for a custom written term paper (\$ 4.85 for a "rush" job). About a week later, he receives a fully written term paper.

The term papers are produced for defendants by freelance writers who are college graduates with some expertise in the subject involved in the particular paper. The writers have signed a contract with defendants, promising "to submit research and writing that is commensurate [sic] in quality with work sufficient to be accepted in a Graduate Program at an accredited University." Additionally -- and ironically -- each writer promises "that all work he produces and submits will be original and the products of his own research and writing, and the final product will not be work prepared for him by others."³

The court agreed with Lefkowitz's contention that these companies were perpetrating a fraud upon the public, and concluded that "[g]host-writing' students' term papers is fraudulent, illegal, and apparently criminal." On points of fact the court concluded from the detailed instructions given by customers on their order forms that each "is clearly telling [the companies] that he intends to

³ *State of New York v. Kathleen Saksmitt et al.*, Supreme Court of New York, Special Term, New York County, 69 Misc. 2d 554; 332 N.Y.S.2d 343; 1972 N.Y. Misc., 18 April 1972.

palm off the term paper that he receives... as his own" and that the format of these "fully written term papers... typed on white paper without any indication of their source or authorship," was intended to allow students to submit them unaltered for credit.⁵⁴

Saksniit and the other defendants argued that disclaimers such as "[t]his material is intended to be used for research and reference purposes only" absolved them of any responsibility for students' use of their material, and that any agreement between the form of the delivered reports and a customer's instructions was "purely coincidental." Citing advertising emphasizing "twice as many papers as last semester with summaries and grade levels on every one," Judge Gellinoff dismissed such arguments with an almost audible snort of contempt: "[i]n light of... indisputable evidence, th[ese] unsupported assertion[s] are] rejected by the court as unbelievable." The standard of sufficiency of evidence is "whether common human experience would lead a reasonable man, putting his mind to it, to reject or accept the inferences asserted for established facts"—and using that benchmark the court ruled against Saksniit and the other defendants decisively and comprehensively.⁵⁵

In the wake of the *Saksniit* decision the University of Wisconsin—Madison finally took action, and on May 1 the Faculty Senate explicitly prohibited the submission of purchased work for credit.⁵⁶ The term paper mills reacted with a shrug; Inksetter told the press that "[t]he University has always frowned heavily upon students using our services. I really don't think making their disapproval a

⁵⁴ *State of New York v. Kathleen Saksniit et al.*, Supreme Court of New York, Special Term, New York County, 69 Misc. 2d 554; 332 N.Y.S.2d 343; 1972 N.Y. Misc., 18 April 1972.

⁵⁵ *State of New York v. Kathleen Saksniit et al.*, Supreme Court of New York, Special Term, New York County, 69 Misc. 2d 554; 332 N.Y.S.2d 343; 1972 N.Y. Misc., 18 April 1972.

⁵⁶ University of Wisconsin—Madison Faculty Document 99, May 1, 1972. For press coverage, see Roger A. Gribble, "Faculty Acts to Stop Term Paper Purchase," *Wisconsin State Journal*, 2 May 1972, and Bruce Swain, "U. Faculty Makes Bought Papers Illegal," *Capital Times*, 2 May 1972.

formal regulation will have much effect on us.”⁷ When Robert Warren, the Attorney General of Wisconsin, announced an investigation of the industry, however, the stakes went up.⁸ Pesham must have seen it coming; about the time of the *Saksniit* case he began to cultivate a lower public profile. His last interaction with the press was the announcement of the imminent sale of his business (to a “West Coast industrialist” for “\$1.4 million”) and his pending “semi-retirement.”⁹ After that, Pesham lay low.¹⁰ Inksetter was made of sterner stuff; he complied with the subpoena, looking forward to vindication in court and boom times afterward.¹¹

The Attorney General’s Office of Consumer Protection brought the complaint to the Department of Agriculture (within whose purview fair trade practices fall in Wisconsin), which issued the subpoena. Among the papers seized from Inksetter were correspondence with Ward Warren, company records, and current student orders.¹² The hearing was conducted by Examiner Gerhardt A. Schueler on June 7, 1972, with Assistant Attorney General Bruce A. Craig acting for the State and Bruce Inksetter representing himself. (Inksetter’s franchise was terminated on May 31, a week before the hearing. Either Ward Warren’s jaunty assurance that the Boston firm would absorb legal costs¹³ proved chimerical, or

⁷ Nancy Begalke, “Term Paper Mill Will Keep Grinding Them Out” (AP report), *Capital Times*, 5 May 1972.

⁸ “State Will Start Inquiry Into Sale of Term Papers,” *Wisconsin State Journal*, 10 May 1972.

⁹ Peter Greenberg, “Wanna Buy A Better Grade, Kid?,” *Wisconsin Alumnus*, May 1972: 11-12.

¹⁰ The precise status of Termpapers Unlimited at the time of the hearing is not clear. According to *Daily Cardinal*, “Termpapers Unlimited had ceased operations previous to the investigation” (see Douglas Johnson, “Termpaper firms give up, go home,” *Daily Cardinal*, 16 June 1972: 2), while the *Badger Herald* reported that the sale of Pesham’s corporation, “Termpapers of America, Inc.,” had fallen through and the business was still in Madison (see Michael Mentzer, “Termpapers From Boom to Bust,” *Badger Herald*, 12-14 June 1972: 3). Unless the state was merely trying to get a ruling banning the sale of academic work and thus needed to bring an action against only one concern, it is not clear why Pesham’s operation and rival Quality College Research were not included in the Attorney General’s complaint.

¹¹ “State Will Start Inquiry Into Sale of Term Papers,” *Wisconsin State Journal*, 10 May 1972.

See also Julie Hill, “Term Paper Mills Under Legal Eye,” *Badger Herald*, 11-14 May 1972.

¹² Bruce Swain, “Complaint Tells Story Of Term Paper Mill,” *Capital Times*, 17 May 1972.

¹³ Bruce Swain, “Complaint Tells Story of Term Paper Mill,” *Capital Times*, 17 May 1972.

Inksetter felt that he was now in a position to set up as an independent and thus keep a larger percentage of each sale.⁴⁴)

Witnesses for the State included students testifying with immunity from prosecution (one of whom found that the paper he purchased had been plagiarized from published sources). Inksetter, the sole witness for Academic Marketplace, testified that he had sold about 700 papers to students in the University of Wisconsin system since October 1 and grossed about \$10,000, the lion's share of which went to Ward Warren.⁴⁵ He was unrepentant about the nature of his business, maintaining that "requiring term papers [is] a deficiency in the teaching process"⁴⁶ because "most term paper assignments don't advance a student's education in any way,"⁴⁷ and asserting that he saw "nothing unethical or immoral" about selling essays.⁴⁸

When the Examiner released his report in October, the Finding of Fact tersely described Inksetter's business, adding only three facts to the public record.⁴⁹ The Conclusions of Law, however, were everything the University

⁴⁴ Other companies seem to have spun off from the Warren franchising empire more successfully than Inksetter. New Jersey's Collegiate Research Inc., for example, was run by a former Termpapers Unlimited employee who set up shop in the Warren franchise's former office. See "Concerns That Sell 'Research' to Students Are Under Attack," *New York Times*, New Jersey section, 6 May 1973.

⁴⁵ Nancy Heinberg, "Term Paper Seller Saw No Problem of Ethics, He Testifies," *Capital Times*, 8 June 1972. In an earlier interview Inksetter told the press that he made 45¢ per page on original orders and 75¢ per page on catalogue orders. See "UW Keeps Tabs on Term Paper Suit" (AP report), *Green Bay Press-Gazette*, 22 February 1972.

⁴⁶ Quoted in Roger A. Gribble, "Operator Defends Term Paper Sale," *Wisconsin State Journal*, 8 June 1972.

⁴⁷ Nancy Heinberg, "Term Paper Seller Saw No Problem of Ethics, He Testifies," *Capital Times*, 8 June 1972.

⁴⁸ Quoted in Roger A. Gribble, "Operator Defends Term Paper Sale," *Wisconsin State Journal*, 8 June 1972.

⁴⁹ These were 1) that Bruce Inksetter had been joined in the business with his brother Angus; 2) that the start date of Inksetter's franchise agreement with Ward Warren Manuscripts, Inc. was October 1, 1971; and 3) that more difficult papers and take-home examinations could command as much as \$6.45 per page. State of Wisconsin Department of Agriculture Docket No. 997, 11 October 1972. State Historical Society of Wisconsin Archives, series 758, box 42: Department of Agriculture, Trade and Consumer Protection Division, Correspondence and Subject File 1927-1974, Consumer/Trade—Gasoline-Precious Metals, in a folder labelled "Inksetter, Bruce & Angus[,] d/b/a Academic Marketplace."

could have hoped for:

The sale of term papers and other material to students for use as their own original work product in fulfillment of academic requirements at colleges and universities in this state takes unfair advantage of the student, aids, abets and encourages him in the commission of a fraud on the educational institution he attends, and on the general public. The practice further has an adverse effect on the ability of the state university system to function in the manner and for the purposes declared by Chapters 36 and 37, Wis. Stats., and the right of private colleges and universities to carry out their own educational programs and objectives free of such undue interferences. The public is adversely affected by such practices in terms of reliance placed on academic credentials and the harm which results from the use of false credentials. The practices are disruptive of the educational process, work against the state's interest in higher education, and constitute a public nuisance which may be prohibited and enjoined under Sec. 100.20, Wis. Stats.¹⁰⁰

Inksetter was duly enjoined from "engaging in advertising, offering to sell or selling materials which are capable of being submitted by students as their original work product in fulfillment of academic requirements."¹⁰¹ Warren immediately issued a press release detailing the interdiction and praising Schueler's order as "a landmark decision."¹⁰²

As soon as the subpoena was issued the University, which had been criticized in the press for its "apparent indifference" to the activities of Madison

¹⁰⁰ State of Wisconsin Department of Agriculture Docket No. 997, 11 October 1972. State Historical Society of Wisconsin Archives, series 758, box 42: Department of Agriculture, Trade and Consumer Protection Division, Correspondence and Subject File 1927-1974, Consumer/Trade—Gasoline-Precious Metals, in a folder labelled "Inksetter, Bruce & Angus,] d/b/a Academic Marketplace."

¹⁰¹ State of Wisconsin Department of Agriculture Docket No. 997, 11 October 1972. State Historical Society of Wisconsin Archives, series 758, box 42: Department of Agriculture, Trade and Consumer Protection Division, Correspondence and Subject File 1927-1974, Consumer/Trade—Gasoline-Precious Metals, in a folder labelled "Inksetter, Bruce & Angus,] d/b/a Academic Marketplace."

¹⁰² Press release 192/10-17-72 from the office of the Attorney General, Department of Justice, State of Wisconsin. State Historical Society of Wisconsin Archives, series 758, box 42—Department of Agriculture, Trade and Consumer Protection Division, Correspondence and Subject File 1927-1974, Consumer/Trade —Gasoline-Precious Metals, in a folder labelled Inksetter, Bruce & Angus, d/b/a Academic Marketplace.

term paper mills,¹⁰³ began to take steps. Ginsberg announced that disciplinary action would be taken against any UW-M students involved,¹⁰⁴ and asked the Attorney General to provide the Dean of Students' Office with copies of all the material subpoenaed from the Madison term paper mills.¹⁰⁵

The University chose not to conduct a systematic enquiry or to deal with all offenders through a uniform process or tribunal. Rather, in mid-June¹⁰⁶ Ginsberg distributed the work in question to the respective department chairs, who in turn were asked to turn them over to the appropriate instructors for adjudication. The instructors were then expected to notify by registered mail each student compromised by subpoenaed material, and give the student ten days to respond. At the end of that time, the instructor was to decide (on the basis of the student's response and a comparison of the essay purchased with the work submitted) whether academic dishonesty had been committed, and, if so, what the penalty would be. If University disciplinary action seemed warranted, a recommendation to that effect could be made to the Dean of Students. Department Chairs were asked to report on the disposition of each case as soon as possible.¹⁰⁷

This procedure had the obvious benefit of spreading out the enormous

¹⁰³ "UW Silence on Cheating" (editorial) *Green Bay Press-Gazette*, 18 May 1972. See also "The Fake Essay Story" (editorial) *Green Bay Press-Gazette*, 14 June 1972.

¹⁰⁴ Roger A. Gribble, "UW May Block Graduation for Buyers of Term Papers," *Wisconsin State Journal*, 18 May 1972; Bruce Swain, "Some May Get, Then Lose Degrees," *Capital Times*, 18 May 1972; Douglas Johnson, "Term paper customers face dual sanctions, says Dean," *Daily Cardinal*, 19 May 1972: 2.

¹⁰⁵ Few of either Warren's papers or Ginsberg's have found their way to the State or University Archives, but clear reference to this request was made in a memorandum from Ginsberg to Academic Deans at UW—M dated 25 May 1972. University of Wisconsin—Madison Archives, series 40/1/15/1, box 9: Central Administration, Senior Legal Counsel, Student Discipline.

¹⁰⁶ Roger A. Gribble, "UW Officials Studying 600 Term Paper Sales," *Wisconsin State Journal*, 13 June 1972.

¹⁰⁷ Memorandum from Ginsberg to Academic Deans: 2-3. University of Wisconsin—Madison Archives, series 40/1/15/1, box 9: Central Administration, Senior Legal Counsel, Student Discipline.

job of processing nearly 600 cases (700 had been anticipated¹⁰⁸), but the disadvantages were equally clear. While the guidelines laid down by Ginsberg were intended to establish a consistent form of due process, wide inconsistency in the administration of academic justice was inevitable, and borne out by the results. Although no definitive figures survive of the number of cases prosecuted, by December 1972 Ginsberg could announce that 582 viable cases had been identified, of which 162 had resulted in course failures, 193 in reduced grades, 39 in additional work required, and 124 in acquittals, with the balance still pending at Christmastime.¹⁰⁹ The University held up some degrees until credits were cleared up or made up, but took institutional disciplinary action (ranging from reprimand to probation) only against the ten students who were found to have submitted more than one bogus paper.¹¹⁰

Even these mild consequences seem to have put a damper on the term paper market in Madison, as local operations shut down and mail-order concerns found that they were not receiving encouraging returns on their campus advertising dollars.¹¹¹ Ginsberg was not surprised; he thought that the hundreds of cases had produced “a chilling effect... on this campus”¹¹² with the result that “[s]tudents simply aren’t buying those term papers any more. The risk appears to be too great.”¹¹³ If that conclusion proved to be too sanguine—out-of-state

¹⁰⁸ Memorandum from Ginsberg to Academic Deans: 1. University of Wisconsin—Madison Archives, series 40/1/15/1, box 9: Central Administration, Senior Legal Counsel, Student Discipline.

¹⁰⁹ Bruce Swain, “Fate of 64 UW Term Paper Purchasers Still Up in Air,” *Capital Times*, 23 December 1972.

¹¹⁰ “Dean Gives Report On Punishments for Term Paper Purchasers,” *Wisconsin Alumnus*, January 1973: 16-17.

¹¹¹ Patrick Murphy, “It’s Write On, for UW Students, While Term Paper Business Flops,” *Wisconsin State Journal*, 4 May 1973: 1, 2. See also Jeffrey Waalkes, “Term papers keep coming[,] but not for long,” *Daily Cardinal*, 16 October 1973: 1, and Brian Branagan, “Term paper mills flunk out,” *Daily Cardinal*, 25 April 1974: 2.

¹¹² Quoted in Jane Dresser, “Term paper discipline on individual basis,” *Daily Cardinal*, 8 September 1972: 8.

¹¹³ Murphy, “It’s Write On, for UW Students, While Term Paper Business Flops,” 1.

firms were advertising heavily again on the Wisconsin campus within two years¹¹⁴—at the time it seemed to be true.

It is perhaps worthwhile to speculate on the reasons for the University's relatively tepid response to widespread student misconduct, which stands in stark contrast to the vigorous action taken by York University in a similar situation seventeen years later. It may be that Ginsberg felt that UW—M would be vulnerable to legal action because of a loophole in the disciplinary code¹¹⁵ or because of the jerry-rigged adjudication process; it may be that within the institution either genuine disagreement over the role term papers should play in the curriculum¹¹⁶ or simple complacency¹¹⁷ compromised Ginsberg's authority to act; it may be that in the political climate of 1972 the University chose the least confrontational means available; or it may have been a combination of these and other factors. At this remove it is impossible to pronounce with any confidence.

Boston University

In Massachusetts the universities were more aggressive, and actively enlisted government agencies in their campaign to put the term paper mills out of business. Leading these efforts was Boston University, which sought and received from Suffolk Superior Court a court order enjoining the mills from selling their products to students within the Court's jurisdiction. The B.U.

¹¹⁴ Roger Bartel, "'Outlaw' Term paper Mills Survive," *Badger Herald*, 19-21 November 1973: 1.

¹¹⁵ This loophole was closed on May 1, 1972. University of Wisconsin—Madison Faculty Document 99.

¹¹⁶ Michael Mentzer, "Dean Ginsberg Reflects on Term Paper Problem," *Badger Herald*, 28-30 August 1972.

¹¹⁷ See Roger A. Gribble, "Cheating at UW: a Concern, but Not Major Problem," *Wisconsin State Journal*, 5 May 1972, for evidence of complacency at the administrative and departmental levels. Contributing to this may have been the belief that the purchased papers were of poor quality anyway; see Ruth Flegel, "Buying Term Papers Doesn't Make Grade," *Wisconsin State Journal*, 4 July 1972. Such an attitude implies that cheaters who earn mediocre grades have been punished enough, which would be a curious position for a university to take.

complaint held that seven¹¹⁵ companies were

- (a) ...interfering with the contractual and advantageous relationships between... Boston University and its students;
- (b) ...tortiously interfering with the educational functions and programs of... Boston University and that (c) the contracts, arrangements or agreements... by which term papers and other research documents and materials are sold for submission as the student's own work or for use by students in lieu of doing their own work, violate the public and educational policy of the Commonwealth and are invalid.¹¹⁶

The original Bill for Declaratory Judgment echoed the principles articulated in the Examiner's ruling in Wisconsin. The B.U. complaint asserted not only that "it is consistent with the public and educational policy of the Commonwealth that students at the University shall prepare and submit only their own work - and not that of another - in satisfaction both of course requirements and of degree requirements," but also that "[t]he integrity and intrinsic value of degrees granted by the University and by other Universities is a matter of... concern to the Commonwealth... and to the public who must deal with and rely on the significance and integrity of such degrees."¹²⁰ Charging that the activities of the defendants "knowingly encourages, induces or aids the student to deceive the University and to render fraudulent and spurious academic performance which is not readily detectable or apparent, and is clearly not intended to be,"¹²¹ Gordon

¹¹⁵ Champion Research, Champion Termpapers, International Termpapers, Ward Warren Manuscripts, Termpapers Unlimited, Quality Bullshit, and Termpapers Anonymous (d/b/a Write-On) were the original defendants. Academic Research Group (an alias of Termpapers Anonymous) and Minute Research were added two weeks later. Suffolk Superior Court, *Trustees of Boston University v. Champion Research Corp., et al.*, Equity No. 96114, 9 November 1972.

¹¹⁶ Suffolk Superior Court, *Trustees of Boston University v. Champion Research Corp., et al.*, Equity No. 96114, Bill for Declaratory Judgment filed 19 October 1972: 1. I owe a tremendous debt to Joe Pollender of Palmer & Dodge, Boston, Massachusetts, whose tenacity over a two-year period finally resulted in the recovery of the court documents generated by this case.

¹¹⁷ Suffolk Superior Court, *Trustees of Boston University v. Champion Research Corp., et al.*, Equity No. 96114, Bill for Declaratory Judgment filed 19 October 1972: 3.

¹²¹ *Trustees of Boston University v. Champion Research Corp., et al.*, Bill for Declaratory Judgment filed 19 October 1972: 5.

T. Walker argued for B.U. that “[u]nless restrained, such conduct - which is widespread - will cause the University irreparable harm.”¹²² The University therefore asked that the defendants be restrained from

selling, renting, transferring, delivering or otherwise providing, directly or indirectly, any written or recorded term paper, thesis, theme or other research documents or materials to any student... and from destroying, defacing, altering, damaging, removing, concealing, changing or otherwise improperly dealing with... records or data relating in any way to the conduct of their business...¹²³

Two days later the *Harvard Crimson* published an interview with Kenneth Warren, in which that entrepreneur “urged the presidents of other term paper firms to destroy all their business documents.”¹²⁴ While B.U. officials may have found a measure of satisfaction in Warren’s panicked response—it had apparently nettled them that “some of the defendants openly boast of their accomplishments and their alleged legal invulnerability”¹²⁵—this proved to be the first stage in the Warrens’ campaign of evasion.

The next was Ward Warren’s sworn deposition on November 3. After giving his name, address, and age, Warren took refuge behind the Fifth Amendment in response to every question put to him. As these included whether or not he was Kenneth Warren’s brother, whether he was reading from a prepared statement, and whether he had had lunch, it is clear that Warren was simply doing his best to aggravate the examining attorneys and stonewall the proceedings. Aside from providing a glimpse into Ward Warren’s character, the

¹²² *Trustees of Boston University v. Champion Research Corp., et al*, Bill for Declaratory Judgment filed 19 October 1972: 6.

¹²³ *Trustees of Boston University v. Champion Research Corp., et al*, Bill for Declaratory Judgment filed 19 October 1972: 7.

¹²⁴ J. R. Eggert, “U.S. Seeks Ban On Mailings Of Termpapers”, *The Harvard Crimson*, 21 October 1972: 1, 4. See also *Trustees of Boston University v. Champion Research Corp., et al*, document 22, Petition for Contempt, filed 13 November 1972: 2.

¹²⁵ *Trustees of Boston University v. Champion Research Corp., et al*, Bill for Declaratory Judgment filed 19 October 1972: 6.

transcript of his testimony is unhelpful.¹²⁶

B.U. obtained a court order compelling the Warrens to “produce for inspection and copying at their place of business on Friday, November 10, 1972, the documents which were the subject of the restraining order,”¹²⁷ and the Court rejected the Warrens’ subsequent petition for relief from that original injunction. When representatives from Hale and Dorr, counsel for the University, duly arrived at the office of Tempapers Unlimited, they were told that the documents were not available, but that they would be handed over at the Warrens’ attorney’s office at two o’clock. At that time and place, however, the promised materials were not forthcoming. An hour later, Ward Warren arrived to announce the removal of all documents to an undisclosed location in New Hampshire.¹²⁸ He was subsequently adjudged in contempt, but there is no evidence that he was ever prosecuted for it.¹²⁹

Although the Warrens were the only respondents to court citation for contempt, they were not alone in considering leaving Massachusetts. David Kamen of Champion Research confirmed that he was “considering taking his files of ‘term papers’ to another state to commence operations there” and that he had “gone to another state to make arrangements for possibly transferring his term paper operations” there.¹³⁰ This led B.U. to seek a sequestration order, arguing that “[a]dequate preparation for trial... requires the preservation of the various files of ‘term papers’ as evidence of the business operations of the

¹²⁶ *Trustees of Boston University v. Champion Research Corp., et al.*, Deposition of Ward Warren taken 3 November 1972.

¹²⁷ *Trustees of Boston University v. Champion Research Corp., et al.*, document 22, Petition for Contempt, filed 13 November 1972: 2.

¹²⁸ *Trustees of Boston University v. Champion Research Corp., et al.*, document 22, Petition for Contempt, filed 13 November 1972: 3.

¹²⁹ *Trustees of Boston University v. Champion Research Corp., et al.*, contempt cited on 30 November 1972. This docket contains no further reference to this citation.

¹³⁰ *Trustees of Boston University v. Champion Research Corp., et al.*, document 30, Affidavit of Gordon T. Walker, filed 12 February 1973: 3.

respective respondents and as evidence that specific term papers were sold to certain persons who were at the time students in this Commonwealth."¹³¹ Within the month the sheriff of Middlesex County had seized the stock of at least International Term Papers and presumably the other defendants still within his jurisdiction, effectively putting an end to the term paper industry in the Boston area.¹³²

Perhaps to forestall further attempts to evade the Commonwealth's jurisdiction, B.U. decided to pursue the matter more broadly. The University secured the cooperation of the United States Postal Service in seeking an injunction under 39 U.S.C. § 3005 and § 3007, which would allow the USPS to intercept incoming mail and thus deal a telling blow against the mail-order arms of the essay services. Presiding Judge Frank J. Murray of the United States District Court, however, dismissed the petition on the grounds that the civil mail fraud statute did not provide relief for intent to defraud a third party, while the criminal statute did not provide for the specific relief sought by the plaintiffs.¹³³

The Government appealed the decision to the United State Court of Appeals, First District, where Murray's decision was overturned. In writing the opinion Chief Judge Coffin could see "no basis for a policy which would allow a[n] injunction against one who mails false advertising to a prospective buyer but would forbid an injunction against one who mails false advertising to sales representatives for use in calling on prospective buyers," and—more directly—that "[i]t is not necessary that the mailing be between the perpetrator

¹³¹ *Trustees of Boston University v. Champion Research Corp., et al*, document 30, Affidavit of Gordon T. Walker, filed 12 February 1973: 4.

¹³² The evidence for this is contained chiefly in the petition of International Term Papers for revocation of this order. See Suffolk Superior Court, *Trustees of Boston University v. Champion Research Corp., et al*, Equity No. 96114, document 32, Motion to Revoke Order of Sequestration, filed 24 September 1973.

¹³³ 351 F.Supp. 76, *United States of America and United States Postal Service v. International Term Papers, Inc., et al*, Civ. A. No. 72-3225, United States District Court, D. Massachusetts, 13 November 1972.

and the victim; any mailing in connection with the scheme is enough."¹³⁴ The Court noted that the absence of specific legislation barring the activities of the term paper mills was no bar to the injunction, since "the fraudulent transaction need not itself be illegal to permit a postal injunction," and made clear that they were prepared "to give [the statute] as broad an interpretation as the language can gracefully bear."¹³⁵

Contemporary with these cases was another lawsuit, which illustrates both the determination of the term paper mills to defend their lucrative turf, and the entry of the issue into popular culture. In September 1972 the *Steve Roper and Mike Nomad* comic strip began running a series in which a professor seeking to outlaw commercially prepared term papers through legislation is murdered by agents of one of the companies. Term Paper Library, Inc. filed suit against both the *Washington Post* and Publishers Hall Syndicate, alleging the defendants "willfully and with malice" sought "to create a public impression that... the [term paper service] business [is] a low and unlawful enterprise."¹³⁶

Legislation of the kind for which Steve Roper's fictitious professor gave his life soon appeared: within months the necessity for broad interpretation of existing statutes was superseded in several states by laws specifically barring traffic in academic work. In the wake of the 1972 scandals New York, Illinois, Connecticut, Maryland, Massachusetts, and Nevada all passed laws prohibiting the sale of term papers, more than doubling the number of states with anti-cheating legislation.¹³⁷ These were followed within five years by Maine (1975),

¹³⁴ 477 F.2d 1277, *United States of America and United States Postal Service v. International Term Papers, et al.* United State Court of Appeals, First District, heard 5 March 1973, decided 3 May 1973.

¹³⁵ 477 F.2d 1277, *United States Postal Service v. International Term Papers, et al.*

¹³⁶ "Steve Roper Comic Strip Sparks \$6 Million Lawsuit," *The Harvard Crimson*, 25 October 1972: 1. I have not yet been able to trace the actual litigation, which appears to have been either dropped or settled. The series ran to its natural end on 3 November 1972, so any restraining order which might have been sought as part of the suit must have been refused.

¹³⁷ States with related laws on the books prior to 1972 were Virginia (1950), Maryland (1957), Colorado (1963), and North Carolina (1963).

California and New Jersey (both 1977), the latter two the states where the oldest and largest commercial concerns in the entire term paper industry—Research Assistance, Inc., and The Paper Store—were and remain headquartered. (It is not clear how these companies managed to stay in business, but they continue to lead the field today with vigorous Internet as well as mail-order operations.) Oregon and Washington followed suit in 1981, with four more states joining the ranks since then.¹³⁸ Wisconsin, having dealt with the issue through administrative action, apparently saw no need to legislate further.¹³⁹

It should be noted that these laws differ in some important particulars. Seven of the 17 states¹⁴⁰ limit their bans to those papers prepared for submission to colleges and universities, leaving one to ponder whether dishonesty is acceptable in the secondary schools of those states. North Carolina specifically excludes from sanction academic work exchanged by students enrolled at the same school,¹⁴¹ while Maine's Criminal Simulation law deals equally with fraudulent essays, impersonation during examinations, alteration of vehicle serial numbers, and bogus animal pedigrees.¹⁴² Just as university definitions of plagiarism rarely agree, so too do legislative standards of prohibited academic commerce differ widely.

New York's law, sponsored by State Assemblyman Leonard Stavisky,¹⁴³ is

¹³⁸ Florida, Maine, Pennsylvania, and Texas.

¹³⁹ A bill was introduced in the Wisconsin State Assembly by State Representative David Berger calling for fines up to \$500 and jail time up to 30 days for students who turned in work not their own, but this was rejected in committee by an 11-0 vote. See "Committee Rejects Bill On Term Paper Fines," *Capital Times*, 10 February 1973.

¹⁴⁰ California, Colorado, Illinois, Oregon, Texas, Virginia, and Washington.

¹⁴¹ *General Statutes of North Carolina*, N.C. Gen. Stat. 14-118.2 (Chapter 14 - Criminal Law; Subchapter V - Offenses Against Property; Article 20 - Frauds).

¹⁴² *Maine Revised Statutes*, 17-A M.R.S. • 705 (Title 17-A - Maine Criminal Code; Part 2 - Substantive Offenses; Chapter 29 - Forgery and Related Offenses).

¹⁴³ See Waggoner, Walter H. "State Acts to Outlaw Companies Selling Theses," *New York Times*, 11 February 1972, and "23 Term Papers Sold After Theft; Concern in Queens to Give Them Back to Harvard," *New York Times*, 13 February 1972: 54, for coverage of Stavisky's interest in the scandal.

by far the longest (seven paragraphs) most detailed, and most inclusive of the 17.

The key paragraph (the first) reads:

No person shall, for financial consideration, or the promise of financial consideration, prepare, offer to prepare, cause to be prepared, sell or offer for sale to any person any written material which the seller knows, is informed or has reason to believe is intended for submission as a dissertation, thesis, term paper, essay, report or other written assignment in a university, college, academy, school or other educational institution to such institution or to a course, seminar or degree program held by such institution.¹⁴⁴

The text is clearly intended to cover customers and writers as well as firm owners, and academic assignments from homework to doctoral dissertations. It is clearly an attempt to close every possible loophole. It is clear from the first qualification—the one regarding financial consideration—that the State Assembly did not foresee the day when assignments might be distributed without remuneration. (Sahr's School Sucks website would not be affected by New York's law, since essays are posted for free and Sahr makes his money selling advertising space on the website.)

These statutes did not always enjoy easy passage. The original version of the Massachusetts law, for example, was superseded by a second, which was in turn sent back to the legislature for revision by the Governor because of concern over possible violation of First Amendment protections.¹⁴⁵ (These reservations were not without foundation; in 1975 Maryland's law was in fact struck down on First Amendment grounds.¹⁴⁶) In Ontario, the only Canadian jurisdiction to

¹⁴⁴ New York State Education Law, Section 213-b.1 (1972).

¹⁴⁵ The first bill was House Bill No. 1343, which was replaced by House Bill No. 6538. Governor Francis W. Sargent to the Senate and House of Representatives of the Commonwealth of Massachusetts, 8 June 1973. See House document number 6980. The specific clause to which Sargent's Attorney General objected was one requiring "any person engaged in the sale of term papers, etc. to maintain a record of each sale and of the name and address of the preparer and purchaser of such material."

¹⁴⁶ Unheadlined paragraph, *New York Times*, 13 April 1975: 20.

consider such a statute, the private member's bill introducing the concept prompted a facetious remark by a member of Cabinet and died on the order paper.¹⁴⁷

Defending the Industry

Not everyone thought that "these term-paper mills are beginning seriously to threaten the whole educational system."¹⁴⁸ In some observers this took the form of simple complacency, of the "[cheating]'s not a problem here" variety.¹⁴⁹ Others who thought the problem blown out of proportion mocked the public's Chicken Little reaction to periodic revelations of academic dishonesty:

It happens nearly every month in the academic year. Somewhere a sharp-phrased, popular writer or reporter discovers that, while most college students gladly learn, others will gladly cheat. Worried presidents, deans, department chairmen and professors then leap to explain the phenomenon of dishonesty among the brainiest segment of our youth. And the public, as usual, wonders what can be done to cure the problem... How could anyone remain calm in such a crisis...?¹⁵⁰

Even some who took the issue more seriously felt that state intervention was an inappropriate response to an academic problem, and that the matter should be

¹⁴⁷ Bill 174, "An Act respecting Ghost Written Term Papers and Examinations," was introduced by MPP Albert Roy and given first reading on June 14, 1972. The only recorded comment was the sardonic suggestion that "[i]t should also outlaw politicians' ghost-written speeches!" *Legislature of Ontario Debates*, No. 91, 29th Legislature, Second Session, page 3651.

¹⁴⁸ Robert Ladicina, Dean of Students at Fairleigh Dickinson University, quoted in "Crackdown on Fakes," *Time*, 27 March 1972.

¹⁴⁹ John Asmuth, Associate Dean of the College of Engineering, quoted in Roger A. Gribble, "Cheating at UW: a Concern, but Not Major Problem," *Wisconsin State Journal*, 24 May 1972. The context of Asmuth's remarks should not be misconstrued—his College did not assign term papers, and it is possible that he was restricting himself to that narrow view of the issue—but the other University of Wisconsin-Madison professors cited by Gribble were of much the same opinion.

¹⁵⁰ Samuel Middlebrook, "No Panacea for College Cheating," *New York Times Magazine*, 9 April 1961: 17. Note that these remarks were actually made in the wake of the Benson exposé, which suggests that "alarmist" (Middlebrook's term) episodes had become common even before 1960. A similar cynicism was expressed in Connie Woodcock, "U of T to 'stamp out' black market essays?" *Toronto Sun*, 4 April 1976.

dealt with at the institutional rather than legislative level.¹⁵¹

Not everyone considered the trade in term papers “a reprehensible, disgusting form of commerce.”¹⁵² Apologists for the industry—most of them either purveyors or customers—put forward three main skeins of argument claiming that the crackdown on essay services was unjustified: the first claimed legitimacy for the sale of ‘research materials,’ the second attacked the nature and value of the assignments themselves, and the third held that essay banks were no less legitimate than acceptable academic enterprises such as Cliffs Notes.

Among those apologists who paid lip service to conventional scholarly mores were the Warren brothers, possibly because they were feeling their way forward in a changing academic climate. In addition to the hand-lettered sign in their office declaring “We Do Not Condone Plagiarism,” they attempted (rather lamely, it is true) to reconcile the nature of their product with the typical requirements of college essays. Ward Warren offered the following explanation, reminiscent of G. H. Smith decades before:

Everyone assumes that Termpapers Unlimited is involved in massive plagiarism. But the majority of students who buy from the company don't plagiarize. What they purchase is a photo-static copy and they must retype it before it can be handed in. In the retyping they can throw in their own material.¹⁵³

The speciousness of this is apparent: the opportunity to “throw in” one’s own material is hardly the necessity to do so, and Warren suggested no motivation for any purchaser to alter what was already a finished essay. The example of two customers at Harvard who were caught turning in the same paper that spring

¹⁵¹ This was the reaction in Wisconsin, where the sheer volume of purchased term papers might have been expected to warrant greater legislative concern. See “Committee Rejects Bill On Term Paper Fines,” *Capital Times*, 10 February 1973.

¹⁵² M. Crawford Young, quoted in Roger A. Gribble, “Cheating at UW: a Concern, but Not Major Problem,” *Wisconsin State Journal*, 24 May 1972.

¹⁵³ Gene L. Maeroff, “Market in Term Papers Is Booming,” *New York Times*, 10 July 1971: 25.

better indicates the probable norm.¹⁵⁴

Those in the second group of apologists argued, in effect, that bogus papers were a reasonable response to sham assignments. Some assertions, such as Inksetter's, were remarkable for their vacuity:

A term paper should not be a real drag to a student. It shouldn't be anything but an opportunity. If someone wants to make use of that opportunity by writing the paper himself, fine—but if he wants to buy a paper, that's right too.¹⁵⁵

Others were more realistic in their description of how such "accepted rituals of each semester" are undertaken:

The great majority of students will make an early start on their respective papers. They will ponder it in their head. Two weeks later they will ponder it again, and two nights before the due-date they may ponder it enough to begin. At the final available moment creative research begins and ends. A term paper thrown together in an all-night session, or maybe two, is born.

It has created little thought, stimulated little research, and rather than stimulate, has dulled the mind and intellectual apparatus. It has been an experience in drudgery.

[...]

The paper is graded in a perfunctory manner by a generally disinterested TA. It is returned with marginal comments of marginal quality. The paper is then glanced at and filed away...¹⁵⁶

Accepted at face value, such an assessment certainly calls into question the validity of the whole exercise. Even critics of the essay mills agreed that the central question was "whether routine, impersonal teaching, with over-emphasis on grades, is not, in fact, the wedge that opens the door to the commercial

¹⁵⁴ Fred M. Hechinger, "Term Papers: Passing Grades For a Price," *New York Times*, March 17, 1972.

¹⁵⁵ Bruce Inksetter, quoted in Nancy J. Begalke, "U. Eyes Court Action Against 'Term Paper Mills'," *Capital Times*, 20 February 1972.

¹⁵⁶ Cary Segall, "Student Standpoint: Term Paper Mills vs. Term Paper Rituals," *Wisconsin Alumnus*, August-September 1972: 13.

exploiters."¹⁵⁷

The third and most aggressive group of apologists cited the number of students who cheated as additional evidence that the system itself was at fault. As Pesham put it, "This is not to justify myself, but something is wrong somewhere when maybe one-fourth of the students in a school will buy these papers."¹⁵⁸ While some of Pesham's data is suspect, this figure is not without basis: one national survey reported that nearly a quarter of college students would consider buying an essay "if [they] were particularly hard-pressed to finish an exceptionally demanding term paper in the time allotted."¹⁵⁹ Nor were the customers the only evidence of corrupt values; "[t]he very fact that we have three dozen TA's and a dozen University professors working for us shows what a farce the educational system is."¹⁶⁰ One California company even claimed to have paid college instructors to provide duplicates of student term papers and had others grade those duplicates in order to build up a quality list.¹⁶¹ While it may be difficult to believe that any scholar would countenance such discreditable collaboration, the fact remains that several companies advertised widely for papers and in short order boasted "thousands of papers on file."¹⁶² Some of these allegations of professional hypocrisy may well have been true.

Perhaps the most articulate of those claiming that purchased essays were no worse than commercially-available study notes such as the Cliffs, Coles, or

¹⁵⁷ Fred M. Hechinger, "Term Papers: Passing Grades For a Price," *New York Times*, 17 March 1972.

¹⁵⁸ Martin Pesham, quoted in Joseph McBride, "Termiknowledgey: Or, How to Become a Millionaire--Fast," *Wisconsin State Journal*, 28 February 1972.

¹⁵⁹ Daniel C. Beggs and Henry A. Copeland, "Most Students Say 'No' to Ghost-written Term Papers," *Wisconsin State Journal*, 6 April 1972.

¹⁶⁰ Sharyn Wisniewski, "Now profs write papers for students," *Daily Cardinal*, 26 October 1971: 1.

¹⁶¹ Cary Segall, "Student Standpoint: Term Paper Mills vs. Term Paper Rituals," *Wisconsin Alumnus*, August-September 1972: 12.

¹⁶² Educational Research, Inc. was not alone in making this claim, but they were representative. See, for example, their block advertisement in the *Daily Cardinal*, 16 June 1972.

Monarch brands was UW student Cary Segall, whose essay in the *Wisconsin Alumnus* begins

Rest easy UW educators. Roll the presses Monarch. Open your files Sigma Chi. For Robert Warren has single-handedly crushed the American dream. The small capitalist Horatio Alger story has died in Madison, Wisconsin.¹⁶³

(Compare this with one journalist's observation that "Horatio Alger would spin in his grave if he could hear the modern success story of Martin Pesham."¹⁶⁴)

Segall suggested that Wisconsin invoked the unfair trade practices standard to crush small entrepreneurs "because the little man was making money at the expense of the esteem of a powerful university." Large study notes publishers, on the other hand, whose titles were equally inimical to the touted goals of a liberal education but increased the profit margins of university bookstores, suffered no such assault from state or "U."¹⁶⁵

Prepared Notes

The growth of the study notes industry roughly parallels the emergence of the commercial trade in academic assignments. Although small operators such as Macdonald's Drug Store in Toronto may have peddled course-specific lecture notes earlier,¹⁶⁶ the first important commercial enterprise of this kind was the

¹⁶³ Cary Segall, "Student Standpoint: Term Paper Mills vs. Term Paper Rituals," *Wisconsin Alumnus*, August-September 1972: 12.

¹⁶⁴ Joseph McBride, "Termiknowledgey: Or, How to Become a Millionaire--Fast," *Wisconsin State Journal*, 28 February 1972.

¹⁶⁵ Cary Segall, "Student Standpoint: Term Paper Mills vs. Term Paper Rituals," *Wisconsin Alumnus*, August-September 1972: 12.

¹⁶⁶ On November 21st, 1951, the Executive Committee of the University of Toronto considered what to do about Macdonald's Drug Store, which was selling Pass Arts English notes prepared by a U of T graduate. Anticipating one aspect of the debate over the term paper mills twenty years later, "[t]here appeared to be agreement that the problem lay not in the types of study aids which are available to students but instead in the possibility that our examinations might not be so carried out as to discover the breadth and depth of knowledge actually possessed by the student." University of Toronto Governing Council, Executive Committee Minutes for November 21st, 1951, University of Toronto Archives. It is not known when Macdonald's began to sell these notes, but they continued to do so until the Pass Arts courses were discontinued by the university. See Macdonald's advertisement for "Supplementary English Notes" (\$3.00 a set) in *The Varsity*, 28 February 1969: Review 5.

Canadian Coles Notes line. Beginning in 1948 with a translation of the French novel *Colomba*, Coles Notes boasted about 100 titles by 1961¹⁶⁷ and seven times that number by 1969.¹⁶⁸ At about that time Coles Notes could be purchased in several languages and in 73 countries, and served as a textbook example of how to market a Canadian product abroad.¹⁶⁹ In 1958 founder Jack Cole sold the American rights to 16 Shakespeare guides to Cliff Hillegass, who enjoyed similar success with his Cliffs Notes line, selling more than a million a year by 1974¹⁷⁰ and over 3 million annually by 1988.¹⁷¹ In Britain, Coles Notes were marketed by PAN.¹⁷² Competition tends to follow success, and soon Penguin, intent on staking a share in the lucrative market in student shortcuts, introduced its Passnotes series in the U.K., while Monarch Notes appeared on bookstore racks as rivals to Cliffs in the U.S.

In several respects there are parallels between the study guides and purchased term papers. Teachers' reaction to these study guides was generally unfavourable, as the notes were widely considered to be substitutes for the books themselves. In 1961, press coverage of Coles Notes quoted representative opinion: "[the notes] may be helpful in passing exams per se, but the students don't do any thinking for themselves"¹⁷³ and "the danger is that students will accept the summary and not go any further."¹⁷⁴ This disfavour did not hurt business; according to Hillegass, "[t]he best thing that happened to us, from the point of view of sales, was when teachers forbade students to use the Notes... It

¹⁶⁷ Gary Dunford, "Teachers take to 'bumblebee' writing," *Toronto Star*, 8 March 1966.

¹⁶⁸ Glen Allen, "Coles notes are sweeping the world," *Toronto Star*, 14 March 1969.

¹⁶⁹ *Exporting: A Basic Guide to Selling Abroad*, 1969: 194-198.

¹⁷⁰ Jack Sirica, Knight-Ridder News Service, "Cliffs Notes: A long look at shortcuts," *Miami Herald*, n.d.

¹⁷¹ Marilyn Linton, "Take note: Exam time's cram time," (Toronto) *Sunday Sun*, 22 May 1988: C11.

¹⁷² "Ruth Martin meets Jack Coles," *Trade News*, 31 January 1970: 40-42.

¹⁷³ J. B. Spears, quoted in John Cartwright, "Those 'Crib Notes'," *Ottawa Journal*, 24 June 1961.

¹⁷⁴ R. S. Whittle, quoted in John Cartwright, "Those 'Crib Notes'," *Ottawa Journal*, 24 June 1961.

was great advertising."¹⁷⁵ Teachers also—ethical considerations and school board policies forbidding moonlighting notwithstanding— wrote these study guides,¹⁷⁶ which lends credibility to the term paper mills' otherwise unsubstantiated claims of faculty writers.

Of additional interest (if only partial relevance) is the fact that the publishers of these guides went to some pains to have them written specifically to the level of high school students.¹⁷⁷ In light of this, their ubiquity in university bookstores suggests that not every college education lives up to the billing given in the admissions brochure. This was, of course, Segall's point.

Ginsberg responded to Segall's argument by distinguishing between such notes and commercially-purchased term papers: "I would acknowledge... that shortcuts are taken [with study notes], but none of them involves putting your name to a paper that isn't yours."¹⁷⁸ Though educators might find student reliance on Cliffs Notes regrettable, there is no deceit involved: published study guides are known quantities (indeed, some English departments maintain their own library of Notes, at least partly on the principle that one should know one's enemy). Ghost writers and essay banks, by contrast, work by stealth to give a student the appearance of achievement, rather than provide a barebones understanding which finds expression in a student's own efforts in a seminar or an examination.

None of these rationalizations carried much weight either in university offices or in the court of public opinion. The magnitude of the problem did force

¹⁷⁵ Cliff Hillegass, quoted in Norman Atkins, "Fast Food for Thought: A Brief History of Cliffs Notes and the man Who Made Synopsizing Texts Synonymous With His Name," *Rolling Stone*, 26 March 1987: 158.

¹⁷⁶ Gary Dunford, "Teachers take to 'bumblebee' writing," *Toronto Star*, 8 March 1966.

¹⁷⁷ Norman Atkins, "Fast Food for Thought: A Brief History of Cliffs Notes and the man Who Made Synopsizing Texts Synonymous With His Name," *Rolling Stone*, 26 March 1987: 160.

¹⁷⁸ Paul Ginsberg, quoted in Joseph McBride, "Termiknowledgey: Or, How to Become a Millionaire--Fast," *Wisconsin State Journal*, 28 February 1972.

institutions of higher learning to examine the term paper process—or to say they did¹⁷⁹—but no substantial changes in student evaluation came about as a result of the affair. The revelations of 1972 did lead colleges to tighten rules and close loopholes (and in some cases also led states to amend their criminal codes to support their schools and universities), but not to legitimize the purchase of academic work.

Individual Entrepreneurs

Although university regulations and state legislation were directed chiefly at businesses peddling papers, it is important to note that companies were not the only players. Individuals willing to pick up a fast buck by writing essays or (or selling their old ones) placed inexpensive advertisements in campus papers. Even in Madison, where three high-volume concerns competed for the student dollar, one could find the not particularly discreet advertisements of small freelance operators like this one:

ORIGINAL TERMPAPERS: English, American, Comparative Literature, Chinese Literature, history, philosophy. Fast, inexpensive service. 256-5742, 222-2882.¹⁸⁰

In some cases colleges took decisive action against these individuals.

Northeastern University in Boston suspended for a year the M.A. of one such operator,¹⁸¹ but such steps were exceptional. If Babson College—alma mater of

¹⁷⁹ Paul Ginsberg of Wisconsin told the campus press that “this bout with term paper buyers has reflected [what] some of us have maintained from the beginning; and that is that the University has an obligation to look at how term papers are being used.” Quoted in Michael Mentzer, “Dean Ginsberg Reflects on Term Paper Problem,” *Badger Herald*, 28-30 August 1972. There is no evidence that anything ever came of this intention at Wisconsin, or at any major university.

¹⁸⁰ Classified advertisement, *Badger Herald*, 28 February-1 March 1972: 8.

¹⁸¹ Raymond H. Robinson, Professor of History at Northeastern, interviewed by Michael E. Buerger, e-mail dated 27 September 1999. The candidate openly acknowledged his work in the industry, and was told that his degree would be conferred after a suspension of one year provided that he ceased this activity. At the end of the “penance year” the candidate returned, and assured the committee that he had not associated with any term paper business -- having in the meantime made equally good money writing pornography instead.

1971's most notorious trafficker in term papers—took no action against Ward Warren, it is not surprising that other institutions turned a blind eye to the smaller fry. A review of the classified sections of student newspapers shows the validity of what has been termed the cockroach principle ("Kill one and another rises to take its place"¹⁵²)—these come and go.

Somewhere in between the individual who sells his old essays and Research Assistance, Inc. is the "in-house researcher,"¹⁵³ an elusive species whose livelihood is dependent rather upon word-of-mouth than advertisement. Although he chose to go into business as the local franchise of a national concern, Bruce Inksetter fits the profile of such campus fixtures well: a former academic alienated from the university by his failure to complete a degree or to win tenure. Familiar with the institution, he "consciously subvert[s] the system as a way of getting back"¹⁵⁴ as well as making a comfortable living. Such operators may be widely known in the student subculture, but can remain virtually undetectable by faculty if they choose to do so. There appears to be no effective way to address this kind of activity, since it is doubtful if even a police raid would turn up sufficient evidence to prosecute—though in one important Canadian case just such a raid did have an impact on a major player in the term paper trade.

The first trace of a commercial traffic in academic wares in Canada appeared in the Classified column of Toronto's student newspaper, *The Varsity*, in early 1968: "THESIS & TERM PAPERS on Smith Corona electric. Will organize from your notes. Four years experience. Please call 923-5597 after four."¹⁵⁵ This

¹⁵² Robert S. Wolk, "'Dr. Research': A Quick Fix for Plagiarists," *Journal of Information Ethics*, Spring 1993: 63.

¹⁵³ Term coined by Robert S. Wolk, "'Dr. Research': A Quick Fix for Plagiarists," *Journal of Information Ethics*, Spring 1993.

¹⁵⁴ Robert S. Wolk, "'Dr. Research': A Quick Fix for Plagiarists," *Journal of Information Ethics*, Spring 1993: 65.

¹⁵⁵ *The Varsity*, Friday, 9 February 1968: 23.

advertisement appeared twice more¹⁸⁶ before its content was rewritten to be more discreet (“THESIS, TERM PAPERS expertly done on Smith Corona typewriter. Please call Miss Lee 923-5597.”), though it is not clear whether the wording was changed at the entrepreneur’s behest or the editors’.¹⁸⁷

Another short-lived enterprise took out a small block ad almost a year later:

THESIS
 • TYPED & ILLUSTRATED FROM
 YOUR NOTES & SPECS.
 • FREE PICK-UP & DELIVERY
 PHONE 239-9707 or 537-5548 AFTER 6 P.M.¹⁸⁸

There is no evidence that officials took any notice of either modest venture, but then more pressing matters of governance and nonacademic discipline were preoccupying the U. of T. administration that year.

On February 26, 1971, a novel advertisement appeared in the Classified section of *The Varsity*:

ESSAYS WANTED — REMUNERATION — Anything related to: (1) sixteenth century English literature, (2) eighteenth century English literature, (3) medieval philosophy, (4) Marx, (5) problems of language: philosophical, psychological, or linguistic approaches. Out of town student. Phone Don Friday, Feb. 26 or Monday at 537-3926.¹⁸⁹

The same ad appeared on March 1, and then again on March 3 with different dates to call.¹⁹⁰ Apparently “Don” was able to obtain some but not all of his required papers, because in the next two weeks he was again advertising, though this time only for “A grade papers in eighteenth century English Literature (15 pages or more) and medieval philosophy (10-15 pages).”¹⁹¹

¹⁸⁶ *The Varsity*, Friday, 16 February 1968: 16, and Monday, 4 March 1968: 8.

¹⁸⁷ *The Varsity*, Friday, 8 March 1968: 4.

¹⁸⁸ *The Varsity*, 24 January 1969: 17.

¹⁸⁹ Classified advertisement in *The Varsity*, February 26, 1971, p. 15.

¹⁹⁰ Classified advertisements in *The Varsity*, 1 March 1971, and 3 March 1971: 13.

¹⁹¹ Classified advertisement in *The Varsity*, 12 March 1971, 17 March 1971, and 19 March 1971.

On March 5 another classified ad appealing for work (“ESSAY — Good money for essay on an aspect of American Colonial History — ie Pre 1776 approx. 10 pages — 749-5737”) appeared in *The Varsity*, and ran for two weeks. The last appearance of this ad coincided with one put in by “John,” apparently seeking to purchase an entire course load’s worth of term work:

URGENT ESSAY NEEDED on either Neolithic Revolution. Dev. Agriculture. classification Early Man. cave art. Dead Sea Scrolls or some aspect of early cultural development. 20-30 pages. Good price. Phone John, after 7 p.m. 762-6719.¹⁹²

Although such classifieds may not have been particularly effective,¹⁹³ they are indicative of “an unprecedented flurry of trading, borrowing, buying and selling essays” then occurring at U of T.¹⁹⁴

According to one estimate, “about half the students in the arts and science faculty borrowed or bought an essay” during the 1970-71 academic year.¹⁹⁵ At the heart of this phenomenon was the “essay co-op” which appeared in the first term of that year. This co-op resembled both traditional fraternity term paper files and the later School Sucks website. Participants donated their own work to the co-op in return for access to the work of others, rationalizing the practice as a practical necessity available only to “activist students who want more time for political work.”¹⁹⁶

¹⁹² Classified advertisement in *The Varsity*, 19 March 1971: 7.

¹⁹³ The reappearance of individual ads is presumptive evidence of their ineffectiveness. See also Brian Johnson, “Cheating: A more subtle form of campus protest,” *Toronto Telegram*, 13 May 1971.

¹⁹⁴ Brian Johnson, “Cheating: A more subtle form of campus protest,” *Toronto Telegram*, 13 May 1971.

¹⁹⁵ Robert Spencer, student body president at the University of Toronto, cited in Brian Johnson, “Cheating: A more subtle form of campus protest,” *Toronto Telegram*, 13 May 1971.

¹⁹⁶ Brian Johnson, “Cheating: A more subtle form of campus protest,” *Toronto Telegram*, 13 May 1971.

Canadian Term Paper Mills

In the autumn of 1971 the fact that Toronto students were plagiarizing on a significant scale became a campus issue when *The Varsity* editorialized that the University should “[s]top all plagiarism by killing degrees”¹⁹⁷—a solution not out of step with the student radicalism of the period. The paper also ran a centerspread story on the issue which referred to three U.S. companies, none of them yet known to operate in Toronto.¹⁹⁸ If U. of T. officials hoped the emerging essay service industry was a strictly American phenomenon, however, they were soon disillusioned. Only two months later flyers advertising a local enterprise (“PIRATE PAPERS WRITES ESSAYS FOR YOU”) were found in the foyer of the U. of T. library, where an outraged official intercepted them and forwarded one to the Vice-President with the complaint, “I found a batch of these in our front hall today, and if more appear I shall have them destroyed! Isn’t there anything the University can do about such people?”¹⁹⁹

In fact the University could do little, and Pirate Papers seems to have flourished. In February the firm was advertising for writers,²⁰⁰ and by June 1973 its flyers listed both a local address where prospective clients could come to place their orders and a set schedule of fees (beginning at \$4.00 a page for essays due in 14 days or more).²⁰¹ Nor was Pirate Papers the only game in town: in the autumn of 1972 Essay Services was advertising both for stock (“If you have top quality University Essays lying around collecting dust, they are worth money”)

¹⁹⁷ Tom Walkom editorial, “Stop all plagiarism by killing degrees,” *The Varsity*, Wednesday, 17 November 1971: 4.

¹⁹⁸ Kathy Muir, “Plagiarism: only for the lazy?” in *The Varsity*, Wednesday, 17 November 1971: 6-7.

¹⁹⁹ M.H. Blackburn (?) to Vice-President Ross dated Jan 11/72, in University of Toronto Archives, folder labelled: “Internal Affairs Committee - Discipline Part I”

²⁰⁰ Classified advertisements in *The Varsity*, February 7, 1972, February 9, 1972, and February 11, 1972.

²⁰¹ Pirate Papers flyer dated June 1973, in UTA “Internal Affairs Committee - Discipline Part II”.

and for staff (“If you are capable of writing a top university essay[,] call...”).²⁰² In January 1973 Termpapers Service set up shop,²⁰³ and by March Termpapers Unlimited of Toronto had done the same.²⁰⁴

Media attention also made term paper mills—or, to employ the phrase commonly used in the Canadian press at the time, essay banks—a public issue in Canada. While Pirate Papers was probably all but unknown outside student circles, Ward Warren’s declared intention to expand into Canada placed the issue of purchased essays on the agenda of the Council of Ontario Universities (COU).²⁰⁵ The issue was taken up at the organization’s first meeting of 1972:

While recognizing that many faculties, departments and individual teachers have developed methods for detecting plagiarism, COU decided to seek some legal opinion on the issue. The Council of Deans of Ontario Faculties of Law, an affiliate of COU, has been asked to consider the implications of business enterprises preparing or obtaining manuscripts analogous to term papers, essays, or theses for sale to Ontario university students, and to recommend to COU appropriate action.

It is hoped that a combination of legal regulations and faculty vigilance will effectively discourage the expansion of the term paper business.²⁰⁶

It seems likely that the private member’s bill introduced at Queen’s Park four months later was the result of lobbying by the COU, but the exact nature of any link between them cannot now be reconstructed.

Some time after MPP Albert Roy’s bill died on the order paper, the COU

²⁰² See “unclassified” in *The Varsity*, 10 November 1972: 10.

²⁰³ See the Termpapers Service advertisement in *The Varsity*, 10 January 1973.

²⁰⁴ See the Termpapers Unlimited of Toronto advertisement in *The Varsity*, 16 March 1973.

²⁰⁵ It is possible to trace the actual sequence of events which led to the COU’s involvement. A letter from a concerned alumnus to J. H. Sword, then Acting President of the University of Toronto, was passed along to John B. Macdonald, President of York University and Executive Director of the COU, who placed it on the COU agenda. See Robert M. Holland to J. H. Sword, 10 January 1972; D. F. Forster to Robert M. Holland, 18 January 1972; and John B. Macdonald to Robert M. Holland, 20 January 1972. York University Archives, 1977-013/036, “COU - Term Paper Business, 1972, 1975”.

²⁰⁶ Council of Ontario Universities, *monthly review*, February 1972: 3. University of Toronto Archives, A78-0028/037, Office of the President - Educational Associations.

struck a Special Committee on the Purchase of Term Papers, which in due course issued a report “on the extent and seriousness of the problem.”²⁰⁷ For some reason, however, the COU did not distribute the committee’s findings to its constituent institutions, and the issue seemed to die in their filing cabinets (if indeed it made it that far; today the COU claims to know nothing of this general issue, that specific meeting, or their own special committee.²⁰⁸)

After the Ontario legislature buried Roy’s bill in June 1972 no further attempt was made to curb the term paper industry, and the term paper mills flourished. In 1975 incoming U. of T. students were given the inside scoop about pirate essays—including the wide range of response from the “discreet D” given by a professor who is “embarrassed [sic] to have caught you” to “university litigation” instigated by a less merciful instructor, and the rumour that “too many Profs and Grad Students are writing for the shady services” to make patronizing those services altogether safe.²⁰⁹ In the autumn of 1975 advertisements for both a custom essay service and a catalogue company graced the “unclassifieds” in *The Varsity*,²¹⁰ and one professor wrote a letter to the editor of that paper urging students to “fink on essay banks!”²¹¹ A 1976 announcement that the University of Toronto would seek judicial or legislative remedy²¹² came to nothing, and the traffic in academic assignments continued

²⁰⁷ Undated letter circa 1974 from Fraser Cowley, Chairman, Committee on Purchase of Term Papers, to C. Grant Clarke, Secretary of the Council of Ontario Universities. York University Archives, 1977-013/036, “COU - Term Paper Business, 1972, 1975”.

²⁰⁸ The COU has been unhelpful with this research. Their reply after weeks of delay reads: “Have exhausted all possibilities. Sorry, can’t help.” E-mail message from Luce Sanson to the author, 31 August 1999. For this to be true the COU must have lost its own Minutes and committee reports. All references to the COU have been gleaned from university sources.

²⁰⁹ “Pirate Essays” in *Journey to the Centre of Parnassus: The 1975 SAC Handbook* (Toronto: University of Toronto Students’ Administrative Council, 1975): 68-69.

²¹⁰ “Institutional Research” offered custom essays; the catalogue company was “Essay Services” (“Canada’s largest”). See the “unclassified” section. *The Varsity*, Monday, 10 November 1975: 8.

²¹¹ Stillman Drake, Letter to the Editor headed “Students, fink on essay banks!” *The Varsity*, Monday, 10 November 1975: 4.

²¹² Connie Woodcock, “U of T to ‘stamp out’ black market essays?”, *Toronto Sun*, 4 April 1976.

unabated in Canada, despite modest setbacks such as bans on advertisements in student publications.²¹³ Notwithstanding the *Globe and Mail's* rather premature report announcing the demise of essay banks in 1978,²¹⁴ by the mid-1980s solicitation of business on campus by such enterprises had become sufficiently blatant to move York University to inform operators by registered mail that their flyers were prohibited on campus.²¹⁵

York's response to the commercial trade in term papers is of particular interest because York played a leading role in the attempt to put them out of business in 1989. In addition to banning advertising on campus, university officials formalized their efforts to keep such services from exploiting York students by issuing an *ad hoc* policy in November 1987.²¹⁶ Subsequently they received an opinion from the university's solicitors that the purchase of fraudulent work might be a violation of the Criminal Code, and planted a front page story to that effect in the student newspaper.²¹⁷

Within three weeks Associate Dean of Students Mark Webber was contacted by a professor who suspected that one of his students had submitted a purchased paper. As this incident worked its way through the established procedures of the university the student initially insisted that he had written the essay himself, but eventually—faced with an increasing number of inexplicable

²¹³ In 1975-76, for example, *The Varsity*, the University of Toronto student newspaper, decided not to accept essay bank advertising in the student newspapers. See "Student newspaper at U of T bans ads offering essay help," *Toronto Star*, 19 November 1975.

²¹⁴ "How's essay business? Dying at \$5 a page," *Globe and Mail*, 10 March 1978.

²¹⁵ Custom Essay Service, of which more below, refused delivery of such a letter postmarked November 12, 1985. From the summary of events by Mark J. Webber dated October 25, 1989. Professor Webber has generously made his notes from this period available to me, and much of the information related here is from that source.

²¹⁶ "Policy and Procedures Prohibiting On-Campus Activity by Essay-Writing Services," prepared and issued by the President's Policy Committee of York University, 10 November 1987. The draft memorandum on this subject from Provost T. A. Meininger to the PPC dated October 5, 1987, is in the York University Archives, Office of the President Fonds, F0073, 1996-024/010 (08).

²¹⁷ Sanju Vaswani, "Five students, janitor found guilty," *excalibur*, 4 February 1988: 1.

inconsistencies between the essay in question and others he had submitted—he admitted having purchased the paper from Custom Essay Service. This student gave Dean Webber an inside view of the Custom Essay Service operation: a student ordering a paper would give CES the details of the assignment and a 50% down payment, with the balance due on delivery. The company would farm the assignment out to one of its writers, who received half the fee. If the essay did not earn at least a ‘C,’ CES would offer to upgrade it—for an additional fee. The essay would be available within two weeks.²¹⁵

The internal workings of Custom Essay Service²¹⁶ were revealed in greater detail by the pseudonymous “Abigail Witherspoon” in an article for *Harper’s*.²¹⁷ Busy season is from October to May, although January—the lull between first semester due dates and second semester assignments—tends to be slow. At peak times the writers, an eclectic collection of unemployed graduates and former academics (some working in Canada illegally), wait for the owners to assign papers according to their respective “specialties” while customers queue up to place their orders. (It should be noted that, while CES scorned to sell off-the-rack essays and farmed out each assignment individually, during crush periods the writers themselves were faced with the temptation to recycle work they had

²¹⁵ From the summary of events by Mark J. Webber dated 25 October 1989.

²¹⁶ Many details in the article, including a reference to the sting operation, offer compelling evidence that the “Tailormade” of “Witherspoon’s” article is indeed Custom Essay Service of Toronto. While this is purely speculative, “Witherspoon” may have found the title for her *Harper’s* piece in a contemporary newspaper story about the raid: see Jim Foster, “Cheaters scared off ‘ghosted’ essays,” *Toronto Star*, 4 October 1990.

It is possible to purchase pre-written essays about Witherspoon’s article on the Internet. Research Papers Online offers two—one of them clearly an adaptation of the other—for \$24.75 or \$34.65 depending upon the length required. See <http://www.ezwrite.com/Store/itemdetail.asp?IDNO=556> and <http://www.ezwrite.com/Store/itemdetail.asp?IDNO=598>.

Both of these essays take Witherspoon’s “Tailormade” at face value, and erroneously identify her employer with Tailor Made Essays, Writing and Research.

²¹⁷ Abigail Witherspoon (pseud.), “This Pen for Hire: On grinding out papers for college students,” *Harper’s Magazine*, June 1995: 49-57. Derek Sim gave an informative interview about his business seven years before; see Rick Morrison, “Students line up to buy essays,” *Toronto Star*, 27 December 1981.

previously prepared for the same course.) The sliding scale of fees in 1994 demanded twenty, twenty-two, or twenty-four dollars per page, depending upon the level of the course and the difficulty of the topic, with an additional “ding,” or fee, for each order unaccompanied by the books required to write the paper. In addition to walk-in custom, business also comes in from other Canadian cities and the United States as well. Witherspoon describes in dreary detail the cranking out, during endless all-nighters, of the required number of pages on subjects ranging from the drab to the obscure, and offers compelling evidence that “academic prostitution”—Witherspoon’s own characterization of her work—is as tawdry and degrading as its sex-trade namesake.²²¹

At the time Custom Essay Service had been in business for about a dozen years, and employed roughly forty writers. CES was selected as the object of the action both because it was the largest and most visible operation in Toronto at the time and because the student informant had been a customer.

The appearance of an informant gave York the means to seek legal action, and the university approached the Fraud Division of the Metropolitan Toronto Police Force with a request to investigate CES. The officers who came to discuss the question were unimpressed and uncooperative, however, and declined to pursue the matter. The university then turned to attorney Neil Kosloff, who approached Crown Attorney Steven Leggett, who in turn convinced 31 Division that a prosecution on the grounds of uttering forged documents had merit. The case was assigned to Detective Constables Brian Dickson and Graham Hanlon, who had worked with York University before.²²² These men met at York in July

²²¹ Abigail Witherspoon (pseud.), “This Pen for Hire: On grinding out papers for college students,” *Harper’s Magazine*, June 1995: 56.

²²² Dickson and Hanlon had done the police work on “the Fab Four,” a quartet of students who had suborned a janitor for keys to professors’ offices and had been selling advance copies of examinations. See Deborah Dundas, “York students face criminal charges for cheating,” in *Excalibur*, 10 November 1988: 1.

1988 to discuss how to proceed.²²³

After one false start designed around an attempt to win over another potential informant, a sting operation was designed.²²⁴ On March 22, 1989 (a day when “the place was full”²²⁵), Constable Suzanne Beauchamp, a recent university graduate, placed an order with Custom Essay Service requesting a paper putatively for Sociology 1010.06A—a course which she had in fact taken and could thus discuss credibly with the company.²²⁶ York University provided the money.²²⁷ On April 4 Beauchamp picked up the essay, which was then used to obtain a Criminal Code search warrant. The next day, April 5, Dickson and Hanlon, accompanied by uniformed officers and Webber, raided the CES premises at 4 Collier Street and seized “boxes and boxes and boxes” of term papers and, more significantly, order forms.²²⁸

Immediately after the raid the police issued a press release to maximize public exposure.²²⁹ Calls came in from all over—from persons in a broad range of prestigious professions—enquiring about the dates of the paperwork seized.²³⁰ In fact the documents removed by the police encompassed only orders dated from January to April—a term’s worth of business. The approximately 530 forms

²²³ Brian Dickson, “Outline of Investigation Utter Forged Documents” (police notes, n.d.): 1.

²²⁴ Brian Dickson, “Outline of Investigation Utter Forged Documents” (police notes, n.d.).

²²⁵ Notes taken by Mark J. Webber of verbal report by Brian Dickson, 29 March 1989.

²²⁶ The subject of the 12-page paper was a sociological overview of Michael Ondaatje’s novel *In the Skin of a Lion*. The job was assigned to “Buckley,” one of the CES “stable of hacks” (Witherspoon, “This Pen For Hire,” 50), who was instructed to answer five questions on the book from an attached sheet given out by the professor. Beauchamp also provided a copy of the text (K. Ishwaran, *Sociology: An Introduction*), and was not “dinged.” The cost per page was \$17 (“15” is scribbled out on the order sheet); Beauchamp put down a deposit of \$140 and paid the \$115 balance on delivery of the paper. A photocopy of Beauchamp’s order form is in the notebook kept by Mark J. Webber.

²²⁷ Internal e-mail memorandum dated 19 March 1989 from Mark J. Webber to Gerri Woodford in the President’s Office of York University.

²²⁸ Interview with Detective Graham Hanlon at 31 Division, Norfinch Avenue, Toronto, 22 August 1999.

²²⁹ This had been part of the plan from the beginning; see internal e-mail memorandum dated 19 March 1989 from Mark J. Webber to Gerri Woodford in the President’s Office of York University.

²³⁰ Interview with Sergeant Brian Dickson, 21 Division, Toronto, 23 August 1999.

represented a three month gross of \$98,000, half of which was the Sims' cut.²³¹

As part of the operation universities across Ontario were asked to 'freeze' (*i.e.*, hold pending police examination, rather than return to students) all essays submitted for credit during this period, and Dickson, Hanlon and Webber spent the next few weeks working to identify the students who had submitted the seized forms. By May this work was sufficiently advanced to call a meeting attended by representatives of the COU's member institutions, at which each was given two lists: one of the CES customers which could be identified as their students, and a second of "unknowns" that each institution was asked to scrutinize in the hope of identification. Universities were asked to compare the seized essays with assignments submitted by the students on the lists.²³²

On May 29, 1989, the proprietors of Custom Essay Service, Derek Robinson Sim and Marilyn Elizabeth Sim, were charged with one count of conspiracy to utter forged documents and seven counts of uttering forged documents. Leggett prosecuted the case for the Crown. The Sims, who claimed to have been victimized by "a questionable search and seizure, on a trumped-up search warrant" as part of a "McCarthy-type witch-hunt,"²³³ hired Barry Fox to represent them.

The case put together by the police seemed to be a strong one. Dickson and Hanlon were prepared to bring forward two dozen witnesses, including eight students who had purchased essays, university faculty who had received

²³¹ Interview with Sergeant Brian Dickson, 21 Division, Toronto, 23 August 1999.

²³² "Outline of Investigation Utter Forged Documents": 2. McMaster University's list, for example, had ten names, while the university was able to identify two more from the roster of "unknowns." For contemporary campus coverage see Adrian Humphreys, "Mac students in essay scam," *Silhouette*, 25 May 1989: 1.

²³³ Derek Sim, quoted in Humphreys, "Mac students in essay scam." *Silhouette*, 25 May 1989: 1. It should also be noted that Sim trotted out the predictable rationalization that "[t]he Prime Minister of Canada has a professional speech writer", and also invoked the specious parallel between his product and *Coles Notes*. This interview is one of the Sims' few recorded comments on the prosecution of CES.

them, and even a disaffected former Custom Essay Service writer. In addition, they adduced exact matches between the essays which had been ordered and those which were submitted, and felt that they has accumulated a convincing preponderance of evidence. In the event, however, the lawyers agreed to present a statement of fact, and neither the witnesses nor the painstakingly-assembled written evidence were brought before the judge.²³⁴

The first of the seven charges, conspiracy to utter forged documents, alleged that “[d]uring the months of January 1989 to April 1989, the two accused before the Court did conspire with each other, the students purchasing the essays and the writers who completed the forged essays in order for the student to fraudulently obtain a credit in their course and ultimately a university degree.”²³⁵ The other six complaints were individual charges of uttering a forged document, specifying essays commissioned on January 9th and 24th, February 13th and 28th, and March 8th and 10th, 1989, all of which were submitted as received, and as the students’ own work, to their respective professors.

The case was heard by Judge George E. Carter in 303 Court at 1000 Finch. The Crown case was based in part on the provision of Section 366(b) of the Criminal Code of Canada, which specifies that forgery has been committed when by a false document “a person should be induced, by the belief that it is genuine, to do or refrain from doing” something.²³⁶ In *R. v Sim* Leggett argued that professors had been induced to award credit for work produced by CES in

²³⁴ A word about sources: Leggett is dead, and Court documents more than six years old have been destroyed. What remains are the notes and recollections of the detectives and university officials involved, and it is from these that this portion of the chapter has been written.

²³⁵ Synopsis of Charge #1, *R. v Sim*. I am grateful to Mr Barry Fox for providing copies of the charges, which have been purged from Court files and disappeared from the public record.

²³⁶ Criminal Code of Canada, Section 366(b), quoted in Barry Fox, “Uttering a Forged Document: *R. v Sim*”, written submission to the court: 1.

the belief that it was genuine student work.²³⁷ Fox responded by rejecting Leggett's contention that these essays were false documents, which must be "false in some material particular" according to Section 321(b). Fox maintained that, on the basis of the language in this Section, "[authorship] of a university essay is not a material particular."²³⁸ He also argued that the essays did not meet the test of forgery under Section 321(c), for which the essays would have had to be intended to pass as the work of someone other than "the actual author *or the one under whose authority the author was working*" [emphasis added].²³⁹

In addition, the prosecution contended that the Sims were "parties to the offence" of uttering forged documents, which under the Criminal Code requires a less exacting standard of proof than the principal charge. During his oral arguments, however, Leggett did not press the point, and it may be that Judge Carter failed to appreciate the point.²⁴⁰ It should be noted, though, that Fox did not argue that the Sims could not be convicted of forgery because any forgery was rather solely the work of the student. Instead, he concluded

that the activity in question does not constitute uttering. The students hired the accused's business to produce essays on their behalf and then used essays as their own work. This may be a breach of academic regulations, but it is no more a crime than the act of a politician in hiring a speech writer to compose a speech, or the act of a senior lawyer who hires a junior to write a factum on his behalf for the Court of Appeal, but affixes his own signature.²⁴¹

This is significant because the prosecution contention that the Sims were parties

²³⁷ Crown Stephen Leggett's arguments were made orally, and no written record of them survives. This rendering of the Crown case has been extrapolated from notes made during interviews with Brian Dickson, Graham Hanlon, and Mark Webber, and from the written submissions of Defence Barrister Barry Fox.

²³⁸ Barry Fox, "Uttering a Forged Document: R. v Sim", written submission to the court: 6. I am grateful to Mr Fox for providing me with these written arguments.

²³⁹ Barry Fox, "Uttering a Forged Document: R. v Sim", written submission to the court: 6.

²⁴⁰ Certainly this is the belief of the police officers. Interview with Sergeant Brian Dickson, 21 Division, Toronto, 23 August 1999.

²⁴¹ Barry Fox, "Uttering a Forged Document: R. v Sim", written submission to the court: 9.

to the offence could have no force if no offence had been committed by anyone.

On September 11, 1990, Judge Carter dismissed the charges, holding that there was no evidence of intent to commit a criminal act.²⁴² If Carter's decision was disappointing, the denouement was even more so. Not all institutions had shared York's enthusiasm for public prosecution of academic malefactors (or even Toronto's willingness to cooperate), and the Council of Ontario Universities was cool to the idea of continued action. On the prosecution side, although Leggett approached the Attorney General for a preferred indictment—and even received the support of the Crown Law Office, which believed that Carter had erred in dismissing the uttering charges—the sheer volume of cases requiring immediate attention in the wake of the Askov ruling led to the CES prosecution being put on the back burner, and abandoned there.²⁴³ A decade later CES was still advertising their wares on the bulletin boards of York University.²⁴⁴

If the proprietors of Custom Essay Service escaped without penalty, the same cannot be said for their customers. York University alone prosecuted approximately 100 of their students, who explained themselves as best they could to Shirley Katz, the Associate Dean responsible for bringing their cases to the Academic Hearing Committee:

Often they cited the pressure caused by some combination of work load, and personal and parental problems. Some said they had other priorities like sports or a job outside the University. Some told me they saw nothing wrong in paying someone to do "research" or a "model essay" for them. Almost all told me that "everybody is doing it."²⁴⁵

²⁴² Carter's actual decision does not survive; this is the report carried in Sarah Schmidt, "Wired world gives cheating a new face," *The Globe and Mail*, 22 June 1998. Fox claims that "the judge ruled that the service was perfectly legal" (Barry A. Fox, letter to Geoffrey E. Buerger, September 3rd, 1999), which is by no means the same thing.

²⁴³ *R. v. Askov*, 74 D.L.R. (4th) 355(S.C.C.). The Askov ruling resulted in the dismissal of charges against hundreds of defendants on the grounds that the Crown had violated their rights by taking too long to bring the cases to trial.

²⁴⁴ Virginia Galt, "Essay-writing services vie for campus customers," *The Globe and Mail*, 8 November 1999: A11.

²⁴⁵ Shirley Katz, "Academic offences: an update," *Faculty of Arts Newsletter*, September 1989: 5

All of the accused students were found guilty and assigned sanctions “ranging from 0 in the assignment for the offense of attempting to purchase an essay to suspension from the University for 10 years for multiple completed offenses.”²³⁶ The greatest proportion—76—were in the Faculty of Arts, of whom 41 were charged with one count of cheating and the remainder with multiple offences (among whom was one who ordered a dozen essays, for herself and her friends).²³⁷ This last was not unique; one CES writer told a major paper that some students “treat... buying [their work] as just another added cost—\$300 for the course, \$200 for the books, and \$500 for the essays. It’s just seen as one more financial burden.”²³⁸

Of particular interest are the circumstances which made this operation possible. A necessary precondition was the existence of an administrative willingness to commit university resources to the struggle. Starting from the premise that “an offence against the integrity of the pursuit of knowledge strikes a blow against the foundation of the institution,” York recognized that, taken to its logical end, the routine and widespread purchase of term papers and hiring of examination surrogates would reduce the university to a mere diploma mill.²³⁹

The decision to go to extraordinary lengths to combat this was made not to close down a single supplier, but to send a message to York’s two core constituencies. The expenditure of time and money was meant to eliminate faculty fatalism by demonstrating the administration’s commitment to integrity

²³⁶ Shirley Katz, “Academic Dishonesty: The Custom Essay Service Revisited,” *Faculty of Arts Newsletter*, February 1992: 1.

²³⁷ Shirley Katz, “Academic Dishonesty: The Custom Essay Service Revisited,” *Faculty of Arts Newsletter*, February 1992: 1.

²³⁸ Anonymous Custom Essay Service writer, quoted in Maureen Murray and Jennifer Gould, “Essays can cost up to \$22 a page employee says,” *Toronto Star*, 20 April 1989. At least in Ontario, this elicited bemused reflections about student concern over rising tuition fees. See Irish Crawford, “Universities get tough with cheaters,” *Toronto Star*, 9 May 1989.

²³⁹ Interview with Dalhousie University President Tom Traves (who was Dean of Students at York at the time of the Custom Essay Service investigation), 13 December 1999.

and willingness to support professors who took a stand. Publicizing the issue in such dramatic fashion was also meant to make students aware that the university considered purchased work a serious issue, and make them "less inclined to view plagiarism as the equivalent of a childish prank."²⁵⁰

Webber and Marla Chodak, the executors of York's institutional commitment, were determined officials who believed that the defence of academic integrity was central to the university's mission. Equally important, they enjoyed the unqualified support of Dean Tom Traves and President Harry Arthurs, and were empowered to take whatever independent action was required to address the problem.²⁵¹ While they enjoyed tremendous operational discretion, however, Webber and Chodak were careful both to keep key administrative offices fully informed, and to involve interested faculty members in the investigation. In short, York entrusted its institutional commitment to capable personnel who were determined to carry out an extended campaign against an amoral external adversary.

For their part the two police officers assigned to the case were aware that they were breaking new legal ground, and became personally invested in seeing the job through. They too enjoyed the support of their own immediate superiors, and, like their partners in the Dean's office, were prepared to be thorough and patient. Most important of all, Dickson and Hanlon had the unqualified trust and active support of the university (they had handled York's 1988 stolen-examination ring case, and during that investigation established an exceptionally close working relationship with the university)—to the point where York allowed them considerable latitude to obtain the necessary student testimony.²⁵² In short, York University and 31 Division acted in concert

²⁵⁰ Interview with Tom Traves, 13 December 1999.

²⁵¹ Interview with Mark Webber and Marla Chodak, 20 August 1999.

²⁵² Interviews with Brian Dickson, 23 August 1999, and Graham Hanlon, 22 August 1999.

throughout the investigation, which might well be cited as an example of optimal cooperation between large, hierarchical, public institutions.

Their adversary was also well-suited for a test-case. With ten years in the trade, a prominent location adjacent to the Metro Toronto Research Library, and a high-volume business, Custom Essay Service presented an obvious target. CES was also over-confident in its operations. They advertised widely, and took few steps to guard against such a contingency as the March 1989 raid. The Sims apparently believed that their business was legally untouchable, and scorned to adopt any safeguards other than stamping their products "for research purposes only" after York's declaration of war in February 1988.

For all those apparent preconditions for success, the sting operation and resulting prosecution of the Sims failed to establish a precedent, or even to close the doors of Custom Essay Service for long. To understand why, it is instructive to compare this case with other attempts to defend academic integrity by attacking outside sources of corruption.

The contrasts between the Custom Essay Service case and those of the Madison term paper mills seventeen years earlier are revealing. From the first newspaper report to the final decision of the Department of Agriculture the University of Wisconsin was reactive, and cautiously content to follow the lead of the Attorney General in addressing the activities of local term paper mills. York University, on the other hand, was thoroughly proactive, initiating the investigation out of institutional concern rather than public pressure and facilitating the prosecution at every stage. Wisconsin's disciplinary system was unequal to the task of processing so many cases, and that university was glad to deal with their students in a helter-skelter, apparently rather superficial manner. York's statement on academic honesty was more sophisticated and its disciplinary system more fully developed, and that university applied the full

rigor of its institutional due process to every individual case—even to the point of contesting one appeal for two years in the provincial courts.²⁵³

Even their visions of what was at stake were profoundly different. At Wisconsin, Ginsberg clearly hoped that the problem would go away, and seemed content to conclude that it had when Pesham and Inksetter closed up shop. At York, Webber, Chodak and Katz had no illusions that traffickers in academic assignments would prove easy to discourage, and bent their efforts toward achieving a precedent which might effect the eradication of Toronto's term paper mills root and branch. In short, Wisconsin stumbled on to the issue by accident and was glad to declare victory and move on as soon as possible, while York was determined to put an end to the problem once and for all. Given these apparently telling differences, why was Wisconsin ultimately more successful than York in addressing the phenomenon of term paper mills?

Setting aside obvious disparities of time and place, the key difference was one of legal strategy. York's activist approach sought a judicial decision, which failed when a judge who saw only a fraction of the evidence in the case ruled it insufficient to meet the standard of proof required for a criminal conviction. Wisconsin's more passive posture, on the other hand, relied on the apparatus of administrative law, through which term paper mills could be ordered to cease and desist without having to mount an expensive, time-consuming and lengthy prosecution. Administrative decisions can be challenged in court, but to do so would require the term paper mills to become plaintiffs and assume the burden of proof in a legal action fought on the government agency's terms. In the absence of legislatures willing to enact ordinances specifically prohibiting the activity of term paper mills, administrative action may provide the best legal recourse. If nothing else, a large institution which has lawyers on staff can drive

²⁵³ Shirley Katz, "Academic Dishonesty: The Custom Essay Service Revisited," *Faculty of Arts Newsletter*, February 1992: 1.

small operators out of business through the sheer press of litigation.

Judicial prosecution can succeed, as Boston University demonstrated in 1972. The key difference between the B.U. and York cases is that by pursuing the matter as a tort claim the former kept control of the process while York, having chosen instead to make a criminal complaint, was at the mercy of decisions made in a prosecutor's office. This underscores the lesson that universities cannot rely on external agencies to manage an essentially academic concern. Legal action must not only be set in motion by educators, but directed by them as well. Whether external support is administrative (as in Wisconsin), judicial (as in Massachusetts), or legislative (as in New York) in character, universities must supply vigilance, leadership and tenacity in order to capitalize on that backing. Even with both legal precedents and favourable legislation in place in Massachusetts, it was Boston University rather than the Commonwealth which (successfully) prosecuted two more term paper mills in 1981.²⁵⁴

Conclusion

The emergence of the Internet, which exponentially increases both the availability of material which can be purchased and the speed of its delivery, suggests that reliance on external agencies may already have become moot. Each of the approaches discussed above is predicated on jurisdiction, and to date neither administrative, judicial, nor legislative initiatives have succeeded in establishing jurisdiction over the World Wide Web. As shall be seen in the next chapter, term paper merchants have begun to proliferate on-line in response to a potentially unlimited market and a climate of fundamentally unfettered trade. If universities are to continue the battle against the commercial trade in academic assignments, they will likely need to develop new weapons appropriate to the changing battlefield.

²⁵⁴*Trustees of Boston University v. Minute Research Co.*, No. 10908 (Mass. Sup. Ct. May 14, 1981) and *Trustees of Boston University v. Scherer*, No. 27746 (Mass. Sup. Ct. April 14, 1981).

Chapter Six

Contemporary Challenges

The businesses described in Chapter Five began as local operations serving essentially local clientele. In all cases these term paper mills were located in major university markets, where there was sufficient demand to make the undertaking commercially viable. Some specialized in academic assignments, while others wrote student papers only as a profitable sideline. The great majority were independents seeking their own fortune, but some quickly expanded into franchise operations and established a national profile. By the early 1970s some of these companies had expanded beyond their original markets to attract business on other campuses, and in other states, conducting their transactions through the mail. They did so by advertising their products first in campus newspapers, and then in national magazines aimed at a college-age readership, such as *Rolling Stone*.¹

The earliest solid evidence of mail order essay mills appeared in campus newspapers in the early 1970s, when local purveyors were under attack. At the University of Wisconsin advertisements for out-of-state term paper companies appeared in the *Badger* and the *Cardinal* only in the wake of that institution's disciplinary action. These out-of-staters were filling the niche vacated by the extinction of local independents run by the likes of Pesham and Inksetter, who had been put out of business by state legal action.

The expansion of credit also played a significant role in the transformation of the plagiarism industry. When mail order essays required payment up front, the student without a chequing account could always buy a postal money order and enjoy a measure of security. Shipment of the product, however, was held until payment was received by the vendor. This could mean a lag of two weeks between order and delivery—and even more, if the vendor waited for his

¹The first national advertisements for term paper mills appeared in the classified column of *Rolling Stone*, 9 October 1975: 91.

customer's cheque to clear before mailing the essay. This problem was largely eliminated by the end of the 1970s, by which date credit card use had become commonplace. The use of a credit card reduced reliance on the postal system to the delivery segment only, so that an essay could be ordered and paid for over the telephone (still an option for virtually all term paper mills), even though it still had to be delivered by mail.

Enter the Internet

As an instrument of the plagiarism racket, the Internet is simply the successor to the postal system. For thirty years (or more) mail has served as a conduit for purchased essays, and during most of that period it was the only way that a student determined to buy a paper could do so at a safe distance from his own community. Even today it remains possible to order and receive term papers by "snailmail," although e-commerce has overtaken mail order as the preferred means of purchasing fraudulent work. (We may yet see a renaissance of mail-order plagiarism, if anti-plagiarism measures on the Internet ever make it a matter of significant risk to conduct those transactions online.)

With the rapid expansion of credit card availability, which made possible the instant payment required by e-commerce, students could find, purchase, and—most importantly—receive an essay from virtually anywhere in the world in a matter of minutes. The significance of this last is that it opened up a whole new kind of client for the term paper mills. Prior to the general availability of the Internet a certain amount of planning was required if a student were to receive his paper before the due date set by his teacher. With the virtually instantaneous delivery provided by e-mail, however, desperate, last-minute purchases became possible. Thus those students who a few years earlier would have stayed up all night just to write enough to turn in, as well as those who might simply have given up and turned in nothing, may now take unpremeditated recourse to

services which traffic in assignments. It is true that having an essay written to order still requires lead time, but the truly desperate are unlikely to cavil about having to receive a “pre-written” paper— especially if it arrives by e-mail before class the next morning. Even an honest student with no intent to cheat might be tempted by such a tantalizing solution to the problem of an assignment imminently due but not yet begun.

Caveat emptor, of course. The nature of text is such that the purchaser sees only a smattering of the product—typically only a paragraph or two and a word count—before he must commit payment, but neither this nor the notoriously poor quality of off-the-rack essays deter the desperate. Those who plan ahead are led to believe by a significantly higher price that the quality of the work they are buying will be greater than that of its poor off-the-rack cousin, but such confidence may be misplaced. An examination of the marketing practices of the Internet term paper industry shows why.

The effectiveness of the temptation is largely a matter of merchandising, and Internet marketing is largely a matter of “Web presence.” The trick for vendors is how to stake out cyber-turf so that potential customers can find their company’s site, and firms follow two very different marketing philosophies. The more conventional method is that of Research Assistance of Los Angeles (“Since 1969”), the oldest known mill still in operation and twice a defendant in Boston University’s suits, which has opted for a single website. At the other end of the marketing spectrum is The Paper Store, which maintains more than a dozen e-addresses linking customers to their firm. The latter approach targets the e-shopper surfing the Internet for a vendor, and is designed to maximize the possibility that anyone typing in likely search terms or URLs will come across one of The Paper Store’s incarnations no matter what search engine he uses. The Research Assistance philosophy assumes that a national reputation is the basis of

their success, and that clients will find them. The Paper Store's method is based on the contrary assumption that the Internet has dramatically broadened the potential customer base, and that a great deal of first-time business might be generated if idle surfers can be enticed to the website.

In between the online companies which have a single presence and those with multiple websites are those which maintain only two, one for off-the-rack essays and the other for custom work. An examination of links makes it clear that some firms maintain the appearance of separate operations, using this to divide orders according to whether the essay will be written to order or purchased from the existing list—much as the IRS directs income tax returns requiring refunds to one address and has those enclosing payments sent to another. Papers which have been written to order are added to the stock after their initial sale, so in effect each custom purchase both expands the company's inventory and subsidizes the price of "pre-written" essays for future buyers. This increases the chance that a client of such a site may turn in a paper identical to that submitted by another student in the class.

There is thus no guarantee that a paper which is commissioned as original will actually be so, or, if indeed written to order, that it will not itself be a plagiarism.² The temptation to "recycle" an existing essay rather than farm out a custom assignment, particularly during peak times or when the essay topic is a common one, must be considerable. One website, which requires a prospective client to submit an essay before having access to the stock, actually invites the author to place his name on the work, so that in such a contingency he can defend himself against a charge of plagiarism!³ Glossy web pages may be more

² This is not a new problem. See, for example, Nancy Heinberg, "Term Paper Mill Operations Told," *Capital Times*, 7 June 1972.

³ See for example, the following message on the "Screw School" website: "Attn: Teachers, If you feel a student is plagiarizing from this site, he may actually not be plagiarizing but contributing essays he or she wrote for use on our site." <http://boardofeducation.com/teach.htm>

alluring than classified advertisements, but *caveat emptor* remains good advice for customers of such services: in this business one may or may not get what one pays for.

Countermeasures: Boston University

It was only a matter of time before educators caught on, and began to plan countermeasures. Boston University, the institution which led the campaign against commercial traffic in academic work in the 1972 *Champion* case⁴ and two more successful suits against term paper mills in 1981,⁵ attempted to curb Internet term paper sales in 1997. Its failure underscores the difficulties of pursuing Internet commercial concerns through the judicial process.

Concerned that “[w]ith the advent of the Web, the link between purveyor and client became instantaneous and universal—and beyond anyone’s control,”⁶ B.U. began an investigation similar to the Toronto sting operation eight years earlier. In June, 1997, a paralegal in the General Counsel’s office used the Yahoo, Infoseek, and Lycos search engines to identify online term paper vendors, accessing those websites and printing out documents later to be entered in evidence.⁷ B.U. General Counsel Robert B. Smith then directed Beth Bookwalter, a law school student working part-time in his office, to purchase essays from each of the eight selected sites. Those transactions took place in August and September, when Bookwalter contracted for essays on Toni Morrison’s *Beloved* with all eight vendors. Rather than place orders by credit card over the Internet, she contacted each firm by telephone, sent letters enclosing postal money orders

⁴ *Trustees of Boston Univ. v. Champion Research Corp.*, Equity No. 96114 (Mass. Sup. Ct. Oct. 26, 1972).

⁵ *Trustees of Boston University v. Minute Research Co.*, No. 10908 (Mass. Sup. Ct. May 14, 1981) and *Trustees of Boston University v. Scherer*, No. 27746 (Mass. Sup. Ct. April 14, 1981).

⁶ E-mail communication from Jennifer Pascarella (jepascar@uism.bu.edu) to Geoffrey E. Buerger, 09 October 1999.

⁷ Affidavit of Jennifer Pascarella, *Trustees of Boston University v. Abe Korn, et al*, United States District Court, District of Massachusetts, C.A. No. 97CV12365PBS, 15 October 1997.

as payment, and directed the vendors to mail the 7-10 page term papers to a post office box she had obtained for the purpose.⁷ (These measures were to ensure the applicability of federal laws governing mail fraud, which had been instrumental in the 1972 case.) In October the university filed suit in U.S. District Court in Boston, alleging violations of the federal Racketeer Influenced and Corrupt Organizations Act (RICO) and relevant Massachusetts laws, and seeking not only declaratory and injunctive relief, but also compensatory and punitive damages.⁸

The reason for federal charges was jurisdiction. B.U.'s targets were headquartered out of state, and thus beyond the jurisdiction of Massachusetts courts. The University's previous successes had all been against essay mills operating within the state, so this new suit—with its appeal to the federal bodies with authority over interstate commerce—represented an ambitious escalation of the battle to choke off the supply of trafficked papers.

The geographic spread of the eight initial defendants illustrated the scope of the term paper industry: two were headquartered in New Jersey, with the others in California, Louisiana, New York, Pennsylvania, Texas, and Wisconsin.¹⁰ They included both established high-volume concerns (e.g., Research Assistance

⁷ Affidavit of Beth E. Bookwalter, *Trustees of Boston University v. Abe Korn, et al.* United States District Court, District of Massachusetts, C.A. No. 97CV12365PBS, 15 October 1997.

⁸ Summarized in the Introduction to U.S. District Judge Patti B. Saris's 4 December 1998 ruling in *Trustees of Boston University v. ASM Communications, et al.* This is the same case as *B.U. v. Korn*: Korn and another of the original defendants had reached a settlement with B.U. by this time and been dropped from the suit. Posted online at URL <http://chronicle.com/weekly/documents/v45/i17/bu.htm>.

¹⁰ The original defendants were Professor Abe Korn, d/b/a Term Paper, School & Business Help Line; Compu-Type, d/b/a AI Termpapers; Research Assistance and Cynthia Stone, d/b/a Research Assistance; Peter Revson, d/b/a Term Paper Warehouse and High Performance Papers; The Paper Store Enterprises, Inc. d/b/a The Paper Store, Thousands of Papers, and Prestigious Papers; Harold King and Will Cane, d/b/a Paper Shack; and Mark Tweito, d/b/a The Gray Master Company and Paperz.com. An eighth concern from whom Bookwalter purchased an essay, Rebecca Lane d/b/a Term Paper Warehouse, managed to avoid being served with papers for months, and B.U. chose not to delay the suit by waiting for her to be served.

of Los Angeles) and independent operators (e.g., Abe Korn of Brooklyn), and encompassed a broad spectrum of services and prices. All maintained one or more Internet sites, all were accessible by telephone, all did business across state lines, all accepted multiple forms of payment and used multiple forms of delivery, all promised to meet deadlines, most emphasized that the material being provided was intended solely for research purposes, and none refused to provide an essay when Bookwalter made it clear she planned to submit the material as her own work.¹¹

The case quickly captured national attention,¹² with battle lines drawn over B.U.'s claim that the named companies were conducting a "patently immoral and illegal business" and "damage to the integrity of B.U. degrees" on the one hand and the term paper mills' claims of First Amendment protections on the other. Divisions within academe over the question of freedom of information seemed to stack the deck against B.U.'s attempt to draw a line in the cyber-sand,¹³ but B.U. forged ahead and the case was duly argued in the First District Court before Judge Patti B. Saris. Long gone were the days when Bruce Inksetter appeared in person to plead his own case. The Internet firms found it worth the expense to be represented in court by lawyers—a testament to the profitability of the trade—while smaller independents either settled with B.U.¹⁴ or eluded service of papers and slipped away from the case.¹⁵ An attempt by the university to include

¹¹ Affidavit of Beth E. Bookwalter, *Trustees of Boston University v. Abe Korn, et al.*

¹² Rene Sanchez, "University sues to shut down Web term-paper mills," *Washington Post*, 5 November 1997: A01.

¹³ John Yemma, "BU sues Internet term-paper sellers," *Boston Globe*, 21 October 1997: B01.

¹⁴ As reported in the press, these settlements consisted of consent "to pay fines of several hundred dollars, to stop selling term papers in Massachusetts, and to provide Boston University with lists of students who had purchased term papers." Lisa Guernsey, "Judge Dismisses Boston U.'s Suit Against Online Term-Paper Companies," *Chronicle of Higher Education*, 18 December 1998: A23.

¹⁵ E-mail communication from Jennifer Pascarella to Geoffrey E. Buerger, 09 October 1999.

additional defendants once the case was in progress was disallowed by Saris.¹⁶

In the end Saris avoided the freedom of speech and degrading of degrees issues altogether, dismissing the case on technical grounds without addressing the central arguments of the litigants. Saris found that RICO did not apply in this case because that statute targets criminal businesses pursuing their activities under the guise of legitimate enterprises, whereas the term paper mills were operating solely and openly as term paper mills. She also rejected B.U.'s claim that damages exceeded the \$75,000 threshold necessary to remove a civil suit from state to federal jurisdiction.¹⁷

Boston University did in fact pursue the matter in state court, where the suit was dismissed in February 1999 on the grounds that the 1973 Massachusetts statute prevents a private institution from seeking redress. B.U. is now seeking amendment of the law, in order to close that loophole and again pursue the matter in state courts.¹⁸ For the moment, the opposing questions of First Amendment protection and integrity of degrees are unresolved.

The Future of Internet Operations

Nor are those the only unsettled issues. As at this writing (June 2002), no jurisdiction has yet taken effective steps to regulate the World Wide Web, and it does not seem likely that any attempt would be successful even if the political will to try were present. Few pre-Web laws designed to protect consumers and discourage fraud address the nature and realities of the Internet—hence B.U.'s care in ordering essays by mail rather than online—and even universally accepted standards of criminality (such as statutes prohibiting child pornography

¹⁶ B.U. sought to add Michael von Plato, proprietor of ASM, and Andrew Greenstein as defendants. (Von Plato, incidentally, countersued the university for intentionally causing him emotional distress.) See the Introduction and Background sections of U.S. District Judge Patti B. Saris's 4 December 1998 ruling in *Trustees of Boston University v. ASM Communications, et al.*

¹⁷ *Trustees of Boston University v. ASM Communications, et al.*

¹⁸ E-mail communication from Jennifer Pascarella to Geoffrey E. Buerger, 09 October 1999.

and the dissemination of hate literature) are difficult to enforce in cyberspace. Given the exponentially expanding quantity of contemporary e-commerce, law enforcement officials must choose the most important battles to fight, and it is unlikely that the struggle against term paper mills will be among them. Just as the Askov ruling forced Toronto officials to shelve the Custom Essay Service case, so too will practical limitations oblige law enforcement officials to pursue other malefactors instead of the heirs to Pirate Papers.

In such a legal climate, institutional tenacity such as York's and B.U.'s is likely to prove the only impetus for attacking the sources of contraband essays. While not all universities are eager to make an issue of term paper sales on their campuses—many insist that “it's not a problem” for them, though they do not explain how it could be rampant elsewhere and absent at their own institution—York and like-minded institutions seem determined to address commercial plagiarism by attacking the source as well as the consumers on their campuses. Robert Smith's comparison of the term paper mills to drug dealers provides a gauge of Boston University's commitment to this campaign.¹⁴

Such an extreme parallel indicates that, although term paper companies represent only one dimension of Internet plagiarism—in addition to dross-laden free sites such as Kenny Sahr's SchoolSucks.com, there are plenty of online journals, personal web pages, and other sources of information which can be downloaded by those determined to filch material—they remain the most obnoxious to educators. This is in part because of the blatant disregard, which borders on contempt, that these sites show for established academic mores, and partly because of the distaste that educators feel for businesses which appeal to students' basest instincts or prey on the desperate.

¹⁴ Pamela Mendels, “B.U. continues to fight ‘online term paper mills.’” *Minneapolis Star Tribune*, 25 January 1999: 4D.

Shirley Katz also invokes a telling analogy: she describes the essay services in terms of the AIDS virus, which mutates constantly to foil each attempt to come to grips with it.²⁰ Custom Essay Service, for example, “mutated” by changing its method of accepting orders: rather than using customers’ names, orders were assigned numbers (“like Swiss bank accounts,” according to Katz).²¹ Online essay companies, the latest mutation, have multiplied until at this writing there are more than a hundred websites (the number is somewhat fluid, although generally expanding) offering off-the-rack or custom papers. The activities of such traffickers almost make it possible to believe that the students who turn in work which is not their own are being actively led astray.

Increasingly sophisticated technology and new commercial ventures continue to push schools and universities to adjust to new ways of processing information. America Online’s homework help site is well established and seems to be generally well received, but within the past two years websites which offer students extensive help with their college applications have appeared, and these have certainly been viewed with suspicion.²² In just the last two years entrepreneurs have combined Jack Cole’s and Kenny Sahr’s visions to produce online college lecture notes, supported not by user purchases but by website

²⁰ Interview with Shirley Katz at York University, 23 August 1999.

²¹ In some respects this was common sense come late; McMaster’s vice-president was not alone in wondering “why the hell [students] would be stupid enough to use their own names” when placing orders. McMaster University Vice-President (University Services) Jack Evans, quoted in Humphreys, “Mac students in essay scam.” The same question was posed about Wisconsin undergraduates caught in the 1972 scandal 17 years earlier; see “Buyer Beware!”, *Newsweek*, 3 July 1972.

²² Representative is Cambridge Essay Service, which “will help [students] complete all the personal statement requirements of any school’s application” for \$250. <http://world.std.com/~edit/index.html>.

advertising,²³ thus inaugurating debate over whether students should somehow be prevented from using others' notes. (Since students have borrowed each others' lecture notes since time immemorial, it seems unlikely that those who object to the transfer of such notes over the Internet will succeed in changing even institutional policies on this point.)

The reluctance of some academics to accept such changes indicates a kind of generational element in the reaction of teachers at all levels to changes brought by the Internet. Some have been slow to adapt to the possibilities of the Web, and as a result have felt overwhelmed by the prospect of addressing problems posed by it. With the influx of increasingly computer-literate academic personnel, however, the lag time between innovative shortcut and institutional reaction has been cut dramatically.

Teachers Go A-Hunting

For those instructors who have the time and inclination to do their own detective work, and access to a fairly powerful "bot" search engine such as Google.com,²⁴ it is possible to supplement both of these services (which are, after all, only as good as the databases at their disposal) by conducting a boolean

²³ An example is Versity.com, which—like Coles and Cliffs Notes—takes care to emphasize that "[t]he lecture notes contained within Versity.com are a notetaker's interpretation of what was presented in the lecture. THEY ARE NOT A PROFESSOR'S LECTURE NOTES. The notes are not intended to be used as a substitute for going to lecture. They are intended to be used as a supplement to your own lecture notes." Online at http://38.203.51.11/user_agreement.cfm, examined 11 October 1999.

For press coverage of the phenomenon, see Jacques Steinberg, "Web Venture Puts Class Notes From College Lecture Courses Online," *New York Times*, 9 September 1999. Online at <http://www.nytimes.com/library/tech/99/09/biztech/articles/09Internet-classnotes.html>. The "upstart Internet venture" described by Steinberg is StudentU.com, which "is hiring students this semester at 62 universities and paying them to take notes in as many as 50 core courses per campus. The note takers post their jottings, within 24 hours, on a central Web site.... The service, which first went online Wednesday, is free. And the stenographers, most of them hired through their fraternities and enrolled in the courses, are paid \$300 a semester to open their notebooks to the world."

²⁴ Or Alta Vista (advanced), HotBot, and LycosPro. I am indebted to Susan Bartkiw at the University of Toronto for passing along a much-forwarded e-mail message originally prepared by Tony [presumably Anthony] Krier, Reference Librarian at Franklin Pierce College Library, from which this description is taken.

search. One merely types phrases inside quotation marks—called “text strings”—into the search engine, and waits for matches to turn up. The more unusual the specific combination of words, the more likely the search is to turn up its original source; the more mundane the phrase, the more likely it is to produce thousands of irrelevant matches.²⁵ It is important to note, however, that this method is not likely to be successful if the essay in question was obtained from a website with security features protecting its stock from such searches.

There is one other possible abuse of the Internet which even a boolean search might not detect, and that is person-to-person correspondence. Students used to ask friends whom they trusted to write papers for them. The Internet, with its anonymous fellowship, now offers the kindness of strangers through the initial medium of a chat room and subsequent communication through private e-mail.²⁶ It may be that such transactions are irrelevant to a discussion of the commercial trade in academic work, or it may be that assignments change hands in return for money or other forms of payment; we know too little about them to reach any firm conclusion. Certainly the University of Toronto’s experience with essay-swapping in 1971 suggests both that this activity may sometimes contain an element of protest, and that its eradication by institutions would prove a practical impossibility.²⁷

Collusion occurs most commonly among students at the same institution—logically enough, since those students share courses and those courses are likely to have similar assignments in successive years. At Dartmouth College,

²⁵ A search for, say, “Effi Briest is a tragic, lethal tale of societal limits confronting youthful naivety that excludes emotional harmonics as it exposes the central cruelty” would probably be successful (thanks to Professor Joseph Murphy for the example), while “Now is the winter of our discontent” would probably match material on hundreds of websites, many of which have nothing to do with Shakespeare.

²⁶ See the description in Mark Fritz, “Where They Meet To Cheat,” *Los Angeles Times*, reprinted in *Newsday*, 10 March 1999: C02.

²⁷ Brian Johnson, “Cheating: A more subtle form of campus protest,” *Toronto Telegram*, 13 May 1971.

Georgia Technical University, and the University of Virginia, homegrown software designed by professors proved able to identify widespread plagiarism. These tools, controversial because of alleged undermining of the mentor-student relationship, are in fact merely updated methods of checking for plagiarism. Just as computers have made plagiarism more convenient than spending the day in the library looking for an obscure work from which to borrow text, so these computer programs are more convenient than spending the day in the library looking for the obscure work from which a student borrowed text.

It is also important to stress that these programs only highlight duplicated text or computer code: the interpretation of whether that duplication constitutes plagiarism rests with the instructor. Anti-plagiarism software is a tool, not a solution. The answer to the vexing problem of bought work and underground text-sharing is the same as the answer to garden-variety plagiarism: clear policies, assignments designed to minimize the applicability of off-the-rack or inherited essays, the requirement of intermediate steps in the preparation of those assignments, and the active involvement of the teacher in the writing process. Even with all of these in place a determined cheater might still commission work which successfully passes muster, but good educational practices and clear administrative policies are not intended to meet the challenge of the cheater *par excellence*. The point of resisting systematic or commercial plagiarism is rather to meet the needs of the ordinary student whose integrity best resists temptation when opportunity is limited and consequences are clear. If term paper mills are the prostitutes of academe, then the way to control the problem is not by busting the hookers, but by deterring the johns.

Changing Tactics: Attacking the Demand Side

The hazard for customers of online term paper mills is that those who live by the Web can die by it, too; while they are fewer in number than the websites devoted to subverting academic integrity, some are designed to uphold it. Glatt,²⁵ the first company in the anti-plagiarism field, markets a software package based on the cloze method to delete every fifth word from a student's essay, so that the instructor can then ask the student to supply the missing word. The advantage is that this should—in theory—catch even those papers which originate from fraternity files or the plagiarist's Significant Other's old IBM Selectric. The disadvantages are that this method uses statistical probability to declare an essay a work of plagiarism (correlations of 77% and above are considered evidence that the paper is genuinely the work of the student who submitted it)—which may not be convincing to a university tribunal or a judicial court²⁶—and that it requires a confrontation with the student, who will understand that his integrity is in question simply by being asked to fill in the blanks.

Glatt markets its wares as a teaching tool, suggesting that students use the screening program themselves before submitting a paper to ensure that they have eliminated unintentional plagiarism. The feature most likely to be effective is the \$14-per-essay professional screening conducted by Glatt to “prove or disprove” suspected plagiarism, but whether either teachers or the institutions which employ them would consider this a good use of limited financial resources is doubtful.

²⁵ “Scholar's creation tracks fine print of plagiarist,” *San Francisco Examiner*, 29 December 1987. See also “Preventing Plagiarism” in *Academic Leader*, March 1988, and “Self-Detection Programs Help Students Deal With Plagiarism” in *Chronicle of Higher Education*, 14 December 1988. All three articles were helpfully posted on the Glatt website.

²⁶ The first indication of judicial reluctance came in a decision in a suit over an accusation of cheating on a test. See Jennifer K. Ruark, “Statistical Evidence is Inadequate Proof of Cheating, Court Tells Pharmacy College,” *Chronicle of Higher Education*, 15 January 2001. Online at <http://chronicle.com/daily/2001/01/2001011504n.htm>. There has not yet been a test case contending that plagiarism cannot be proven statistically.

A different approach is taken by Turnitin.com (formerly Plagiarism.org), which undertakes, for a fee, to match student essays against those available online:

Our service now gives educators the same Internet power that was once held by students alone.... when students understand that their papers will be evaluated by a computer, against an enormous database containing an unknown variety of other papers, they will think twice before cheating. Plagiarism.org is the deterrent, the investigator, and the solution.³⁰

A rival is IntegriGuard, which offers a similar sort of service on a subscription basis. Students send their essays electronically to Nocheating.com, type in their professor's identification number, and IntegriGuard both checks the essays against, and adds the essays to, its own database.³¹

In addition to considerations of expense, both services raise an ethical concern. Because the use of such a service "assumes that the students are going to cheat,"³² some argue that it would "radically violate the premises of community that student-teacher relationships are designed to foster."³³ Though this may be true of IntegriGuard (to which all of a subscribing professor's students submit their essays directly), it does not seem a fair criticism of Turnitin.com (to which an instructor can submit individual papers which he considers sufficiently suspicious to investigate). Professors began hunting plagiarized sources decades ago without either the university community or the student-teacher bond suffering any obvious decay as a result, and to use a computer to check a suspicious paper which was prepared on a computer hardly seems inappropriate.

³⁰ Online at <http://www.turnitin.com>.

³¹ IntegriGuard is described by Lisa Guernsey in "Seeking Plagiarists, Entrepreneurs' Site Will Check Papers Against Data Base," in *Chronicle of Higher Education*, 18 November 1998.

³² Lisa Guernsey, "Seeking Plagiarists, Entrepreneurs' Site Will Check Papers Against Data Base," *Chronicle of Higher Education*, 18 November 1998.

³³ Nick Falzone, "U. Michigan utilizes web service to curb plagiarism.," in *Michigan Daily* via U-Wire, December 9, 1998.

At this writing, however, there are rumblings of a legal challenge to the commercial paper-checking services. American critics of Turnitin.com, which retains in its database each essay checked by its computers, claim that the use of a student's work to check subsequent essays is a violation of natural copyright.³⁴ This is again a misunderstanding of the nature of student work. The submission of a paper in return for credit clearly demonstrates that any implicit intellectual-property interest vested in an accepted and credited assignment must belong to the institution, since an exchange has taken place: the student has received the equivalent of a fiduciary payment in return for his work. If legal theory must be applied, it should be that of the transfer of intellectual-property rights, rather than their violation.

Theoretical Dissent: The Postmodernist Challenge

The premise that ideas can be considered property at all is anathema to the school of thought which also holds that plagiarism is an invalid concept that cannot legitimately be construed as an academic offense. Postmodern critics believe that the idea of plagiarism is inconsistent with other objectives of the academy, and argue that it is both the product of an invalid assertion of property rights over text, and a relic of masculine domination of the academy incompatible with new, less "gendered"³⁵ educational philosophies such as collaborative learning. The chief proponent of this view is Rebecca Moore Howard, who takes issue specifically with the conceptualization and enforcement

³⁴ Andrea L. Foster, "Plagiarism-Detection Tool Creates Legal Quandry // When professors send students' papers to a database, are copyrights violated?" *Chronicle of Higher Education*, 17 May 2002. Online at <http://chronicle.com/free/v48/i36/36a03701.htm>.

³⁵ Rebecca Moore Howard, "The Gendered Plagiarist," Penn State Conference on Rhetoric and Composition, 15 July 1995. See also Rebecca Moore Howard, "The New Abolitionism Comes to Plagiarism," in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 87-95. She contends that "[p]lagiarism as a cultural notion—and especially patchwriting when culturally identified as plagiarism—affirms the superiority of the masculine intellect" (85, fn 5). See also Jo Anne Pagano, "Teaching Women," in *Educational Theory*, 38, 3 (Summer 1988): 321-339.

of collegiate prohibitions against uncredited use of the work of others.¹⁶

The foundation of Moore Howard's argument is the classification of all student composition as "patchwriting," an innocuous term chosen to suggest the common undergraduate practice of stitching together bits of text from several sources to complete an assignment. In describing an episode from her own class, Moore Howard described the practice in this way:

When recapitulating the source material, these [student] writers appropriated phrases, patched together into new sentences; they appropriated whole sentences, deleting what they considered irrelevant words and phrases; and they appropriated phrases and sentences in which they changed grammar and syntax, substituting synonyms straight from *Roget's Thesaurus*. Some provided footnotes, attributing the source; others did not.... [this] characterized the prose of one third of the class.¹⁷

This revelation led Moore Howard to reexamine her assumptions about the nature of writing, and to conclude that

avowed conventions of academic writing... actually prevent... learning. [...] Patchwriting belongs not in a category with cheating on exams and purchasing term papers, but in a category with the ancient tradition of learning through apprenticeship and mimicry.¹⁸

Even if we are to accept this sweeping declaration at face value, Moore Howard's conclusion fails to explain why the extent to which apprentices mimic traditional scholars cannot include the citation of sources, which is itself part of the scholarly tradition.

Moore Howard also perceives an apparent double standard between student and faculty writing, and constructs the following syllogism, the

¹⁶ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999).

¹⁷ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 5.

¹⁸ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): xviii.

tautology in which reflects the logical weakness of the deconstructionist take on plagiarism:

It's not that Joseph usually doesn't patchwrite but did in this instance; it's that all of us patchwrite all the time, but we usually cover the trail.... Erasing the trail is not a matter of hiding guilty evidence; it's a matter of good prose style. When the trail is obvious, we call it plagiarism; when it is erased, we call it synthesis or even original writing.³⁹

In short, Moore Howard's model would have it that plagiarism is indistinguishable from writing, and that the challenge facing students is not learning to apply any ethical code, but mastering the stylistic knack of concealing the origin of specific language or ideas.

Moore Howard refers to this appropriation of words, phrases, sentences and ideas as "collaboration with text"⁴⁰—though her explanation of how collaboration can exist in the absence of consent is unconvincing.⁴¹ In this Moore Howard follows a theoretical model which "derives from Bakhtinian notions of polyphony and dialogism that have wide currency in composition studies."⁴² According to this model, "[s]tudents are always caught 'intertextually'—they are never inventing a new language out of nothing, but patch together fragments of the multiple texts... that are already available to them."⁴³ In short, because students write in a language they did not invent they must, by definition, be using someone else's language, which is what deconstructionists (for the

³⁹ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 6-7.

⁴⁰ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 6, 8.

⁴¹ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 34.

⁴² Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 7.

⁴³ Kathryn T. Flannery, quoted in Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 7. The original source is K. T. Flannery, "Composing and the question of agency," *College English*, 53 (1991): 701-713, which I have not seen.

purposes of their argument) assert to be the definition of plagiarism. Therefore plagiarism is nothing more than the ordinary use of language, and cannot be considered criminal, QED.

The argument that plagiarism is impossible because words must be borrowed for language to be used at all is both tautological and *reductio ad absurdum*. No manual of style, institutional guideline for scholarly composition, or how-to book for aspiring authors suggests that writers, whether students or professionals, must acknowledge indebtedness to all previous users of the English (or any other) language whenever they set pen to paper. The implication to the contrary is merely a straw man set up by advocates of postmodern composition theory.

Still, so influential has this school of thought been in recent years that some institutions even attempt to affirm (or at least placate) the postmodernist critique when introducing their codes of behaviour:

There is an inevitable tension between the concept of individual creativity, effort, and achievement, and the notion that in a University community, learning is a collective, collaborative process. Both are valid. That we live under an Honor Code bearing on the individual conduct of students in academic matters is not to minimize the importance of collective learning. Nor does it deny the debt we owe to our colleagues and to those who have contributed to the body of knowledge upon which we build. The existence of the Honor Code is simply a reflection of the fact that in certain types of academic exercise, the purpose of which is to elicit and assess the intellectual and creative work of individuals, standards of conduct are essential.⁴¹

This halfhearted apology for traditional academic values reflects the political clout wielded by those who have ridden the five hobgoblins of postmodern composition theory—originality, collaboration, class issues, a supposed double standard, and the teacher-student relationship—into academic prominence. It is

⁴¹ Wesleyan University, *The Blue Book* (Middletown, CT: 1998): 73.

appropriate to turn for a moment to those five points before resuming our analysis.

Postmodern Hobgoblin I: Originality

Although it is founded on the fallacious equation of plagiarism with theft, the postmodern attack on originality is not woven entirely out of whole cloth. Some sources do erroneously emphasize originality as the cardinal virtue of academic work, a view unjustified by the reality of the academic enterprise. Artificial expectations of originality play into the hands of Moore Howard and others, who see restrictions on using the words and ideas of others as a means to exclude traditional outsider groups such as women and racial minorities from membership in the academic club. This conclusion, founded as it is upon an error, is a castle on the sand.

It is thoroughly spurious to claim that students are incapable of true originality because so much scholarship is (and indeed must be) derivative and cumulative. Rarely do teachers expect a student to create something uniquely his; typically this is a goal only of creative writing assignments. On those rare occasions when original work is submitted, it is presumably received joyfully; but it is not expected. Mathematical problem sets, English book reviews, laboratory reports, and history essays require students to reach their conclusions independently—by working out the solutions, reading the book and writing about it, conducting the experiment and writing the report, and summarizing the subject with a specific thesis in mind—but it is not required that the finished product be “original” in the sense of going boldly where no scholar has gone before.

The key concept in academic tasks from elementary school to advanced university work is *independence*, not originality. The goal of assignments is for students to hone their skills, demonstrate their mastery of the concepts, and

present evidence of both to their instructor. Those who choose instead to copy the answers out of the back of the math text, use *Cliffs Notes* in lieu of reading the novel, copy their lab partner's observations and conclusions, or incorporate great swaths of text without attribution into their essay, have received no value from the assignment and are turning in an invalid receipt to the instructor. The teacher who gives credit for this invalid receipt thus becomes an accessory to the essential fraud.

In considering this point it is worthwhile examining the reasons why research papers are assigned. Porter G. Perrin's thoughtful analysis, from the same discipline as that of Moore Howard and the postmodernists, restores perspective:

A research paper... is primarily a record of intelligent reading in several sources on a particular subject. [emphasis original]...

The main purpose of a research paper, from the point of view of a composition course at least, is to give training in college writing, in gathering, reflecting on, organizing, and putting into readable form material gathered from study. [...] No one can gather and present intelligently the materials of a research paper without leaving his mark on them.⁴⁵

The "mark" that a student leaves is the evidence of his independent arrival at a conclusion, not of the originality of that conclusion.

Postmodern Hobgoblin II: Collaborative Learning

The other hobgoblin of postmodern deconstructionism is collaborative learning. Claiming that "the specialized rhetorical realm of the composition classroom" merits a different standard, Henry L. Wilson makes the case that

[a]s students make greater use of uncited sources such as peer editors, writing center tutors, and teacher commentary on evolving drafts... a lack of clarity [in the definition of plagiarism] becomes increasingly apparent.

⁴⁵ Porter G. Perrin, *Writer's Guide and Index to English* (Chicago, Atlanta, Dallas, New York: Scott, Foresman and Company, 1942 [revision of *An Index to English*, 1939]): 320-322.

Ready access to socially charged collaborative influences during the process of writing is effectively redefining the concept of authorship within the classroom. Unfortunately, official rules and guidelines on what constitutes ethical authorship do not seem to be evolving at the same rate as classroom practice.⁴⁶

Wilson makes three assumptions which deserve scrutiny: that attribution is incompatible with collaborative effort; that instructors do not have the moral or statutory authority to specify the extent to which third parties may assist in the completion of an assignment; and that qualitative changes in classroom standards have outstripped policy.

The first assumption is clearly unwarranted. There is nothing in the collaborative process which precludes acknowledging a writer's collaborators.

The second assumption is equally invalid. Teachers and professors have explicit jurisdiction over the parameters of the assignments that they require students to complete, including the authority to require unaided individual effort. (Legislation requiring accommodations for specific legally-recognized disabilities may constrain this authority in certain cases, but does not nullify the principle.) In a composition class where the instructor is a proponent of collaborative learning, there is no bar to that same instructor allowing—even requiring—students to work together to complete a project. Institutions have never prevented the assignment of group work. On the other hand, where such collaborative effort is inappropriate, universities continue to support the right of instructors to view joint authorship as academically dishonest.⁴⁷ Wilson's point

⁴⁶ Henry L. Wilson, "When Collaboration Becomes Plagiarism", in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 212.

⁴⁷ The University of North Carolina at Chapel Hill, for example, specifically bars "unauthorized... collaboration" (emphasis added). Quoted in Henry L. Wilson, "When Collaboration Becomes Plagiarism", in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 216.

about “evolving... classroom practice” implies that students, not instructors, should decide when collaborative effort is permissible.

Neither is Wilson’s third assumption justified. That there has been a tremendous increase in the resources available to students since the 1960s is certainly true. That these have created a qualitative change in expectations, however, is entirely unsubstantiated. Students have turned to published resources such as *Roget’s Thesaurus* for generations⁴³ without accusations of impropriety. Indeed, instructors have long expected students to use such tools in order to present a polished final copy.⁴⁴ As long as students have had assignments they have drawn on the assistance of family members, classmates, and teachers, and nowhere in the literature is there a suggestion that proofreading by a third party or general commentary on a rough draft has ever required acknowledgement. The advent of writing centres and institutionalized forms of remedial support has made access to such assistance more universal, but not changed its nature. Wilson’s inclusion of “teacher commentary on evolving drafts” as a practice which is outstripping policy is particularly bizarre. Not only are such comments good pedagogy and established practice, but penalizing students for making corrections that the teacher required would be a procedure so outrageous that no institution could support it.

Postmodern Hobgoblin III: Class Issues

The idea that such resources are “socially charged” implies the existence of a class distinction which is inherently discriminatory. Most educators would agree that the junior high school student who has grown up in a household in

⁴³ For an interesting discussion of *Roget’s*, see Simon Winchester, “Word Imperfect,” *Atlantic Monthly*, 287, 5 (May 2001): 54-86.

⁴⁴ A current example is The Citadel, where “judicious peer editing is not only permitted, but encouraged.” Quoted in Henry L. Wilson, “When Collaboration Becomes Plagiarism”, in Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State University of New York Press, 1999): 217.

which books are owned, valued, and read, has an innate advantage over the classmate who has lived all his life in a home without books. Similarly, the high school student who lives with parents who are able to help him with his mathematics homework has an advantage over the classmate whose parents have no clue whatever about algebra. By extension, the graduate student who has access to scholarly friends who are willing and able to review and comment on his text has an advantage over the degree candidate who works alone in a garret and must submit his text without the benefit of proofreading by a third party. These situations are all akin to the fact that a child who sleeps in a safe bedroom at night and wakes up to a good breakfast is more likely to succeed in school than the child who lives in a crackhouse and goes to class hungry every day. Schools and colleges may seek to compensate for such disparities by providing services as varied as free lunch programs, affirmative action admission initiatives, and access to writing centre tutors, but these accommodations address opportunity rather than the requirements for academic credit. Rules regarding plagiarism level the academic playing field by establishing a universal standard of conduct, not by compensating for differences in socio-economic status or family background.

Postmodern Hobgoblin IV: The Double Standard

Perhaps the most preposterous of the postmodern red herrings is the assertion that professors enjoy an ethical double standard during lectures. According to this view, lecturers should be bound by the same rules as all other members of the academic community, and required to cite their sources for the information and conclusions that they propound from the front of the room. Failing to do this provides a poor model for students, whom it induces to take similar shortcuts—though doing so will subject them to disciplinary proceedings. Seen in this light, the university lecture is a form of entrapment by the gate-

keepers of credentialism.

Responsible professors, of course, do include reading lists on course syllabi, and do indicate when they are representing the arguments or theories of other scholars. Even those who choose otherwise, however, do not deserve Moore Howard's categorization as plagiarists. Her long discussion of lecture-as-plagiarism misses the point that lectures, particularly in undergraduate courses, are intended to convey information rather than (as essays must) demonstrate mastery or (as peer-reviewed articles must) expand the body of knowledge in that discipline. The purpose of a lecture is not to serve as an intellectual receipt for the professor, but to accelerate his students' mastery of both fact and nuance. To judge a lecture by the rules governing student work is grossly to distort the academic enterprise.

Moore Howard also complains about "inauthentic" assignments, which she implies are partially responsible for student plagiarism:

We expect authentic writing from our students, yet we do not write authentic assignments for them.... Rather than assigning tasks that have meaning, we [assume] that students will find meaning in performing assigned tasks.... [which] do not respond to the needs and interests of the students...⁵⁰

A quarter-century earlier, one of the ghostwriters active at the University of Wisconsin—an individual with whom Moore Howard otherwise has little in common—made a similar suggestion: "This is not to justify myself, but something is wrong somewhere when maybe one-fourth of the students in a

⁵⁰ Rebecca Moore Howard, "Forget About Policing Plagiarism. Just Teach." *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

school will buy these papers."⁵¹

These are attempts—quite representative of apologists for plagiarism—to obscure the issue. Certainly the assignment of worthwhile exercises is better pedagogy than the imposition of busywork, but to rationalize dishonest student practices by implying that dull tasks are the root of the problem is to suggest that moral decisions are driven by superficial factors such as interest, rather than profound factors such as ethical values.

Moore Howard doesn't approve of hierarchies,⁵² yet academe is essentially hierarchical. There is a qualitative difference between the standard of citation required of a lecture and that demanded of a student paper, both because of their different functions and because the nature of the university and of the school is for the teacher to determine what is required of the student, not for the student to decide what is required of the teacher. The teacher-student relationship is not one of equals.

Postmodern Hobgoblin V: The Teacher-Student Relationship

By enforcing academic standards which proscribe plagiarism, Moore Howard asserts that "we risk becoming the enemies rather than the mentors of our students; we are replacing the student-teacher relationship with the criminal-police relationship."⁵³ This view discounts two important facts: the us-versus-them attitude which has historically characterized the student-teacher relationship at all levels, and what Donald Kennedy describes as "the inherent

⁵¹ Martin Pesham, quoted in Joseph McBride, "Termiknowledgey: Or, How to Become a Millionaire--Fast," *Wisconsin State Journal*, 28 February 1972. Pesham's figure was not without basis; one national survey reported that nearly a quarter of college students would consider buying an essay "if [they] were particularly hard-pressed to finish an exceptionally demanding term paper in the time allotted. See Daniel C. Beggs and Henry A. Copeland, "Most Students Say 'No' to Ghost-written Term Papers," *Wisconsin State Journal*, 6 April 1972.

⁵² Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 41-45.

⁵³ Rebecca Moore Howard, "Forget About Policing Plagiarism. Just Teach," *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

conflict between the two roles of instructor and evaluator."⁵⁴ For Moore Howard to suggest that there exists a cosy communion of common interest between the high school English teacher and the thirty pupils in each of his five classes, or between the professor and the scores—perhaps hundreds—of students registered in his lecture course, is, even granting her good faith, naïve. Those classes which enjoy such a climate are very much the exception, and very far from the rule.

The second consideration—that of the tension between an instructor's dual responsibilities of encouraging and directing learning on the one hand, while critiquing and grading it on the other—merits closer scrutiny. In its most mercenary terms, a teacher's job is to provide instruction, not inspiration. The ability to motivate is a happy bonus when it is included with the package, but competent presentation of the curriculum is the base requirement. An inescapable aspect of this essential job function is the necessity of assessing student work and submitting marks to the institution, which creates an often awkward social situation, particularly as the gap in age between student and instructor narrows (or reverses) in postsecondary institutions. This is most trying when an instructor believes that a student has been dishonest,⁵⁵ but avoiding conflict by declining to hold the transgressor accountable is an abrogation of professional responsibility.

In short, enforcement of academic standards neither introduced nor exacerbated an adversarial element in the teacher-student relationship. Professorial vigilance has always been required to ensure the legitimate completion of work, and the suggestion that fighting plagiarism is somehow poisoning an otherwise collegial well is chimerical.

⁵⁴ Donald Kennedy, *Academic Duty* (Cambridge, MA, and London: Harvard University Press, 1997): 78.

⁵⁵ For as thoughtful analysis of these tensions, see Donald Kennedy, *Academic Duty* (Cambridge, MA, and London: Harvard University Press, 1997): 78-84.

False Paradigm: Plagiarism and Not-Plagiarism

Also chimerical is the postmodernists' suggested dichotomy dividing all writing into "plagiarism" or "not-plagiarism." Were these the only alternatives, then perhaps the assertion that there is no validity in the concept of plagiarism might have some merit. In a university setting, however, *attribution* is itself a relative measure of indebtedness, and writers are expected to acknowledge debts which are significant in degree. To maintain otherwise is to ignore the academy's long tradition of citation. Moreover, students are not expected to produce interpretations which are wholly original or prose which is unique, but to demonstrate broad reading in the literature of that discipline, understanding of the subject matter, and an ability to apply scholarly convention. Nor is the measure of student effort absolute; grades offer a means of assessing the relative mastery that students demonstrate in meeting these requirements.

Not content with this methodology, Moore Howard even calls upon the "tripartite pattern" of "covenant theology" to explain the relationship between authority and citation,⁵⁶ which is consistent with the politicized agenda at the base of Howard's laboured thesis. Her Introduction makes it clear that she considers that

[c]onsigning patchwriting to the category of cheating serves liberal culture gatekeeping purposes: it is a means of determining who is already possessed of high literacy. It brands those who are still acquiring high literacy not as learners but as criminals, thereby fettering their acquisition of high literacy.⁵⁷

This invocation of the inappropriate metaphor of crime illustrates the special pleading on which the entire postmodern critique of plagiarism is based. Rather than accept assignments for what they are—practice exercises in the world of

⁵⁶ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): 10.

⁵⁷ Rebecca Moore Howard, *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators* (Stamford, CT: Ablex Publishing Corporation, 1999): xxii.

scholarship—Moore Howard and others have constructed a theoretical castle upon the sand of false analogies.

The fundamental error made by the deconstructionists is that they consider academic exercises to be valid subjects for the application of literary theory—a dubious proposition at best—and equate the analysis of scholarship with the creativity of artistic effort. Creative writing, even in the context of a university course, is not critical writing, and to judge traditional academic writing by the standards of creativity is very similar to confusing academic plagiarism with copyright infringement. It is difficult to prove infringement because the law recognizes the commonality of much of the material available to an author, and indeed because the community of letters has a different view of borrowing than does the academy. Whatever merit the arguments of Moore Howard and others may have regarding the relationship between text and author in the literary sphere, their attempt to consider academic work as a form of intellectual property is wholly misdirected. In pursuing their particular agenda, they have gone to the wrong meeting.

General Conclusions

Traditional views of plagiarism, inconsistent though they are, nevertheless share a fundamental unity of purpose—to protect the integrity of the academic process. Recently, however, preservation of the integrity of diplomas and degrees from academic misrepresentation has been under assault on two fronts, one practical and the other theoretical.

The rise in computer use and the subsequent emergence of the Internet, coupled with the common availability of credit cards, poses a serious challenge to our ability to prevent or detect plagiarism. While students determined to bypass the honest completion of assignments have been able to do so ever since the days of cribbing in the classical curriculum, the astonishing speed and ubiquity of

the Internet now tempts all students to “download their workload.” Even those who do not go online for their assignments may copy another student’s disk, change the font, play with the thesaurus function, and present an apparently independent piece of work. For a few years, while instructors lagged behind students in computer skills, it appeared as though the personal computer might either revolutionize our ethical perspective, or force us to abandon means of assessment vulnerable to technological subversion.

That gloomy forecast has not been borne out by events. Just as students have capitalized on the potential of computers to misrepresent their own achievements, so have teachers capitalized on the potential of computers to detect such misrepresentation. Just as commercial concerns peddle plagiarized papers, other commercial concerns specialize in detecting plagiarism. The means of (respectively) subverting and upholding academic standards may have changed, but the essential dynamic remains qualitatively unchanged.

The theoretical challenge, brought forward by postmodernist critics of the academy, holds that plagiarism is a relic of an exclusive club dominated by class and gender. In this view plagiarism is simply a pejorative term for “patchwriting,” the act of cobbling together snippets of others’ texts into one’s own—which every writer does. A more extreme perspective within the postmodern camp holds that plagiarism is a nonsense term because all language is borrowed. This is just silly, because plagiarism does not occur simply because a writer uses the words of a language that others have spoken before him, but only when he uses the same words or ideas that others have, in the same way, without acknowledging that he has done so.

Postmodern *reductio ad absurdum* argumentation in no way refutes the value/credit paradigm, which emphasizes students receiving value through their independent completion of assignments. Nor does it address the reasonable

expectation that, when students do make use of the work of others, they have an obligation to cite their sources. By broadly attempting to invalidate the principle that credit should be claimed only when it is deserved, postmodern critics have seized upon erroneous metaphors and missed the point entirely.

In the final analysis, then, neither the challenge presented by rapidly-developing technology nor that posed by abstruse theory are sufficient to invalidate either the value/credit paradigm governing student work, or the simple definition on which this thesis is founded: academic plagiarism is a false claim of credit.

Conclusion

Academic plagiarism is the false claim of credit. While outside education plagiarism wears many guises, from piracy and infringement of copyright to speeches and sermons delivered without acknowledgement of the source, inside the academy the concept of plagiarism should be clear. There is, to be sure, great diversity in definition among institutions, which reflects the fact that most codes governing academic standards developed piecemeal in the face of specific institutional experience. Those differences notwithstanding, it is possible to distil four broad categories of action which most academics would accept as proof of plagiarism:

- (1) the use of the products of another's intellect without due attribution;
- (2) the presentation of the products of another's intellect as one's own;
- (3) the presentation of work which is not original, as original; and
- (4) the presentation of work which is not one's own legitimate research or performance, as one's own legitimate research or performance.

In practice these embrace a host of false claims of credit, from fraudulent laboratory results, to cheating on a test, to downloaded or purchased essays, to copied homework, to self-plagiarism, to imposture, to forged transcripts. While in some of these the intent to misrepresent is clear (clearing the way for warranted disciplinary action), intent itself is irrelevant to the fact of plagiarism. This is important, because the majority of rationalizations offered in mitigation when plagiarism is exposed are related to intent. So too is the postmodernist critique of the concept of plagiarism, which is based on an absence of intent on the part of students who are not yet fully-initiated members of the academy, compounded by the erroneous equating of student work with intellectual property. All objections to a definition of plagiarism based on intent can be disregarded, since an unintentional false claim of credit is just as false as a deliberate and premeditated false claim of credit.

The Value/Credit Paradigm put forward in this thesis recognizes that a student assignment (whether in grade school or in university) has no worth except as evidence that the student has received the intended value from a required exercise. It is a kind of intellectual receipt: proof that the lesson has been learned, and that credit for having mastered the material has been earned. A student accrues no value from submitting information without completing the exercise, since the objectives of the assignment—either content mastery or skills acquisition, or both—have not been met. Thus the plagiarist who does not complete the assignment as required present a fraudulent receipt. Rooted in the concept that learning has its own intrinsic worth, the value/credit paradigm demonstrates that plagiarism should be understood as a perversion of the purpose of academic assignments.

The pregnancy metaphor which challenges our sense of proportionality is put into perspective by the value/credit paradigm. If an assignment contains plagiarized material, plagiarism has occurred, and the paper is unacceptable as presented. It is the instructor's obligation to require that a corrected version be resubmitted, with whatever penalty for lateness and/or failure to follow instructions may apply. If there is clear evidence of intent (such as the exclusion from the bibliography of the *ur*-text, or the discovery of the source on the Internet or elsewhere), institutional policy may direct that the student be referred to the disciplinary process, but the absence of clear intent does not constitute grounds for accepting as legitimate a false claim of credit. According to this model, then, a teacher's two responsibilities—to uphold academic standards and to be fair to his students—can both be fulfilled.

The contention (with its linguistic and theoretical contortions about the inevitability of intertextuality) that no student can produce truly original work, is based on the fallacious assumption that originality is required of students.

Scholarship and independence are the core virtues of academic assignments, not originality. Unless specifically permitted to collaborate, students are expected to do their work independently, not to produce original work.

Scholarship requires that aid be acknowledged, not avoided, while independent completion testifies to the extent to which the student has mastered the lesson. Because a student's assignments are all part of his apprenticeship in academe, their purpose is to demonstrate his progress rather than expand the fund of human knowledge. Unless the student completes his work independently, he does not receive the lesson's intended value, and should not receive the promised credit.

Students leave the path of independent completion and credit for value because of reasons which fall into four broad categories: Advantage, Convenience, Desperation, and Ignorance. While educators have little sympathy for the first two but at least some for the latter two, all four are irrelevant to the value/credit paradigm. Plagiarism is the act of claiming credit falsely, and the claimant's state of mind has no bearing on the fact of plagiarism.

These motives are not, however, irrelevant to the marketplace, and indeed a burgeoning industry exists to cater to them. Commercial purveyors of academic assignments have been in business since at least the 1930s, and have persisted despite war, legislation, and newspaper exposés. By the mid-1970s term paper mills were a national phenomenon, with some serving a national clientele by mail-order. The availability of such services on the Internet represents a difference in speed, not substance.

Universities have waged war on these enterprises through lawsuits, sting operations, and prosecution, but the most effective methods of interdiction have targeted the demand end of this economy rather than supply. This is appropriate, because plagiarism is a far broader problem than the commercial

availability of pre-written papers or ghostwriting services (vexing though those may be). As the University of Virginia's "Bloomfield cases" amply demonstrated, most plagiarism occurs much closer to home, on campuses and between friends.

Third-party plagiarism, which is increasing dramatically with the rise of high-stakes testing, is also a home-grown problem. Even if students complete their work independently, there are adults who have a stake in improving that student's performance. With budgets and bonuses tied to test scores, educators and parents are under as much pressure as students striving for admission to competitive programs (or perhaps simply a diploma).

There is no doubt that students' lives are complicated by extracurricular responsibilities from family obligations to jobs, or that schoolwork sometimes seems trivial. In the long view, however, society has a vested interest both in the validity of academic credentials and, more broadly, in the creation of an ethical citizenry. Plagiarism undermines both of these interests, for a plagiarist is ethically compromised in five ways:

- (1) he cheats himself by forgoing or diminishing the intended benefits of the lesson;
- (2) he seeks unfair advantage over his competitors;
- (3) he deceives his instructor;
- (4) he deceives those who are intended to view his credentials; and
- (5) he violates the moral standards of his own (academic) community.

Students are not the only parties with ethical responsibilities. The instructor who fails to respond to an instance of plagiarism has

- (1) failed in his appointed task when a student receives no or diminished value from his course;
- (2) unfairly placed other students at a disadvantage when he permits one of their competitors to achieve a relative advantage by plagiarism;

- (3) failed in his obligation to uphold the standards of his institution; and
- (4) permitted inflation in the essential coin of academe, the credit by which subsequent institutions evaluate the student's credentials.

The basic difference between the ethical issues for students and their teachers is one of commission versus acquiescence: the student who plagiarizes actually misrepresents his achievement, while instructor who countenances plagiarism permits misrepresentation to occur.

Institutions are also subject to ethical considerations. They have a responsibility not just to prevent such abuses as the athletic tutoring scandals, but to establish a culture in which ethical behaviour is the norm. Part of maintaining a moral culture requires good teaching, worthwhile assignments, and a positive example, but part too is taking active steps to prevent academic misrepresentation from receiving academic credit.

The critic who entreated academics to "forget about policing plagiarism—just teach,"¹ got it wrong: policing plagiarism is an essential part of teaching, and an ethical responsibility for all educators.

¹ Rebecca Moore Howard, "Forget About Policing Plagiarism. Just Teach." *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

Bibliography

"2 Writers Admit Guilt; Face Sentencing on Preparing College Students' Papers." *New York Times*, 27 September 1960.

"23 Term Papers Sold After Theft; Concern in Queens to Give Them Back to Harvard." *New York Times*, 13 February 1972.

Abel, David. "Aides support accused students." *Boston Globe*, 8 March 2000: B01.

Abel, David. "Dartmouth officials close the book on cheating scandal: Most on N.H. campus greet news with relief." *Boston Globe*, 13 March 2000: B01.

Abel, David. "Students in Dartmouth cheating case crying foul." *Boston Globe*, 4 March 2000: A01.

Albertus Magnus College. *Albertus Magnus College Handbook*. (New Haven: Issued annually by the Co-operative Council of Albertus Magnus College), multiple years.

Allen, Glen. "Coles notes are sweeping the world." *Toronto Star*, 14 March 1969.

Amick, Daniel. "This is neither a success nor a failure." *Technique*, 25 January 2002.

Anderson, Martin. *Imposters in the Temple: American Intellectuals Are Destroying Our Universities and Cheating Our Students of Their Future*. New York: Simon & Schuster, 1992.

Anderson, Mary. *Do You Call That a Dream Date?* New York: Delacorte Press, 1987.

Appelo, Tim. "News and Notes: Author Alex Haley's Uprooted." *Entertainment Weekly*, 5 March 1993.

Armour, William R. and Kolouch, Fred H. "Kernels in the Chaff." *Dartmouth*, 23 October 1961.

Associated Press. "Cheating scandal hits Dartmouth: Professor says students lifted homework answers from unprotected Web site." *Nashua Telegraph*, online at http://nashuatelegraph.com/daily_sections/news/archives/2000/february/stories/0217w-scandal.htm.

Associated Press. "Kan. High School Principal to Resign." *New York Times*, 16 March 2002. Online at www.nytimes.com/aponline/national/AP-BRF-Plagiarism-Dispute.html.

Associated Press. "MEAP Cheating // Michigan discretely examines allegations." *Toledo Blade*, 28 May 2002.

Associated Press. "Schools chief admits lifting speech." *Boston Globe*, 10 July 1999.

Associated Press. "Spanish Author Blames Self For Error." *New York Times*, 9 October 2000.

Associated Press. "Teacher overruled on plagiarism quits." *Toledo Blade*, 31 January 2002.

Associated Press, "Tennessee gives its findings to NCAA ." ESPN.com, 27 October 1999. Online at <http://espn.go.com/ncf/news/1999/1027/137435.html>.

Associated Press. "University of Minnesota: Haskins' attorney defends buyout: He says U knew of cheating allegations." *Pioneer Press*, 11 January 2002: B3.

Atkins, Norman. "Fast Food for Thought: A Brief History of Cliffs Notes and the man Who Made Synopsizing Texts Synonymous With His Name." *Rolling Stone*, 26 March 1987.

Atlas, James. "Who Owns a Life? Asks a Poet, When His Is Turned Into Fiction." *New York Times*, 20 February 1994.

Attorney General, Department of Justice, State of Wisconsin. Press release 192/10-17-72.

Auchincloss, Louis. *The Rector of Justin*. Boston: Houghton Mifflin Company, 1964.

Baker, Sheridan. *The Complete Stylist*. New York: Thomas Y. Crowell Company, 1966.

Barnes, Earl. "Student Honor: A Study in Cheating." *International Journal of Ethics*, XIV (1904).

Barnicle, Mike. "My way." *Boston Globe*, 29 October 1998.

Bartel, Roger. "'Outlaw' Term paper Mills Survive." *Badger Herald*, 19-21 November 1973.

Bates, Jonathan. "For Reporting." *Dartmouth*, 25 October 1961.

Bauder, David. "Are TV Reporters Really Reporters?" Associated Press, 9 July 1998.

Begalke, Nancy. "Term Paper Mill Will Keep Grinding Them Out." *Capital Times*, 5 May 1972.

- Begalke, Nancy J. "U. Eyes Court Action Against 'Term Paper Mills.'" *Capital Times*, 20 February 1972.
- Beggs, Daniel C. and Copeland, Henry A. "Most Students Say 'No' to Ghost-written Term Papers." *Wisconsin State Journal*, 6 April 1972.
- Benjamin, Roy A. "Ghost Goes to College." *American Mercury*, June 1939.
- Benson, Alex. "Chiseling in School: How Reporter Ghosted Test." *New York World-Telegram and Sun*, 27 February 1960.
- Benson, Alex. "College Ghosts: How a Phone Call Uncovered Scandal." *New York World-Telegram and Sun*, 25 February 1960.
- Benson, Alex. "College Ghosts: Reporter Becomes Partner in Thesis-Writing Agency." *New York World-Telegram and Sun*, 1 March 1960.
- Benson, Alex. "College Ghosts: Reporter Discovers Cheaters Can Buy Doctorates." *New York World-Telegram and Sun*, 2 March 1960.
- Benson, Alex. "College Ghosts: Student Saw No Wrong In Ringer Test." *New York World-Telegram and Sun*, 29 February 1960.
- Benson, Alex. "Dishonest Student Termed Old Story." *New York World-Telegram and Sun*, 3 March 1960.
- Benson, Alex. "How 'Ghost' Firm Hired Reporter as Student's Ringer." *New York World-Telegram and Sun*, 26 February 1960.
- Berry, Lester V., and Van Den Bark, Melvin. *The American Thesaurus of Slang*. New York: Thomas Y. Crowell, 1942, 1950.
- Bingenheimer, Ken. "Term Paper Businesses Prosper in Madison." *Badger Herald*, 21 October 1971.
- Blanchard, Rev. David S. "Secondhand Sermons." *New York Times*, 19 March 2002. Online at <http://www.nytimes.com/2002/03/19/opinion/L19PLAG.html>.
- Blum, Justin. "Grade Changes Found at Top D.C. School // Teacher's Discoveries at Wilson High Prompt Investigation." *Washington Post*, 9 June 2002: C01. Online at <http://www.washingtonpost.com/wp-dyn/articles/A18814-2002Jun8.html>.
- Blumenthal, Ralph with Lyall, Sarah. "Plagiarism Accusations Halt Distribution of John Paul Jones Biography." *New York Times*, 21 September 1999.

Blumenthal, Ralph. "Repeat Accusations of Plagiarism Taint Prolific Biographer." *New York Times*, 25 September 1999.

Booth, Wayne G., Colomb, Gregory C., and Williams, Joseph M. *The Craft of Research*. Chicago: The University of Chicago Press, 1995.

Borger, Judith Yates. "Lack of contact with instructors creates opportunities for cheating" *Pioneer Press* on 10 March 1999.

Borger, Judith Yates. "Newby rips U probe." *Pioneer Press*, 30 October 1999.

Borger, Judith Yates. "U prof quit athletics committee in protest." *Pioneer Press*, 28 April 1999.

Borger, Judith Yates and Dohrmann, George. "Ex-counseling chief goes public with report." *Pioneer Press*, 14 April 1999.

Borger, Judith Yates and Morrison, Blake. "Newby fired for not cooperating // Former counselor won't sue, lawyer says." *Pioneer Press*, 19 June 1999: 1A.

Boston Globe Staff and Wires. "Hopkinton Schools leader says he'll leave in 2000." *Boston Globe*, 22 July 1999.

Boston University, "Report of the Boston University Committee to Investigate Charges of Plagiarism in the Ph.D. Dissertation of Martin Luther King, Jr." Unpublished typescript, September 1991.

Bowers, Neal. "Plagiarism and Silence." *American Scholar* (Autumn 1994).

Bowers, Neal. *Words for the Taking: The Hunt for a Plagiarist*. New York: W. W. Norton & Company, 1997.

Bradlee, Ben. *A Good Life: Newspapering and Other Adventures*. New York: Simon & Schuster, 1995.

Branagan, Brian. "Termpaper mills flunk out." *Daily Cardinal*, 25 April 1974.

Bray, Robert. "Reading Between The Texts: Benjamin Thomas's *Abraham Lincoln* and Stephen Oates's *With Malice Toward None*." *Journal of Information Ethics* 3, 1 (Spring 1994).

Bride, Joseph, Jr., "Cheating Ring at Air Force Academy: A Smudge On the Cadet Code." *Life*, 5 February 1965.

Bride, Joseph, Jr., "A Smudge on the Cadet Code // Cheating ring at Air Force Academy." *Life*, 5 February 1965.

- Bronner, Ethan. "For '99 College Applicants, Stiffest Competition Ever." in *New York Times*, 12 June 1999.
- Burlingame, Michael. "'A Sin Against Scholarship': Some Examples of Plagiarism in Stephen B. Oates's Biographies of Abraham Lincoln, Martin Luther King, Jr., and William Faulkner." *Journal of Information Studies*, 3, 1 (Spring 1994)
- Byers, Walter. *Unsportsmanlike Conduct: Exploiting College Athletes*. Ann Arbor, MI: The University of Michigan Press, 1995.
- Cahn, Steven M. *Saints and Scamps: Ethics in Academia*. Totowa, NJ: Rowman & Littlefield, 1986.
- Caple, Jim. "Athletic director Dienhart quits, saying he knew nothing of fraud: Boston also to be forced out as university reports findings." *Pioneer Press*, 19 November 1999. Online at <http://www.pioneerplanet.com/docs/1119dienquits.htm>.
- Carnegie Foundation for the Advancement of Teaching. *The Condition of Teaching: A State-by-State Analysis, 1990*. Princeton, N.J.: Princeton University Press, 1990.
- Carr, Howie. "Sorry Patricia, let's face facts... you didn't." *Boston Herald*, 21 June 1998.
- Carroll, Diane. "Board hears of plagiarism backlash." *Kansas City Star*, 13 March 2002. Online at www.kansascity.com/mld/kansascity/2002/03/13/news/2846785.htm as "Residents, teachers urge Piper school board to repair damage of plagiarism incident".
- Carroll, Diane. "Former teacher at Piper deluged with media calls." *Kansas City Star*, 9 February 2002.
- Carroll, Diane. "K-State deans fault Piper board: Handling of plagiarism sent wrong message, officials say." *Kansas City Star*, 7 March 2002.
- Carroll, Diane. "Teacher quits in dispute with school board over plagiarism." *The Kansas City Star*, 29 January 2002.
- "Casper's Code of Ethics." *Boston Globe*, 7 June 1985.
- Carter, Thomas M. "Cheating as Seen by College Students." *International Journal of Ethics*, XXXIX (1928-29).
- Cartwright, John. "Those 'Crib Notes'." *Ottawa Journal*, 24 June 1961.
- Chandos, John. *Boys Together: English Public Schools 1800-1864*. New Haven: Yale University Press, 1984.

Cheever, Benjamin. *The Plagiarist*. New York: Atheneum, 1992.

Churchill, Winston S. *My Early Life: A Roving Commission*. New York: Charles Scribner's Sons, 1958 [1930].

Clark, Irene L. "Writing Centers and Plagiarism." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.

CNN, "CNN retracts Tailwind coverage." 2 July 1998, online at <http://europe.cnn.com/US/9807/02/tailwind.johnson/#1>.

Cochrane, Donald. "Taking Our Directions From Washington." in Donald Cochrane, editor, *So Much for the Mind: A Case Study in Provincial Curriculum Development*. Toronto: Kagan and Woo, Limited: 1987.

Coles, Robert. *The Moral Intelligence of Children*. New York: Random House, 1997.

"College Expels Student Chiseler." *New York World-Telegram and Sun*, 1 March 1960.

Committee on Research of the Amos Tuck School of Administration and Finance[,] Dartmouth College. *Manual on Research and Reports: A guidebook of procedures helpful in conducting investigations and presenting reports on subjects in the field of the social sciences*. New York: McGraw-Hill Book Company, Inc., 1937.

"Committee Rejects Bill On Term Paper Fines." *Capital Times*, 10 February 1973.

"Concerns That Sell 'Research' to Students Are Under Attack." *New York Times*, New Jersey section, 6 May 1973.

Connor, Nancy. "Readers respond in droves to U story." *Pioneer Press*, 12 March 1999.

Corbett, Bob. *The Cheater's Handbook: The Naughty Student's Bible*. New York: HarperCollins, 1999.

Cosgrove, Peter. *Impartial Stranger: History and Intertextuality in Gibbon's Decline and Fall of the Roman Empire*. Newark: University of Delaware Press, 1999.

"Court Orders Term Papers Sale Halt." *Milwaukee Sentinel*, 19 April 1972.

Crews, Frederick. *The Random House Handbook* (New York: Random House, 1987).

Council of Ontario Universities. *Monthly Review*, February 1972.

"Crackdown on Fakes." *Time*, 27 March 1972.

Crafts, Kathy and Hauther, Brenda. *Surviving the Undergraduate Jungle: The Student's Guide to Good Grades* (New York: Grove Press, 1976).

Crawford, Trish. "Universities get tough with cheaters." *Toronto Star*, 9 May 1989.

Croucher, John S. *Exam Scams: Best cheating stories and excuses from around the world*. St Leonards, Australia: Allen & Unwin, 1996.

Current, Richard N. "Concerning the Charge of Plagiarism Against Stephen B. Oates." *Journal of Information Ethics* (Spring 1994).

Daley, Beth. "School official accused of helping daughter cheat." *Boston Globe*, 21 December 1999.

Daley, Beth and Daniel, Mac. "Cambridge school official apologizes, quits." *Boston Globe*, 22 December 1999.

Dalhousie University Senate. Minutes of Senate Meeting, 20 October 1975.

Dant, Doris. "Plagiarism in high school: a survey" in *English Journal*, 75:2 (1986): 81-84.

Dartmouth College. *A Catalogue of the Officers and Students of Dartmouth College*. Multiple years.

Dartmouth College. *Class of 1966 Dartmouth Handbook*. Hanover, N.H.: Published by the 1963 Green Key Society, 1962.

Dartmouth College, *Regulations of the Faculty for the Administration of Dartmouth College*. Hanover, NH: 1921.

Dartmouth College. "Report of the Ad Hoc Committee on the Honor Principle" (1973), Dartmouth College Special Collections, D.C. History LB/3092/D34: 14.

Davis, Henry Edward. *An Examination of the Fifteenth and Sixteenth Chapters of Mr. Gibbon's History of the Decline and Fall of the Roman Empire*. London: J. Dodsley, 1779.

Dayton, C. Mitchell. "Improved estimation of academic cheating behavior using the randomized response technique" in *Research in Higher Education*, 26:1 (1987).

"Dean Gives Report On Punishments for Term Paper Purchasers." *Wisconsin Alumnus*, January 1973.

Decker, Cathleen. "Unoriginal Sins of the Candidates' Speeches." *Los Angeles Times*, 19 October 1998.

Deerfield Academy, *DA to Z: Deerfield Academy Student Handbook 2001-2002*. Deerfield, Massachusetts: 2001.

Deerfield Academy, *Deerfield Life*. Deerfield, Massachusetts: 1971, 1974.

Department of Defense Review of Allegations Concerning "Operation Tailwind." 21 July 1998. Online at <http://www.defenselink.mil/pubs/tailwind.html>.

Dewan, Shaila. "The Fix Is In: Are educators cheating on TAAS? Is anyone going to stop them?" *Houston Press*, 25 February 1999. Online at www.houtsonpress.com/issues/1999-02025/feature/html.

Dickson, Brian. "Outline of Investigation Utter Forged Documents." Police notes, n.d.

Directions. Regina: Saskatchewan Education, 1984.

Dohrmann, George. "'Experiment': Haskins sought counselor's move to athletic staff." *Pioneer Press*, 10 March 1999.

Dohrmann, George. "U basketball prgram accused of academic fraud." *Saint Paul (MN) Pioneer Press*, 10 March 1999.

Dohrmann, George and Borger, Judith Yates. "Key figure in U probe takes the Fifth." *Pioneer Press*, 27 May 1999.

Dohrmann, George; Borger, Judith Yates; and Morrison, Blake. "U rules four players ineligible to play." *Saint Paul (MN) Pioneer Press*, 11 March 1999.

Dohrmann, George and Shefchik, Rick. "U negotiating Haskins' departure // Analysis: Timing is critical factor." *Pioneer Press*, 10 June 1999: 1A.

Dohrmann, George and Waters, Charley. "University may sue Clem Haskins, officials say." *Pioneer Press*, 14 April 2000: 1A.

Drake, Stillman. "Students, fink on essay banks!" Letter to the editor, *Varsity*, 10 November 1975.

Dresser, Jane. "Termpaper discipline on individual basis." *Daily Cardinal*, 8 September 1972.

DuBoff, Timothy. "Fourth-year reflections on honor's fatal flaw." *Cavalier Daily*, 29 March 2001.

- Dudycha, George J. "The Moral Beliefs of College Students." *International Journal of Ethics*, XLIII (1932-33).
- Dundas, Deborah. "York students face criminal charges for cheating." *Excalibur*, 10 November 1988: 1.
- Dunford, Gary. "Teachers take to 'bumblebee' writing." *Toronto Star*, 8 March 1966.
- Dutton, Denis. "Plagiarism and Forgery." *Encyclopedia of Applied Ethics*, 3. New York: Academic Press, 1998.
- Dwyer, Rex A. "CS4 Hearings Were a Whitewash." *Dartmouth Online*, 28 March 2000.
- Dwyer, Rex A. Letter to the Editor. *Valley News*, 24 June 2000.
- W. A. Edwards, *Plagiarism: An Essay on Good and Bad Borrowing*. Cambridge, UK: The Minority Press, 1933.
- Eggert, J. R. "U.S. Seeks Ban On Mailings Of Termpapers", *The Harvard Crimson*, 21 October 1972.
- Eisenberg, Paul D. "The Truth, the Whole Truth, and Nothing but the Truth" in Steven M. Cahn, editor, *Morality, Responsibility and the University*. Philadelphia: Temple University Press, 1990.
- "E-Mail Cheats to be Expelled by University." *The Independent*, 13 August 1999. Online at <http://www.independent.co.uk/atp/INDEPENDENT/NEWS/P6S2.html>.
- Elliot-Major, Lee. "Have exams got easier?" *The Guardian*, 28 October 2000. Online at www.guardian.co.uk/dumb/story/0,7369,387439,00.html.
- Eng, Allan. "Factors Influencing Inadvertent Plagiarism of Sentences." M. A. thesis, University of Toronto, 1995.
- "Fading Paternalism." *Dartmouth*, Thursday, October 19, 1961.
- "The Fake Essay Story." *Green Bay Press-Gazette*, 14 June 1972.
- Falzone, Nick. "U. Michigan utilizes web service to curb plagiarism.." in *Michigan Daily* via U-Wire, 9 December 1998.
- Farragher, Thomas. "The decision: To some, a bad one; to others, right call." *Boston Globe*, 22 August 1998.

- Farrar, Frederic W. *Eric, or Little by Little*. 1858.
- Farrar, Frederic W. *St. Winifred's or the World of School*. 1862.
- Farrar, Reginald. *The Life of Frederic William Farrar*. New York: Thomas Y. Crowell & Company, 1904.
- Farrell, Elizabeth F. "Charges of Academic Wrongdoing Roil Another Sports Powerhouse // LSU investigates whether tutors improperly did course work for athletes." *Chronicle of Higher Education*, 17 May 2002. Online at <http://chronicle.com/weekly/2001/v48/i36/36a04301.htm>.
- Farrey, Tom. "Memos uncover alleged UT violations," ESPN.com, 26 September 1999. Online at <http://espn.go.com/ncf/news/1999/0926/80631.html>.
- Farrey, Tom. "Players reinstated, but questions remain." 1 October 1999. Online at <http://espn.go.com/ncf/s/100299tenn.html>.
- Farrey, Tom. "Tennessee faculty revokes class." ESPN.com, 15 October 1999. Online at <http://espn.go.com/ncf/s/tennessee.html>.
- Farrey, Tom. "Tennessee to review grade changes." ESPN.com, 19 October 1999. Online at <http://espn.go.com/ncf/s/991019tennessee.html>.
- Fiechter, J. J. *Death by Publication*. New York: Arcade Publishing, 1993.
- Flegel, Ruth. "Buying Term Papers Doesn't Make Grade." *Wisconsin State Journal*, 4 July 1972.
- "Former Teacher Defends Failing Student For Plagiarism: Piper Teacher Failed 28 Sophomores." 6 February 2002. Online at www.thekansas-citychannel.com/kc1/education/stories/education-headlines-122358220020206.130226.html.
- Foster, Andrea L. "Plagiarism-Detection Tool Creates Legal Quandry // When professors send students' papers to a database, are copyrights violated?" *Chronicle of Higher Education*, 17 May 2002. Online at <http://chronicle.com/free/v48/i36/36a03701.htm>.
- Foster, Jim. "Cheaters scared off 'ghosted' essays." *Toronto Star*, 4 October 1990.
- Fountain, John W. with Wong, Edward. "Notre Dame Coach Resigns." *New York Times*, 15 December 2001. Online at <http://www.nytimes.com/2001/12/15/sports/ncaafootball/15IRIS.html>.
- Fowler, H. Ramsey and Aaron, Jane E. *The Little, Brown Handbook*. HarperCollins Publishers: 1989.

Fox, Abby. "Honor completes Bloomfield investigations // Twenty pending trials expected to be completed by end of spring semester." *Cavalier Daily*, 7 March 2002.

Fox, Barry. "Uttering a Forged Document: R. v Sim", written submission to the court, 1989.

Freedman, Samuel G. "Caught concocting facts? No problem -- fame will ensue." *USA Today*, 6 July 1998.

Freeland, Richard M. *Academia's Golden Age: Universities in Massachusetts 1945-1970*. New York: Oxford University Press, 1992.

Freund, Charles Paul. "Milli Vanilli only followed in others' phony footsteps." *Minneapolis Star Tribune*, 29 November 1990.

Friedman, Ted. "Milli Vanilli and the Scapegoating of the Inauthentic." *Bad Subjects*, 9 November 1993. Online at <http://eserver.org/bs/09/Friedman.html>.

Fritz, Mark. "Where They Meet To Cheat." *Los Angeles Times*, reprinted in *Newsday*, 10 March 1999: C02.

Furst, Randy and Shelman, Jeff. "More accuse Haskins." *Minneapolis Star Tribune*, 19 December 2001.

Gaddis, William. *A Frolic of His Own*. New York: Poseidon Press, 1994.

Galt, Virginia. "Essay-writing services vie for campus customers." *The Globe and Mail*, 8 November 1999:

Gantar, Jeffrey; Patten, Tom; and O'Donnell, Michael. *A Question of Honor: The Cheating Scandal That Rocked Annapolis and a Midshipman Who Decided to Tell the Truth*. Grand Rapids, Michigan: Zondervan Publishing House, 1996.

Garner, Andrew. "Cheaters aren't always the losers." *Mustang Daily*, 28 January 2002. Online at <http://www.mustangdaily.calpoly.edu/archive/20020129/opinion/op4.html>. (Originally in the Kennesaw State University *Sentinal*.)

Garred, Eileen; Bacon, Doris; Matsumoto, Nancy; and Skolnik, Sarah. "Controversy: Schools for Scandal. The dirty little secret of the campuses, says a study, is that most students cheat." *People*, 13 May 1991.

Gathorne-Hardy, Jonathan. *The Old School Tie: The Phenomenon of the English Public School*. New York: The Viking Press, 1977.

Gay, Jason with Zilberstein, Shirley and Rosenbaum, S. I. "Diary of a hack." *Boston Phoenix*, 21 August 1998.

Geiger, Joseph Roy. "The Honor System in Colleges." in *The International Journal of Ethics*, vol. XXXII (1922).

General Statutes of North Carolina, N.C. Gen. Stat. 14-118.2. (Chapter 14 - Criminal Law; Subchapter V - Offenses Against Property; Article 20 - Frauds).

"'Ghost' Inquiry Begins." *New York Times*, 16 March 1960.

"Ghost Writer Fined \$500." *New York Times*, 16 September 1960.

"Ghostwriter Is Fined; Woman Pays \$500 Instead of Spending 30 Days in Jail." *New York Times*, 5 November 1960.

"Ghost Writers Hunted: Grand Jury's Investigation Is Extended Untill [sic] June 1." *New York Times*, 30 March 1960.

"Ghost Writers Under Fire; College Cheating Charged." *New York Times*, 26 February 1960.

"Grand Jury to Get College Fraud Data." *New York Times*, 4 March 1960.

Gibbon, Edward. "A VINDICATION of Some PASSAGES in the Fifteenth and Sixteenth Chapters of the *History of the Decline and Fall of the Roman Empire*" in *Miscellaneous Works of Edward Gibbon, Esquire. with Memoirs of His Life and Writings, Composed by Himself: Illustrated from his Letters, with Occasional Notes and Narrative, by John Lord Sheffield*. II, 1796

Ginsberg, Paul. Memorandum to Academic Deans at UW—M, 25 May 1972.

Godfrey, Martyn. *Here She Is, Ms Teeny-Wonderful!* Richmond Hill, Ontario: Scholastic-TAB Publications, 1984.

Goodnough, Abby. "Teachers Are Said to Aid in Cheating: Answers Allegedly Supplied in Tests in New York Schools." *New York Times*, 8 December 1999.

Goodnough, Abby. "Union Challenges Investigator's Finding on Teacher Cheating." *New York Times*, 10 December 1999.

Gould, Stephen Jay. "Poe's Greatest Hit." *Dinosaur in a Haystack: Reflections in Natural History*. New York: Harmony Books, 1995.

Grafton, Anthony. *Forgers & Critics: Creativity and duplicity in western scholarship*. London: Collins & Brown, 1990.

- Graves, Robert. *Good-bye to All That*. New York: Doubleday Books, 1998 [1929].
- Gray, Carol. "Life in a Term-Paper Factory." *New York Times*, 6 March 1977.
- Gray, Paul and Rudolph, Elizabeth. "Ethics: The Purloined Letters." *Time*, 26 April 1993.
- Greenberg, Peter. "Buy A Better Grade, Kid?" *Wisconsin Alumnus*, May 1972.
- Greene, Bob. "The cracks and hidden potholes on Easy Street." *Chicago Tribune*, 17 February 2002. Online at chicagotribune.com/news/columnists/chi-020217greene.column?coll=chi-news-nav.
- Gribble, Roger A. "Cheating at UW: a Concern, but Not Major Problem." *Wisconsin State Journal*, 5 May 1972.
- Gribble, Roger A. "Faculty Acts to Stop Term Paper Purchase." *Wisconsin State Journal*, 2 May 1972.
- Gribble, Roger A. "Operator Defends Term Paper Sale." *Wisconsin State Journal*, 8 June 1972.
- Gribble, Roger A. "UW May Block Graduation for Buyers of Term Papers." *Wisconsin State Journal*, 18 May 1972.
- Gribble, Roger A. "UW Officials Studying 600 Term Paper Sales." *Wisconsin State Journal*, 13 June 1972.
- Gross, Gil. *The Osgood File*. Syndicated radio program, 10 July 1998.
- Groves, Martha. "Teachers in Cheating Probe Face Discipline." *Los Angeles Times*, 22 January 2000.
- Guernsey, Lisa. "Judge Dismisses Boston U.'s Suit Against online Term-Paper Companies." *Chronicle of Higher Education*, 18 December 1998: A23.
- Guernsey, Lisa. "Seeking Plagiarists, Entrepreneurs' Site Will Check Papers Against Data Base." *Chronicle of Higher Education*, 18 November 1998.
- Gunther, Gerald. *Learned Hand: The Man and the Judge*. New York: Alfred A. Knopf, 1994.
- Gur, Batya. *Literary Murder*. New York: HarperCollins, 1993.
- Hacker, Diana. *Rules for Writers: A Concise Handbook*. New York: St. Martin's Press, 1988.

- Hakim, Danny. "Clergyman Is Accused of Plagiarism." *New York Times*, 13 March 2002. Online at <http://www.nytimes.com/2002/03/13/national/12SERM.html>.
- Hamilton, Brian. "University of Minnesota: New Haskins allegations won't bring sanctions." *Pioneer Press*, 20 December 2001.
- Handy, Bruce. "Steven Stealberg?" *Time*, 11 August 1997.
- Harris, Robert. *Selling Hitler*. New York: Pantheon Books, 1986.
- Harris, Robin S. and McDougall, Robert L. *The Undergraduate Essay*. Toronto: University of Toronto Press, 1958.
- Hart, Jordana. "Cambridge school officials allegedly erased student 'C' ." *Boston Globe*, 28 December 1999.
- Hastings, Harry W. "Homer's Wink." *College English*, 5 (December 1943).
- Hauptman, Robert. "Editorial: Plagiarism and Scholarship." *Journal of Information Ethics*, 3, 1 (Spring 1994).
- Haviland, Carol Peterson and Mullin, Joan. "Writing Centers and Intellectual Property: Are Faculty Members and Students Differently Entitled?" Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.
- Hebel, Sara. "Historian's Latest Book on World War II Has Passages Resembling Another Scholar's Work." *Chronicle of Higher Education*, 7 January 2002.
- Hechinger, Fred M. "Scholarship by Proxy: If a Ph.D. Thesis Can Be Ghosted, Critics Feel, System Is Faulty." *New York Times*, 28 February 1960.
- Hechinger, Fred M. "Term Papers: Passing Grades For a Price." *New York Times*, 17 March 1972.
- Hendricks, Mike. "You could almost call it Pipergate." *Kansas City Star*, 30 January 2002.
- Hepburn, James. *The Author's Empty Purse & the Rise of the Literary Agent*. London: Oxford University Press, 1968.
- Heinberg, Nancy. "Term Paper Mill Operations Told." *Capital Times*, 7 June 1972.
- Heinberg, Nancy. "Term Paper Seller Saw No Problem of Ethics, He Testifies." *Capital Times*, 8 June 1972.

- Hesse, Carla. "The rise of intellectual property, 700 B.C.-A.D. 2000: an idea in the balance." *Daedalus*, Spring 2002: 26-45.
- Higham, John. "Habits of the Cloth and Standards of the Academy." *Journal of American History*, June 1991.
- Hilbish, Florence M. A. *The Research Paper*. New York: Bookman Associates, Inc., 1952.
- Hill, Julie. "Term Paper Mills Under Legal Eye." *Badger Herald*, 11-14 May 1972.
- Hoekema, David A. "Beyond *in Loco Parentis*?" Steven M. Cahn, editor, *Morality, Responsibility and the University*. Philadelphia: Temple University Press, 1990.
- Holloway, Lynette. "New York City Cheating Scandal's 3 R's: Read, Right, Wrong." *New York Times*, 9 December 1999.
- Honey, J. R. de S. *Tom Brown's Universe*. London: Millington House Books, 1977.
- Horowitz, David. "An Unfree Press: The Jeff Jacoby Affair." <http://www.frontpagemag.com/notepad/hn07-10-00.htm>.
- "How's essay business? Dying at \$5 a page." *Globe and Mail*, 10 March 1978.
- Hughes, Thomas. *Tom Brown's Schooldays*. 1857.
- Humphreys, Adrian. "Mac students in essay scam." *Silhouette*, 25 May 1989.
- Humphreys, Tinney S. "Term Papers for Sale: A Consumer's Test." *Chronicle of Higher Education*, 6 March 1972.
- Hunter, Evan. *The Paper Dragon* (New York: Delacorte Press, 1966).
- Ibbitson, John. "When cheating becomes a way of life." *Globe and Mail*, 25 February 2002.
- "Indiana U. Suspends Ghost-Hiring Student." *New York World-Telegram and Sun*, 2 March 1960.
- "Informed retraction won't work." *Cavalier Daily*, 29 January 2002.
- "Inquiry will reveal what school values most." *Pioneer Press*, 10 March 1999.
- Jacklin, Michelle. "Money defines Johnson, Burnham campaigns." *Hartford Courant*, 13 September 1992.

Jacklin, Michelle. "Plagiarism charged in Senate race." *Hartford Courant*, 5 September 1992.

Jacoby, Jeff. "56 great risk-takers." *Boston Globe*, 3 July 2000.

Jacoby, Jeff. "Statement by Jeff Jacoby on his recent suspension from The Boston Globe." *FrontPageMagazine.com*, 10 July 2000. Online at <http://frontpagemag.com/frontlines/july00/jacoby07-10-00.htm>.

Jamieson, Kathleen Hall. *Eloquence in an Electronic Age: The Transformation of Political Speechmaking*. New York and Oxford: Oxford University Press: 1988.

Jankowski, Jane. "NCAA Press Release: University of Minnesota, Twin Cities, Placed on Probation; Grants-in-aid, Official Visits, Evaluation Opportunities Reduced." released 24 October 2000. Online at <http://www.ncaa.org/releases/makepage.cgi/infractions/2000102402in.htm>.

JOC (pseud.). "Goniffs of Hogwallow." in *Badger Herald*, 4-7 November 1971.

Johnson, Brian. "Cheating: A more subtle form of campus protest." *Toronto Telegram*, 13 May 1971.

Johnson, Douglas. "Termpaper customers face dual sanctions, says Dean." *Daily Cardinal*, 19 May 1972

Johnson, Douglas. "Termpaper firms give up, go home." *Daily Cardinal*, 16 June 1972.

Johnson, Joseph K. and Davis, Kingsley. "An Attempt to Discover Change in Moral Attitudes of High-School Students." *International Journal of Ethics*, XLIV (1933-34).

Jones, Robert E. "Popular Biography, Plagiarism, and Persecution." *Journal of Information Ethics* 3, 1 (Spring 1994).

Jurkowitz, Mark. "Admitting fabrications, Globe columnist resigns." *Boston Globe*, 19 June 1998.

Jurkowitz, Mark. "Plagiarism's many shades of gray." *Boston Globe*, 27 July 2000.

Jurkowitz, Mark. "Protests greet decision not to oust Barnicle." *Boston Globe*, 13 August 1998.

Jurkowitz, Mark. "The Globe, columnists, and the search for truth." *Boston Globe*, 21 June 1998.

"Kan. Teacher Quits Over Grades." *The Guardian*, 31 January 2002. Online at www.guardian.co.uk/uslatest/story/0,1282,-1484628,00.html.

Kaplan, Wanda and Mable, Phyllis. "Students' Perceptions of Academic Integrity." in *Academic Integrity and Student Development: Legal Issues and Policy Perspectives* (College Administration Publications, Inc., 1988).

Karinshak, Brian. "Honor White Paper: The United States Military Academy Cadet Honor Code and Honor System." West Point, NY: Center for the Professional Military Ethic, 18 January 2000. Online at <http://www.usma.edu/Committees/Honor/index.htm>.

Katz, Shirley. "Academic Dishonesty: The Custom Essay Service Revisited." [York University] *Faculty of Arts Newsletter*, February 1992.

Katz, Shirley. "Academic offences: an update." [York University] *Faculty of Arts Newsletter*, September 1989.

Kellogg, Ronald T. *The Psychology of Writing*. New York: Oxford University Press, 1994.

Kennedy, Dan. "Don't Print That." *Boston Phoenix*, 21 August 1998.

Kennedy, Dan. "Cruel and Unusual." *Boston Phoenix*, 20-27 July 2000.

Kennedy, Donald. *Academic Duty*. Cambridge, MA, and London: Harvard University Press, 1997.

Kent, James. "The Arts: Hero who betrayed his roots" in *Sunday Telegraph*, 7 September 1997.

Kernan, Alvin. *In Plato's Cave*. New Haven: Yale University Press, 1999.

Kipling, Rudyard. *Stalky & Co.* New York: Dell Publishing Co., 1968 [1899].

Kirkpatrick, David D. "2 Accuse Stephen Ambrose, Popular Historian, of Plagiarism." *New York Times*, 5 January 2002.

Kliever, Lonnie D. "Ethical Issues in Intercollegiate Athletics." in William May, editor, *Ethics and Higher Education*. New York: American Council on Education and Macmillan Publishing Company, 1990.

Klinkenborg, Verlyn. "From the Pulpit, a Borrowed Word." *New York Times*, 16 March 2002. Online at http://www.nytimes.com/2002/03/16/opinion/_16SAT4.html.

Kluemper, Tony. "CoC charges 187 with cheating." *Technique*, 18 January 2002.

KMBC 9 News, "Parents Outraged At Plagiarism Controversy: Students Flunked For Supposedly Plagiarising Biology Papers." 28 January 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-1210531200201-170131.html.

KMBC 9 News poll, reported in "Piper Patrons Sound Off On Plagiarism Controversy: School Board Members Remain Silent On Issue." 13 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-123300720020213-080234.html.

Knapp, Rev. Hugh H. "An Honest Sermon." Letter to the Editor dated 17 March 2002, *New York Times*, 23 March 2002. Online at <http://www.nytimes.com/2002/03/23/opinion/L23SERM.html>.

Kolker, Claudia. "In Texas, school exam scandals put high-stakes trend to the test." *Boston Sunday Globe*, 18 April 1999. Originally published, *Los Angeles Times*.

Kozak, Ellen M. "Towards a Definition of Plagiarism: The Bray/Oates Controversy Revisited." *Journal of Information Ethics* 3, 1 (Spring 1994).

Kruger, Michael, et al, *Himmelfarb*. New York: G. Braziller, 1994.

Kunkel, Thomas. *Genius in Disguise: Harold Ross of New Yorker*. New York: Random House, 1995.

Kurtz, Howard. "Stranger Than Fiction: Stephen Glass Tale." *Washington Post*, 13 May 1998.

Kurtz, Howard. "Editor Says Article On Computer Hacker Is Entirely Fictitious." *Washington Post*, 11 May 1998.

LaFollette, Marcel C. *Stealing Into Print: Fraud, Plagiarism, and Misconduct in Scientific Publishing*. Berkeley, CA: University of California Press, 1992.

Laney, James T. "Through Thick and Thin: Two Ways of Talking About the Academy and Moral Responsibility." William May, editor, *Ethics and Higher Education*. New York: American Council on Education and Macmillan Publishing Company, 1990.

Last, Jonathan V. "An inside look at 'hip hop America'." *Washington Times*, 31 January 1999.

Leary, Alex. "Dartmouth Cheating Inquiry Reverberations Still Being Felt." *Valley News*, 10 June 2000: A1, A6.

Leary, Alex. "Dartmouth Probes Alleged Cheating in Computer Science Class." *Valley News*, 16 February 2000: A1, A7.

- Leavitt, David. "The Term Paper Artist." *Arkansas*. Boston: Houghton Mifflin, 1997.
- Lee, Kenneth. "Untruth in Academe." *American Enterprise*, May/June 1999.
- Legislature of Ontario Debates*, no. 91, Second Session, 29th Legislature (Toronto: The Queen's Printer and Publisher, 1972), June 14, 1972: 3651.
- Lehrer, Eli. "Media Fakes." *American Enterprise*, May/June 1999.
- Leight, David. "Plagiarism as Metaphor." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.
- Levy, Doug. "Two scientific watchdogs are leashed." *USA Today*, 30 March 1994.
- Lewicki, Roy J. "Students Are Polled on Honor System; Most Are in Favor." *Dartmouth*, Friday, October 20, 1961
- Lindley, Alexander. *Plagiarism and Originality*. New York: Harper & Brothers, 1952.
- Linton, Marilyn. "Take note: Exam time's cram time." (Toronto) *Sunday Sun*, 22 May 1988.
- Loke, Margaret. "Writer Who Cried Plagiarism Used Passages She Didn't Write." *New York Times*, 19 December 1997.
- Loomis, Roger Sherman. *The Grail from Celtic Myth to Christian Symbol*. London: Constable and Company Ltd., 1992 [1963].
- Lundy, Walker. "We ran the story when it was ready." *Pioneer Press*, 11 March 1999.
- Lunsford, Andrea, Connors, Robert and Segal, Judy Z. *The St. Martin's Handbook for Canadians*. Scarborough, Ontario: Nelson Canada, 1989.
- Luscombe, Belinda. "Making Up Is Hard To Do." in "People." *Time*, 20 May 1996. Online at <http://www.time.com/time/magazine/archive/1996/dom/960520/people.html>.
- Macdonald's Drug Store. Advertisement for "Supplementary English Notes." *Varsity*, 28 February 1969.
- Mackin, Edward. *The Nominative Case*. New York: Walker and Company, 1991.

MacPherson, C. B. *et al*, "Undergraduate Instruction in Arts and Science: Report of the Presidential Advisory Committee on Undergraduate Instruction in the Faculty of Arts and Science, University of Toronto." Toronto: printed by the University of Toronto Press, 1967.

Maeroff, Gene L. "Market in Term Papers Is Booming." *New York Times*, 10 July 1971.

Maine Revised Statutes, 17-A M.R.S. • 705 (Title 17-A - Maine Criminal Code; Part 2 - Substantive Offenses; Chapter 29 - Forgery and Related Offenses).

Mallon, Thomas. *Stolen Words: Forays into the Origins and Ravages of Plagiarism*. New York: Ticknor & Fields, 1989.

Marnell, Andrew. "78 Implicated in CS4 Cheating Scandal." *Dartmouth Online*, 1 March 2000.

Marnell, Andrew. "Cheating investigations will be complex." *Dartmouth Online*, 15 February 2000.

Marnell, Andrew. "Cheating scandal effects widen: CS4 professor drops his CS15 course in seventh week of term." *Dartmouth Online*, 16 February 2000.

Marnell, Andrew. "Dwyer resigns from CS4 teaching position." *Dartmouth Online*, 21 February 2000.

Marnell, Andrew. "Extra - College Drops All Charges in Cheating Scandal Hearings." *Dartmouth Online*, 12 March 2000.

Marnell, Andrew. "Prof alleges mass cheating in CS4: Department begins investigation of entire introductory CS class." *Dartmouth Online*, 24 February 2000.

Marnell, Andrew. "Students: CS4 a mess from start." *Dartmouth Online*, 18 February 2000.

Marnell, Andrew. "TA criticizes Dwyer's actions: Grad student says Dwyer should have been more 'proactive' during term." *Dartmouth Online*, 22 February 2000.

Marnell, Andrew. "TA help may count as cheating: CS4 prof says taking solutions from TAs also violated honor code." *Dartmouth Online*, 17 February 2000.

Martin, Brian. "Plagiarism: A Misplaced Emphasis." *Journal of Information Studies*, 3, 2 (Fall 1994).

- Martin, Ruth. "Ruth Martin meets Jack Coles." *Trade News*, 31 January 1970.
- Maslin, Janet. "'Amistad': The Pain of Captivity Made Real." *New York Times*, 10 December 1997.
- Matthews, Brander. *Pen and Ink: Papers on Subjects of More or Less Importance*. New-York and London: Longmans, Green, & Co., 1888.
- Mawdsley, Ralph D. *Academic Misconduct: Cheating and Plagiarism*. Topeka, KS: National Organization on Legal Problems of Education, 1994.
- McBride, Joseph. "Termiknowledgey: Or, How to Become a Millionaire--Fast." *Wisconsin State Journal*, 28 February 1972.
- McCabe, Coco. "Old plague of plagiarism infected by new source on Internet." *Boston Globe*, 14 October 2001. Online at http://www.boston.com/dailyglobe2/287/north/Old_plague_of_plagiarism_infected_by_new_sources_on_Internet+.shtml.
- McCabe, Donald L. "Student Cheating in American High Schools" (May 2001): posted online at <http://www.academicintegrity.org/hs06.asp>.
- McCall, Bruce. "Bookend: The Dog Wrote It." *New York Times*, 14 November 1999.
- McInerney, Thomas K. "Peer Group Conflict" *Dartmouth*, 25 October 1961
- Mendels, Pamela. "B.U. continues to fight 'online term paper mills'." *Minneapolis Star Tribune*, 25 January 1999: 4D.
- Mendels, Pamela. "University Set Back in Fight Against Term Paper Sites." *New York Times*, 16 December 1998.
- Mentzer, Michael. "Dean Ginsberg Reflects on Term Paper Problem." *Badger Herald*, 28-30 August 1972.
- Mentzer, Michael. "Termpapers From Boom to Bust." *Badger Herald*, 12-14 June 1972.
- Michaels, Jen. "Honor to complete Bloomfield cases soon // Statistics show 13 of the 51 investigations to go to trial end in guilty verdicts, 18 trials await decisions." *Cavalier Daily*, 19 February 2002.
- Middlebrook, Samuel. "No Panacea for College Cheating." *New York Times Magazine*, 9 April 1961.

Milford, Maureen. "Term papers on line -- good or bad?" Gannett News Service, 8 May 1997.

Miller, Keith D. "Martin Luther King, Jr., and the Black Folk Pulpit." *Journal of American History*, June 1991.

Mitchell, Bryan. "Athletic fraud controversy escalates." *Daily Beacon*, 83, 24: 15 February 2000. Online at <http://dailybeacon.utk.edu/issues/v83/n24/spt-espn.24s.html>.

Mitchell, Bryan. "Vols keep veil of silence on alleged academic fraud." *Daily Beacon*, v82, n26: 29 September 1999. Online at <http://dailybeacon.utk.edu/issues/v82/n26/quietvols.26v.html>.

Mitchell, W. "Reform in Education." *International Journal of Ethics*, VI (October 1895).

Moore Howard, Rebecca. "Forget About Policing Plagiarism. Just Teach." *Chronicle of Higher Education*, 16 November 2001: B24. Online at <http://chronicle.com/weekly/v48/i12/12b02401.htm>.

Moore Howard, Rebecca. "The Gendered Plagiarist." Penn State Conference on Rhetoric and Composition, 15 July 1995.

Moore Howard, Rebecca. "The New Abolitionism Comes to Plagiarism." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999: 87-95.

Moore Howard, Rebecca. *Standing in the Shadow of Giants: Plagiarists, Authors, Collaborators*. Stamford, CT: Ablex Publishing Corporation, 1999.

Morrison, Blake. "4 players benched, questioned as U promises swift investigation." *Pioneer Press*, 11 March 1999.

Morrison, Blake. "U's Newby takes disability leave // Academic counselor suffering from stress." *Pioneer Press*, 4 April 1999.

Morrison, Rick. "Students line up to buy essays." *Toronto Star*, 27 December 1981.

Muir, Kathy. "Plagiarism: only for the lazy?." *Varsity*, 17 November 1971.

Murphy, Patrick. "It's Write On, for UW Students, While Term Paper Business Flops." *Wisconsin State Journal*, 4 May 1973.

Murphy, Steve. "Port Clinton schools fix 85 students' transcripts." *Toldeo Blade*, 31 May 2002.

Murphy, Steve. "Youths affected in GPA scandal to review data." *Toledo Blade*, 23 April 2002.

Murray, Maureen and Gould, Jennifer. "Essays can cost up to \$22 a page employee says." *Toronto Star*, 20 April 1989.

Murray, Maureen. "Owner of essay-writing firm puzzled by sudden police raid." *Toronto Star*, 21 April 1989.

Myers, D. G. *The Elephants Teach: Creative Writing Since 1880*. Englewood Cliffs, NJ: Prentice Hall, Inc., 1996.

Mystic Valley Regional Charter School Academic Honesty Policy. Malden, Massachusetts: 14 March 2002.

Newby, Alonzo. Letter dated 15 October 1999. *Pioneer Press*, 30 October 1999. Online at <http://www.pioneerplanet.com/docs/newbyletter.htm>.

New York State Education Law, Section 213-b.1 (1972).

New York Times News Service, "Magazine writer caught in Web of lies: New Republic editor says piece on computer hackers was fabricated." *Dallas Morning News*, 12 May 1998.

Nizer, Louis. *My Life in Court*. Garden City, NY: Doubleday & Company, 1961.

"No copycat here, please, in school plagiarism case." *Journal and Courier* (Lafayette, Indiana) editorial, 14 February 2002. Online at www.lafayettejc.com/news20020214/200202140local_opinion1013666535.shtml.

Notebook. "Cheating Scandal Roils Mississippi State U.." *Chronicle of Higher Education*, 11 January 2002. Online at <http://chronicle.com/weekly/2001/v48/i18/18a04503.htm>.

Nuss, Elizabeth M. "Academic Dishonesty—A Contemporary Problem in Higher Education." *Academic Integrity and Student Development: Legal Issues and Policy Perspectives*. College Administration Publications, Inc., 1988.

NCAA. "University of Minnesota, Twin Cities Public Infractions Report." Online at <http://www.ncaa.org/releases/makepage.cgi/infractions/2000102401in.htm>. 24 October 2000.

Nguyen, Tina. "Teens Cheated in O.C. Class, Using E-Mail [...] It's a new frontier for adults trying to draw the line on an age-old issue" *Los Angeles Times*, 9 March 1999.

Oates, Stephen. "A Horse Chestnut Is Not a Chestnut Horse." *Journal of Information Ethics* 3, 1 (Spring 1994).

Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester & Mr. Mark Tucker; together with the Whole Case of the Rev. Hooper Cumming. Schenectady, NY: Henry Stevens & Co., 1818.

Ogilby, Suzanne M. "The ethics of academic behavior" in *Journal of Education for Business*, 71 (December 1995).

Ollard, Richard. *An English Education: A Perspective of Eton.* London: William Collins Sons & Co Ltd, 1982.

O'Neill, Helen and Lavoie, Denise. "'EraserGate' scandal shatters community's pride in school." *Dallas Morning News*, 13 April 1997.

Owen, Glen. "Teachers face inquiry into test cheating." *The Times*, 20 July 2001. Online at www.thetimes.co.uk/article/0,,2-2001260937,00.htm.

Owen, Glen and Peek, Laura. "Timezone cheats using Net for exams." *The Times*, 02 June 2001. Online at <http://www.thetimes.co.uk/article/0,,2-2001190449,00.html>.

Pagano, Jo Anne. "Teaching Women." *Educational Theory*, 38, 3 (Summer 1988): 321-339.

Pappas, Theodore. *Plagiarism and the Culture War: The Writings of Martin Luther King, Jr., and Other Prominent Americans.* Tampa, FL: Hallberg Publishing Corporation, 1998.

Pappas, Theodore. *The Martin Luther King, Jr., Plagiarism Story.* Rockford, IL: The Rockford Institute, 1994.

"Pass informed retraction." *Cavalier Daily*, 23 January 2002.

Parkinson, Roger. "Honor System Motion Approved By Faculty." *Dartmouth*, 19 October 1961.

Partington, Wilfred. *Forging Ahead: The True Story of the Upward Progress of Thomas James Wise, Prince of Book Collectors, Bibliographer Extraordinary, and Otherwise.* New York: G. P. Putnam's Sons, 1939.

Patrick-Wexler, Diane. "Romance Author Admits Plagiarism." *Publishers Weekly*, August 1, 1997.

Paull, H. M. *Literary Ethics: A Study in the Growth of the Literary Conscience.* London: Thornton Butterworth Ltd., 1928.

Pavela, Gary. "The Law and Academic Integrity." in *Academic Integrity and Student Development: Legal Issues and Policy Perspectives*. College Administration Publications, Inc., 1988.

Peiken, Matt. "Pioneer Press sportswriter Dohrmann wins Pulitzer Prize." *Pioneer Press*, 10 April 2000.

Peiken, Matt and Harvey, Kay. "Pioneer Press celebrates third Pulitzer Prize: Dohrmann's award follows report on U academic fraud." *Pioneer Press*, 11 April 2000: 1A.

Pennycook, Alastair. "Borrowing Others' Words: Text, Ownership, Memory, and Plagiarism." in *TESOL Quarterly*, vol. 30, no. 2 (Summer 1996).

Perrin, Porter G. *Writer's Guide and Index to English*. Chicago, Atlanta, Dallas, New York: Scott, Foresman and Company, 1942 [revision of *An Index to English*, 1939].

Perry, Stephen R. "More Students Discuss Honor System." *Dartmouth*, 24 October 1961

Pfeiffer, Sacha. "The great pretenders." *Boston Globe*, 28 July 1999.

Phillips Exeter Academy, *The "E" Book*. Multiple years.

Picard, Andre. "Commentary: A plague on plagiarism." *Globe and Mail*, 29 June 1991.

"Piper Patrons Sound Off On Plagiarism Controversy: School Board Members Remain Silent On Issue." *Kansas City Star*, 13 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories/education-headlines-123300720020213-080234.html.

Poe, Edgar Allan. "Mr. Longfellow and Other Plagiarists" (1846?), reprinted in *The Works of Edgar Allan Poe*, III. New York: W. J. Widdleton, 1849, 1865.

Pogrebin, Robin. "Rechecking a Writer's Facts, A Magazine Uncovers Fiction." *New York Times*, 12 June 1998.

Pooley, Eric. "Press: Too Good to Be True at New Republic, a young star crashes when some of his best stories turn out to be lies." *Time*, 25 May 1998.

Posner, Ari. "The Culture of Plagiarism." *New Republic*, 18 April 1988.

Powers, Tom. "It's university's turn to answer questions of integrity." *Pioneer Press*, 10 March 1999.

Prall, Robert E. "Hogan Raids Ghost Writers Hired by Cheating Students." *New York World-Telegram and Sun*, 25 February 1960.

President's Policy Committee, "Policy and Procedures Prohibiting On-Campus Activity by Essay-Writing Services." York University, 10 November 1987.

"Prosecutor Looks Into Plagiarism Dispute: School Board May Have Violated Open Meetings Act." 8 February 2002. Online at www.thekansascitychannel.com/kc1/education/stories_education-headlines-122678520020208-080225.html

R. v. Askov, 74 D.L.R. (4th) 355(S.C.C.).

Raines, Howell. "The high price of keeping Barnicle." *Boston Herald*, 14 August 1998.

Randall, Marilyn. *Pragmatic Plagiarism: Authorship, Profit, and Power*. Toronto: Buffalo, London: University of Toronto Press, 2001.

Reimer, Andrew. *The Demidenko Debate*. St Leonards, Australia: Allen & Unwin, 1996.

"Removal of Blue Jay skipper ends a saga of lies and deceit." *Toronto Star*, 18 March 1999.

Reuters. "CNN says Arnett faces no further action over report." 8 July 1998

Rich, Frank. "Who Stole History?" *New York Times*, 13 December 1997.

Roark, Ruric N. *Psychology in Education*. New York, Cincinnati, Chicago: American Book Company, 1895.

Rodriguez, Nancy C. "Cheating teachers skews schools' test scores." *Eagle-Tribune* 22 July 1999. Online at www.eagletribune.com/news/stories/19990722/FP_002.htm.

Roll, Sue Lindsay. "'The Painful Departure...'" *Quill*, February 1976.

Rolling Stone, 9 October 1975.

Roper, Emily. "Professor initiates 122 honor cases." *Cavalier Daily*, 19 May 2001.

Rosenberg, Matthew J. "Media Talk: A Writer With a Past Turns to Advertising." *New York Times*, 15 March 1999.

Rosenthal, Laura J. *Playwrights and Plagiarists in Early Modern England: Gender, Authorship, Literary Property*. Ithaca, NY: Cornell University Press, 1996.

Roth, Jack. "Fraud Laid To 6 In Ghost Writing." *New York Times*, 12 April 1960.

Roth, Jack. "Jury Urges Check on Ghost Writers; Bids State Keep Constant Eye on Agencies." *New York Times*, 11 May 1960.

Roy, Alice M. "Whose Words These Are I Think I Know: Plagiarism, the Postmodern, and Faculty Attitudes." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.

Ruark, Jennifer K. "Statistical Evidence is Inadequate Proof of Cheating, Court Tells Pharmacy College." *Chronicle of Higher Education*, 15 January 2001. Online at <http://chronicle.com/daily/2001/01/2001011504n.htm>.

Salwen, Sarah. "Bloomfield program finds more matches // New standards could add up to 238 cases of cheating to honor trial docket." *Cavalier Daily*, 30 November 2001.

Salwen, Sarah. "Committee makes slow progress with trials // Number of Bloomfield cases up to 145; two students found guilty." *Cavalier Daily*, 1 October 2001.

Salwen, Sarah. "Honor Committee progresses quickly with Bloomfield cases // In 21 completed trials seven students found guilty and 16 students left after admitting guilt." *Cavalier Daily*, 21 January 2002.

Salwen, Sarah. "New programs detect cheating in assignments // Program compares wording, sentence structure in students' term papers to identify plagiarism." *Cavalier Daily*, 26 April 2001.

Saizman, Maurice. *Plagiarism: The "Art" of Stealing Literary Material*. Los Angeles: Parker, Stone & Baird Co., 1931.

Sanchez, Rene. "University sues to shut down Web term-paper mills." *Washington Post*, 5 November 1997: A01.

Sandham, Elizabeth. *The School-Fellows: A Moral Tale*. London: J. Souter, School Library, 1818.

Saphier, Michael. "Negative Evidence." *Dartmouth*, 1 November 1961

Sarah Pierce Academy. Rules. 1803.

Sarton, May. *The Small Room*. W. W. Norton & Co., 1961.

Saunders, Frederic. *Salad for the Social*. New York: De Witt & Davenport, 1856.

- Schmidt, Sarah. "Wired world gives cheating a new face." *Globe and Mail*, 22 June 1998.
- Schwantes, Dave. "The Undergraduate Chair." *Dartmouth Alumni Magazine*, December 1961.
- Segall, Cary. "Student Standpoint: Term Paper Mills vs. Term Paper Rituals." *Wisconsin Alumnus*, August-September 1972.
- Seymour, Thaddeus; Bond, Harold L.; and Stewart, John L. *Sources: Their Use and Acknowledgement*. Hanover, NH: Dartmouth College, 1960.
- Shaffer, David. "Faculty committee suggested tutoring crack down six years ago." *Pioneer Press*, 12 March 1999.
- Shaffer, David and Dohrmann, George. "U lags Big 10 in diplomas." *Pioneer Press*, 8 April 1999.
- Shamoon, Linda and Burns, Deborah H. "Plagiarism, Rhetorical Theory, and the Writing Center: New Approaches, New Locations." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.
- Sharp, Frank Chapman. "Some Aims of Moral Education." *International Journal of Ethics*, IX (1898-1899).
- Sheldon, Michael. "The Hard Road to Damascus." *Daily Telegraph*, 17 October 1998.
- Shepherd, Jack. "College Honor Systems: Can they work?" *Life*, 24 January 1967
- Silverman, Kenneth. *Edgar A. Poe: Mournful and Never-ending Remembrance*. New York: HarperCollins, 1992.
- Simmons, Kelly. "187 Tech students accused of cheating // Students took two computer programming courses." *Atlanta Journal and Constitution*, 16 January 2002.
- Simmons, Sue Carter. "Competing Notions of Authorship: A Historical Look at Students and Textbooks on Plagiarism and Cheating." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.
- Sirica, Jack. "Cliffs Notes: A long look at shortcuts." *Miami Herald*, n.d.
- Slavens, G. S. and Brogan, A. P. "Moral Judgments of High-School Students." *International Journal of Ethics*, XXXVIII (1927-28).

Smetanka, Mary Jane. "Problems with athletes' studies have frequently been an issue at 'U' ." *Minneapolis Star Tribune*, 22 March 1999.

Smith, Gary. "Lying in Wait." *Sports Illustrated*, 8 April 2002.

Smith, Michael Clay and Smith, Margaret D. *Wide Awake: A Guide to Safe Campus Living in the 90s*. Princeton, NJ: Peterson's Guides, 1990.

Smith, Patricia. "A note of apology." *Boston Globe*, 19 June 1998.

Snead, William, Jr., and Shepherd, Jack. "Air Academy's Cheating Scandal." *Look*, 24 January 1967.

Snow, David. "Faculty Passing the Buck." *Dartmouth*, 20 October 1961.

Sokolove, Michael. "True or False? A Year Later, Montgomery County's Cheating Scandal Reassessed." *Washington Post*, 24 February 2002.

Soucheray, Joe. "College athletic system is broken, and it's about time we fixed it." *Pioneer Press*, 12 March 1999.

Stahl, Robert J. *Cooperative Learning in the Social Studies*. Menlo Park, CA: Addison-Wesley Publishing Co., 1994.

"A Startling Survey on College Cribbing." *Life*, 5 February 1965.

"State Will Start Inquiry Into Sale of Term Papers." *Wisconsin State Journal*, 10 May 1972.

State of New York v. Kathleen Saksniit et al., Supreme Court of New York, Special Term, New York County, 69 Misc. 2d 554; 332 N.Y.S.2d 343; 1972 N.Y. Misc., 18 April 1972.

State of Wisconsin Department of Agriculture Docket No. 997, 11 October 1972.

Stearns, Laurie. "Plagiarism, Process, Property, and the Law." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.

"Steve Roper Comic Strip Sparks \$6 Million Lawsuit." *Harvard Crimson*, 25 October 1972.

Stewart, Molly Mia. *Elizabeth, the Tattletale*. Francine Pascal's Sweet Valley Kids, 47. New York: Bantam Books, 1994.

St. Onge, K[leith] R. "Plagiarism: For the Accusers and the Accused." *Journal of Information Ethics* 3, 2 (Fall 1994).

St. Onge, K[leigh] R. *The Melancholy Anatomy of Plagiarism*. Lanham, MD, New York, London: University Press of America, 1988.

Stout, Rex. *Plot It Yourself*. New York: The Viking Press, 1959.

"Student's 'Ghost' Enters Guilty Plea." *New York Times*, 25 June 1960.

"Student newspaper at U of T bans ads offering essay help." *Toronto Star*, 19 November 1975.

Summers, Scott. "Plagiarism issue receives national attention, local reaction." *Bonner Springs Chieftain*, 13 February 2002. Online at www.bonnerrsprings.com/section/news/story/2213.

Swain, Bruce. "Complaint Tells Story Of Term Paper Mill." *Capital Times*, 17 May 1972.

Swain, Bruce. "Fate of 64 UW Term Paper Purchasers Still Up in Air." *Capital Times*, 23 December 1972.

Swain, Bruce. "Some May Get, Then Lose Degrees." *Capital Times*, 18 May 1972.

Swain, Bruce. "U. Faculty Makes Bought Papers Illegal." *Capital Times*, 2 May 1972.

"Tennessee clears athletes to play." ESPN.com, 30 September 1999. Online at <http://espn.go.com/ncf/news/1999/0930/88538.html>.

"Tennessee gives its finding to NCAA." ESPN.com, 27 October 1999. Online at <http://espn.go.com/ncf/news/1999/1027/137435.html>.

"Term Paper Hawkers Sued in NY." *Badger Herald*, 17-20 February 1972.

Tetzeli, Rick. "News/Trends: Business Students Cheat Most." *Fortune*, 1 July 1991.

Thomas, Jack. "Do politicians write their own columns?" *Boston Globe*, 31 January 2001.

Thomas, Jack. "Was Jacoby's punishment excessive? No, it wasn't." *Boston Globe*, 17 July 2000.

Titus, Harold H. *Ethics for Today*. New York: American Book Company, 1947 [1936].

"To Our Readers." *New Republic*, 29 June 1998.

Trefousse, Hans L. "The Oates Case." *Journal of Information Ethics* 3, 1 (Spring 1994).

Trinity College. *Statement of the Course of Study and Instruction Pursued at Washington College, Hartford, Connecticut; with a Catalogue of the Officers and Students. January, 1835.* Hartford: printed by P. Canfield, 1835.

Trinity College, *Trinity College Policy and Procedures for Review of Alleged Unethical Research Practices.* Hartford, CT: Trinity College, 1998.

Troyka, Lynn Quitman, Buckley, Joanne and Gates, David. *Simon & Schuster Handbook for Writers.* Scarborough, Ontario: Prentice Hall Canada Inc., 1996.

Trustees of Boston University v. Abe Korn, et al, United States District Court, District of Massachusetts, C.A. No. 97CV12365PBS, 15 October 1997. This action became *Trustees of Boston University v. ASM Communications, et al* when a settlement was reached with Abe Korn in January 1998. Online at <http://chronicle.com/weekly/documents/v45/i17/bu.htm>.

Trustees of Boston Univ. v. Champion Research Corp., Equity No. 96114 (Mass. Sup. Ct. Oct. 26, 1972).

Trustees of Boston University v. Minute Research Co., No. 10908 (Mass. Sup. Ct. May 14, 1981).

Trustees of Boston University v. Scherer, No. 27746 (Mass. Sup. Ct. April 14, 1981).

Ulanowsky, Alex. "Flagrant Amorality." *Dartmouth*, 21 October 1961.

Unheadlined paragraph. *New York Times*, 13 April 1975.

United States of America and United States Postal Service v. International Term Papers, Inc., et al, 351 F.Supp. 76, Civ. A. No. 72-3225, United States District Court, D. Massachusetts, 13 November 1972.

United States of America and United States Postal Service v. International Term Papers, et al. 477 F.2d 1277, United State Court of Appeals, First District, heard 5 March 1973, decided 3 May 1973.

University of Toronto. *University of Toronto Faculty of Arts and Science, St. George Campus, Calendar.* Toronto: multiple years.

University of Toronto Governing Council. Executive Committee Minutes for November 21st, 1951.

University of Toronto Students' Administrative Council. *Journey to the Centre of Parnassus: The 1975 SAC Handbook.* Toronto: 1975.

University of Wisconsin—Madison Faculty Document 99, May 1, 1972.

- "UW Keeps Tabs on Term Paper Suit." *Green Bay Press-Gazette*, 22 February 1972.
- "UW Silence on Cheating." *Green Bay Press-Gazette*, 18 May 1972.
- Vaishnav, Anand. "City teacher allegedly helped summer pupils pass key test." *Boston Globe*, 15 August 2000.
- Van Mell, Rick. "Spying or Learning." *Dartmouth*, 23 October 1961.
- Vaswani, Sanju. "Five students, janitor found guilty." *Excalibur*, 4 February 1988.
- "Ventura calls Gopher basketball report 'sensational journalism'." *Minneapolis Star Tribune*, 11 March 1999.
- Vitarelli, Robert. *Caught Cheating, and other short stories*. New York: Young Readers Press, 1974.
- Waalkes, Jeffrey. "Term papers keep coming[,] but not for long." *Daily Cardinal*, 16 October 1973.
- Waggoner, Walter H. "State Acts to Outlaw Companies Selling Theses." *New York Times*, 11 February 1972.
- Waldman, Hilary. "Burnham, Johnson turn up the insults in their last debate." *Hartford Courant*, 12 September 1992.
- Waldman, Hilary. "Debate discloses few differences." *Hartford Courant*, 9 September 1992.
- Walfish, Daniel. "ETS Sues Exam-Coaching School in China, Charging Theft of Test Questions." *Chronicle of Higher Education*, 5 February 2001. Online at <http://chronicle.com/daily/02/2001020508n.html>.
- Walkom, Tom. "Stop all plagiarism by killing degrees." *Varsity*, Wednesday, 17 November 1971.
- Wallace-Wells, Benjamin and Abel, David. "Dartmouth College to question 63 students on plagiarism charges." *Boston Globe*, 3 March 2000: B4.
- Walsh, Michael. "Has Somebody Stolen Their Song?" *Time*, 19 October 1987.
- Washington, Robin. "Embattled Globe turns the spotlight on Barnicle." *Boston Herald*, 20 June 1998.
- Waters, Charley and Borger, Judith Yates. "Haskins agrees to go // Coach's deal to exceed \$1 million." *Pioneer Press*, 25 June 1999: 1A.
- Waugh, Alec. *The Loom of Youth*. London: Geoffrey Bles, 1972 [1917].

Waugh, Evelyn. *A Little Learning: An Autobiography*. Boston: Little, Brown and Company, 1964.

"Wave of March madness builds." *Pioneer Press*, 11 March 1999.

Webber, Mark J. Notes and e-mail correspondence.

Weber, David. "Hub black leaders keep heat on Globe." *Boston Herald*, 14 August 1998.

Weber, Ronald. *Hired Pens: Professional Writers in America's Golden Age of Print*. Ohio University Press, 1997.

Weinraub, Bernard. "Judge Rejects Author's Plea to Block Spielberg Film." *New York Times*, 9 December 1997.

Weinraub, Bernard. "Spielberg's 'Amistad' Faces Charge of Plagiarism." *New York Times*, 13 November 1997.

Wells, Daniel. Declamation dated November 10, 1807. Dartmouth College Archives, MSS 807610.1.

Wesleyan University, *The Blue Book*. Middletown, CT: 1998.

White, Harold Ogden. *Plagiarism and Imitation during the English Renaissance*. Cambridge, MA: Harvard University Press, 1935.

Whitehead, John S. *The Separation of College and State: Columbia, Dartmouth, Harvard, and Yale 1776-1876*. New Haven, CT: Yale University Press, 1973.

Wilgoren, Jodi. "Cheating on Statewide Tests Is Reported In Massachusetts // At Least 19 Schools Guilty, Magazine Says" *New York Times*, Friday, 25 February 2000.

Wilgoren, Jodi. "School Cheating Scandal Tests a Town's Values." *New York Times*, 14 February 2002.

Willard, Emma. "An Appeal to the Public, especially those concerned in Education, against the wrong and injury done by Marcius Willson, in his pamphlet, entitled, 'Report on American Histories, etc.; published by Mark H. Newman & Co., New York, 1847.'" New York: A. S. Barnes & Co., 1847.

William, Kate. *Elizabeth Betrayed*. Francine Pascal's Sweet Valley High, 89. New York: Bantam Books, 1992.

Willson, Marcius. "A Reply to Mrs. Willard's 'Appeal,' as lately published by A. S. Barnes & Co." New York: Mark H. Newman & Co., 1847.

- Wilson, Henry L. "When Collaboration Becomes Plagiarism." Lise Buranen and Alice M. Roy, editors, *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*. Albany, NY: State University of New York Press, 1999.
- Winchester, Simon. "Word Imperfect." *Atlantic Monthly*, 287, 5 (May 2001).
- Winterhalter, Brian. "Clarifying informed retraction proposal." *Cavalier Daily*, 10 October 2001.
- Winyon, Richard. "Adults Altered Pasadena School's Tests, State Say." *Los Angeles Times*, 18 January 2001.
- Wisniewski, Sharyn. "Now profs write papers for students." *Daily Cardinal*, 26 October 1971.
- Wisniewski, Sharyn. "Termpaper factories prosper though far from fool proof." *Daily Cardinal*, 1 February 1972.
- Witherspoon, Abigail (pseud.). "This Pen for Hire: On grinding out papers for college students." *Harper's Magazine*, June 1995.
- Wodehouse, P. G. "A Prefect's Uncle." *The Pothunters and Other School Stories*. Markham, Ontario: Penguin Books, 1985 [1903].
- Wodehouse, P. G. "The Great Sermon Handicap." *The Inimitable Jeeves*. Penguin Books: 1980.
- Wolk, Robert S. "'Dr. Research': A Quick Fix for Plagiarists." *Journal of Information Ethics*, Spring 1993.
- Wollan, Laurin A., Jr. "Plagiarism and the Art of Copying." *Journal of Information Studies*, 3, 1. (Spring 1994).
- Woodcock, Connie. "U of T to 'stamp out' black market essays?" *Toronto Sun*, 4 April 1976.
- Woodmansee, Martha and Jaszi, Peter, editors. *The Construction of Authorship: Textual Appropriation in Law and Literature*. Durham, NC: Duke University Press, 1994.
- Yale College. *The Freshman Year: Rules for Scholarship Attendance and Conduct*. Yale University: September, 1960.
- Yale College. *The Laws of Yale-College, in New-Haven, in Connecticut, Enacted by the President and Fellows*. New-Haven: multiple years.

Yale College. "Reports on the Course of Instruction in Yale College; by a Committee of the Corporation and the Academical Faculty." New Haven: 1828.

Yale College. *Yale College Undergraduate Regulations*. New Haven: 1961, and multiple years.

Yale College, Academical Department. *Rules*. New Haven: 1885.

Yanikoski, Charles S. "When the Trial Is the Punishment: The Ethics of Plagiarism Accusations." *Journal of Information Ethics*, 3, 1 (Spring 1994).

Yates, Steven. "Of Bryant Gumbel, Jeff Jacoby and Liberal Double-Standards." 15 July 2000, online at http://www.tysknews.com/Depts/gov_philosophy/liberal_dbl_standards.htm.

Yemma, John. "BU sues Internet term-paper sellers." *Boston Globe*, 21 October 1997: B01.

York University. "Report of the Working Group on Examination Security." 23 May 1988. Appendix 9 of CCAS report to Senate, 26 January 1989.

Young, Jeffrey R. "The Cat-and-Mouse Game of Plagiarism Detection." *Chronicle of High Education*, 6 July 2001: A26. Online at <http://chronicle.com/free/v47/i43/43a02601.htm>.

Yu, Wendy. "Students relieved by COS verdict." *Dartmouth Online*, 27 March 2000.

Yudof, Mark. "Remarks of President Mark Yudof: Press Conference to Release the Academic Misconduct Report and Action Plan." 19 November 1999. Online at http://www1.umn.edu/urelate/newsservice/newsreleases/99_11markstate.html.

Zangrando, Robert L. "A Crying Need for Discourse." *Journal of Information Ethics* 3,1 (Spring 1994).

Zerby, Chuck. *The Devil's Details: A History of Footnotes*. Montpelier, Vt: Invisible Cities Press, 2002.

Zernike, Kate. "Dershowitz hits Barnicle column: Sees a 'double standard'." *Boston Globe*, 20 June 1998.