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Why we should stop criminalizing practices that are confused with plagiarism



by Roy Peter Clark
Published Mar. 27, 2013 8:26 am
Updated Mar. 27, 2013 8:36 am

Editor's note: This essay represents the personal and professional opinions of Roy Peter Clark and should not be used to characterize the opinions of Poynter or the standards and practices of Poynter.org.

It is time to decriminalize certain practices now described under the rubric of plagiarism.

There has been too much loose talk about plagiarism since I first wrote about the topic in 1983. I'll share some of the blame. The result is that serious acts of literary theft have been mixed up with trivial ones. Carelessness has been mislabeled as corruption. Clear norms of personal morality and professional ethics have been confused with standards and practices.

A classic case of overcharging occurred in 2007 when journalism teachers at the University of Missouri condemned a colleague of plagiarism after he used quotes from a student newspaper in an opinion piece without attribution. I argued then that while the practice may have been sloppy, to call it plagiarism was like "shooting a fly with a bazooka."

I raise these issues again in advance of the April 5 plagiarism summit on the eve of the annual meeting of ACES in St. Louis. That venue seems right. Copy editors are — in both theory and practice — the standard bearers of the craft.

That said, I smell a whiff of panic in the air. My colleague Craig Silverman dubbed the summer of 2012 — for its several literary transgressions — as the "Summer of Sin." He cites "a cavalcade of plagiarism, fabrication and unethical recycling."

But he might just as well have written about 1981 when the "Jimmy's World" scandal at the Washington Post rocked the journalism world. He might have time-traveled to 1934 and listened to city editor Stanley Walker complain about how many young reporters were "faking" their stories.

I see no persuasive evidence that literary abuse is more common today than

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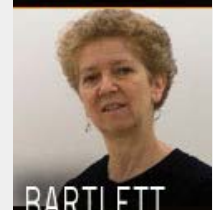


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in yesteryear. In the cut and paste culture of digital technology, plagiarism may be easier to commit, but [it is also easier to detect](#). Standards may appear in decline when, in fact, media crime fighters such as Silverman are simply more assertive and armed with better Geiger counters.

Too scrupulous an ethic on plagiarism will lead, I fear, to witch hunts. Plagiarism — along with its cousin fabrication — should be policed. The punishments for wrongdoers should be harsh. But the word plagiarism should be confined to clear-cut cases of literary and journalistic fraud.

To build my case, I am borrowing from four books and recommend them to anyone grappling with these issues, either in academic or professional contexts:

- “[The Little Book of Plagiarism](#),” by Richard A. Posner, a federal judge, a law school lecturer, and a prolific author, who writes persuasively on issues of plagiarism and copyright infringement.
- “[The Anxiety of Influence](#),” by Harold Bloom, a legendary scholar and critic from Yale, who considers the patterns of influence that govern how one author learns from another.
- “[Stolen Words](#),” by Thomas Mallon, a novelist and practical scholar who delves into a long history of literary theft, practiced by some of the most honored authors in the canon of English and American literature.
- “[City Editor](#),” by Stanley Walker. An influential New York City editor in the 1930s, Walker includes a chapter on the questionable literary and journalistic standards of his day.

Judge Posner defines plagiarism as “a species of intellectual fraud. It consists of unauthorized copying that the copier claims...is original with him and the claim causes the copier’s audience to behave otherwise than it would if it knew the truth.”

Let’s unpack that language with an example. Say that I am writing a new book titled “Read, Write, Talk,” and in a panic to meet a deadline I copy a chapter from “[Read to Write](#),” an old book written by my mentor [Donald Murray](#).

I give no credit to Don, who will not rat me out because he died in 2006. It should be clear that I am committing an act of fraud by creating the impression that my chapter is original. In that way, I attract buyers to my book, who might not have purchased it if they knew the truth. I deceive my readers. I deprive the estate of Donald Murray potential income. When [Chip Scanlan](#), another devotee of Murray’s, discovers the fraud and announces it to the world, I deserve the sanctions that will follow.

Let’s turn Posner’s definition into a checklist. An act of plagiarism requires 1) the substantial copying without credit of one person’s language by another; 2) that this copying is done fraudulently, that is, to fool the reader into thinking that the work is original; 3) that the plagiarist acts with the clear intention to trick the reader; 4) that the act has potential negative consequences for the reader and the original author.

It’s hard to imagine that anyone would find those standards controversial. Here are the conclusions I’ve derived from these standards:

1. The so-called act of “self-plagiarism” is *not* plagiarism.

Posner hits the target on this one: “The temptation to lump distinct practices



in with plagiarism should be resisted for the sake of clarity; ‘self-plagiarism,’ for example, should be recognized as a distinct practice and rarely an objectionable one.” All successful writers “re-purpose” their work for profit and influence, but they should always be forthright with potential publishers on whether the work is brand new or recycled.

2. So called “patch writing” — as long as it credits sources — is *not* plagiarism.

I’m no expert on [patch writing](#), but [apparently college students are](#). Using cut and paste technologies, writers can take material from several online sources, patch it together, add some original language, and hand it in to fulfill assignments. I would not teach this practice as a strategy for honest, original, and memorable writing, but, as long as the sources are named and are accompanied online with the appropriate links, I would not equate it with plagiarism.

3. Inadequate paraphrasing of a credited source is *not* plagiarism.

A stormy controversy involving The Poynter Institute and its ace blogger [Jim Romenesko](#) was sparked when someone complained that the language in Jim’s expanded summaries [wasn’t properly attributed](#). I protested inside and outside of Poynter against attempts to characterize this as plagiarism — which was [the effect of the criticism](#) against him. With direct links to the original sources, there was no fraud or deception involved, and no harm, real or potential to the audience or sources cited.

4. Use of a clever or apt phrase — up to the level of the sentence — is *not* plagiarism as long as you thought of it independently, even if you find that others have used it before.

I remember a college tract on plagiarism (I cannot cite the original source) that warned students against stealing an “apt phrase” without attribution.

I was thinking of this subtitle for my next book “How to Write Short”: “140 Characters in Search of an Author,” a dazzling mashup of Twitter requirements and the Pirandello play. My editor was less impressed. And then, sure enough, it showed up as the title of an essay in the [New York Times Book Review](#). Here is my rule of thumb: If you thought of it independently, use it. It’s not plagiarism. It’s what Posner describes as “simultaneous discovery.”

5. Literary allusions — even a mosaic of esoteric ones — are *NOT* plagiarism.

When my friend [Howell Raines](#) wrote an influential profile of the ambitious son of another Florida politician, he began: “Will the son also rise?” Some alert readers recognized that phrase as an allusion to a book by Ernest Hemingway. Another set of readers, familiar with their Bibles, recognized that Papa had borrowed his title from the Book of Ecclesiastes. Raines got the benefit of both sources, using a phrase that was clear on its face for readers who recognized neither.

Allusion differs from plagiarism in that it begs for detection. Delight is caused by a recognition of the borrowing.

6. Boilerplate descriptions of news, history, or background are *not* plagiarism.

I once interviewed an editor of The Wall Street Journal who described for me a “recipe book” that writers could use to give readers clear, accurate, and

concise descriptions of economic terms like “gross domestic product” and “the money supply.”

When Pope Benedict resigned, I consulted encyclopedias, histories and other general sources to find out the last time something like this happened. If the borrowed language is straightforward and informational (as opposed to, say, metaphorical), I see no need for elaborate and time-consuming efforts to re-write it.

How many ways can you say: “Roy Peter Clark graduated from Providence College in 1970 with a degree in English”?

7. Ghost writing is *not* plagiarism.

Some celebrities and politicians have it easy. They deliver or publish the wonderful words of gifted writers who are satisfied with a good payday, and, if they are lucky, a bit of recognition in the acknowledgments. Since everyone is in on the scam — including most readers — and no one is injured, it remains an acceptable practice.

8. Writing for genres — such as the legal brief or the sermon — in which there is a long tradition of borrowing without attribution is *not* plagiarism.

There are books of sermons from which preachers are encouraged to borrow. Judicial decisions are often written by law clerks. Every teacher I know will speak words during a writing workshop that have been uttered or written by others. Credit to the source should be given when it really matters, but there is no need to gum up a good lesson with needless attribution.

9. Copying from other writers in what are considered collaborative ventures —newsrooms, wire services, press releases, textbook authorship — is *not* plagiarism.

You are writing about drought conditions in Florida. You consult what we used to call the clips. You find that a colleague, Joe Blow, reported on the issue five years ago. A paragraph in that story describes the situation back then perfectly. With approval of your editor, you drop that graph into your story as background. No problem.

Writing in most cases is a social activity. Editors re-write leads or insert paragraphs. Basic information is borrowed from the AP or a press release. These are not short cuts taken by cheaters. They are essential moves of the craft that should not be criminalized.

10. Copying from or borrowing the general ideas and issues that are emerging as part of the zeitgeist is *not* plagiarism.

Here, one last time, is Posner: “The most important distinction between plagiarism of verbal passages...and plagiarism of ideas... — a distinction that suggests that much copying of ideas isn’t plagiarism at all — is that old ideas are constantly being rediscovered by people unaware that the ideas had been discovered already....A rediscoverer or independent discoverer is not a copier, hence not a plagiarist.”

My decriminalizing these activities does not mean that I approve of them. It means I can consider them, act on them, even criticize them in a different frame than the stigmatizing one that the word plagiarism requires. I can use a scalpel, not a sledgehammer.

In making my case for decriminalization, I disassociate myself from writers

and teachers such as Kenneth Goldsmith, author of the book “Uncreative Writing,” who, in a recent [On the Media](#) interview, described the ways in which he encouraged students to borrow generously and creatively from the work of other writers. Goldsmith argues that we live in a culture that rewards and requires such borrowing, using the sampling of original music as an analogy. It seems as if Goldsmith would eliminate plagiarism as a category — and expand fair use to infinity — which is NOT where I want my argument to lead.

I have made this case before, and I make it again: You do not prevent the bank teller from stealing from the till by sending Sallie or Sam to an ethics seminar. If you are the bank manager, you point to the video camera that is focused tightly on the work station.

Nor will a seminar or summit prevent wholesale acts of plagiarism or fabrication. To prevent the former you inform your writers that their work will be routinely and randomly filtered through [plagiarism detection software](#), which is getting better and more common.

To prevent the latter, you tell the writer that they should be ready to provide an editor with contact information about any source mentioned in a story, and that editors reserve the right to contact any source at any time to verify that they exist and to check on the performance of the reporter. Such watchdog efforts require labor and money at a time when news organizations are lacking both.

In the meantime, let’s not overburden the journalists who are left with impossible and impractical standards that have never matched the daily practice of the craft. Then, if they are caught stealing, out the door they go — right on their asses.

What’s your take? Feel free to share your thoughts and reactions in the comments section.

Related News University Webinar: [Preventing Plagiarism and Fabrication in News Publishing](#)

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Teresa Schmedding · 2 months ago

You make a lot of excellent points. In particular, I agree with your stance on self-plagiarism. I think, in the interest of transparency, there's value, in some cases, of revealing that the material is something you gathered/wrote in the past. I also agree the Romenesko wasn't a guilty of plagiarism. The e-book we're releasing at the summit next week, "Telling the Truth and Nothing But," does a good job of saying all plagiarism cases aren't equal. I hope we'll see you there. This summit and book, I hope, are just the first steps.

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Mark Allen · 2 months ago

This is an interesting and useful list. I hope it prompts discussions in newsrooms and faculty gatherings everywhere, as it did between my wife and me on our morning walk. It seems your No. 3 — inadequate paraphrasing of a credited source — is the murkiest. There surely is a point at which inadequate paraphrasing of credited sources crosses the line of honesty and integrity. It might be akin to petty theft vs. breaking and entering, but I think it's dangerous to avoid the "plagiarism" label. This might be the most common form of plagiarism among undergraduates: crediting once and then liberally quoting without clarity on whose voice is being presented. This form of plagiarism should not be lumped together with Jonah Lehrer-style stealing and fabrication. But where is the line between sloppy and deceitful? Romenesko's issues with clear attribution probably fall close to that line. But there are clearer cases of citing then lifting where the reader assumes the words and ideas presented are those of the writer. I would call that "plagiarism."

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Roy Peter Clark · 2 months ago

Mark, thank you for your thoughtful and respectful response. I find it most reasonable and would take your points into account as we looked at a particular case. We can begin our consideration based on this common ground: that there is a difference between copied material that is attributed and that which is not. If I am working with an undergraduate, I can begin my critique with: you did the right thing by citing your source, now you have to work on your paraphrases. That gets me toward teaching the tools of originality, rather than having to police plagiarism as my first move.

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Stephanie Cegielski · 2 months ago

The Public Relations Society of America concurs with your position that information

taken from a press release does not constitute plagiarism (Point #9).

We believe that public relations professionals draft press releases to be used verbatim by journalists. Public relations professionals meticulously craft press releases so as to properly present a company's or client's news in the proper light; it serves as a tool to insure a story's accuracy. The issuance of a news release gives journalists implicit consent to re-use and publish the news release's content. Of course, attribution is recommended for the use of direct quotes or facts and figures.

Arizona State University's Cronkite School of Journalism and Mass Communication sums it up best by saying that "[A] good reporter will use the press release as a starting point, going on to do his own reporting and gathering his own quotes. If you do use information from a press release, however, the rules of attribution apply."

Mickey G. Nall, APR, Fellow PRSA, is PRSA's 2013 Chair and CEO.

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Roy Peter Clark · 2 months ago

Thank you for these good comments. They encourage me that the conversations at the plagiarism summit and the ACES convention will be most productive. Teresa, I'm sorry I won't be able to join you in St. Louis this year, but I'm glad that these thoughts will become part of the conversation, and I am eager to join your team as the process moves forward.

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Elizabeth Graves Cook · 2 months ago

Thank you for addressing this issue. True plagiarism is egregious. Applying the term to other practices waters down its meaning.

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Charlotte25 · 2 months ago

Thanks for such a sensible and intelligent post. I have seen people called on the carpet or run out of jobs for Nos. 6 and 9, and have been stunned by it. Some similarly worded background graf way, way down in the story. That is nuts, and a complete contortion of the definition of plagiarism. I feel there's a bit of witchhunt going on right now that is silly and dumb.

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Roy Peter Clark · 2 months ago

Thanks, Mike Fancher, for citing my 1983 essay. I still believe in the cautions I expressed back then about how plagiarism can never be a substitute for reporting. That was 30 years ago. And while many standards endure, digital technology has erased many boundaries. In my new essay, I am looking at the territory again, especially where there should be stronger borders -- and where we can allow more freedom.

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geraldgrow • 2 months ago

Thank you for bringing some balance to the issue. The Zeitgeist is a particularly powerful influence. It is instructive to think up an original phrase, then Google it to find that others have also thought of it independently.

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jrussial • 2 months ago

Three cheers for common sense. Much needed these days.

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johnny cassidy • a month ago

I'm not a journalist or anything but this makes a lot of sense to me, especially the view on "self-plagiarism" (something my kids accuse me of more and more as I get older – repeating the same story over and over again). But I'm still fuzzy on this issue.

I read a story about two reporters who interview a source together. Mr. A has his story published in May. Then Mr. B's story comes out a month later with the same six quotes in the exact same order of appearance as in Mr. A's article. Mr. A is publicly accusing (via Twitter) Mr. B of plagiarism but is it really plagiarism given the interview circumstances?

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Alaina Levine • 2 months ago

Thank you thank you thank you for writing this piece and clarifying these issues. I am so glad someone had the courage to actually state what is and isnt plagiarism!

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LY • 2 months ago

Thank you Roy for this article. Real plagiarism is terrible. But, things that aren't plagiarism shouldn't be labeled as such and if people don't know the difference they shouldn't be in a position to censor other people's writing. There are too many talented and unemployed writers and editors out there to have people who don't understand writing employed in the field.

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K.M. Kowalski • 2 months ago

On Point 4, titles are not copyrighted in any case. Certainly then, if one thinks of a title or subtitle independently, that person should certainly use it. Indeed, some topics beg to be treated with variations on a turn of phrase or a common pun.

Note, however, that in songwriting, that "whole sentence" might be enough to infringe a

copyright--especially since it's hard to show that you'd never heard a song before. That gets close to the old law school example comparing "My Sweet Lord" with "He's So Fine."

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Corinne Marasco · 2 months ago

"This essay represents the personal and professional opinions of Roy Peter Clark and should not be used to characterize the opinions of Poynter or the standards and practices of [Poynter.org](http://www.poynter.org)." It seems odd that this piece should begin with a disclaimer. Do Clark's opinions diverge substantially from Poynter's? Does Poynter treat plagiarism differently?

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Poynter  >Corinne Marasco · 2 months ago

Thanks for your comment, Corrine. Our faculty members sometimes take stances on issues, and are often equated with "Poynter's" stances. In this case, [Poynter.org](http://www.poynter.org) has its own standards and practices, which are in some regards different from the points Roy makes. Here are our standards and practices (<http://www.poynter.org/archive...> along with a related FAQ (<http://www.poynter.org/archive...>

~Mallary Tenore
Managing editor, [Poynter.org](http://www.poynter.org)

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Roy Peter Clark >Corinne Marasco · 2 months ago

Corinne, this disclaimer was my idea. I suggested it out of respect for my Poynter colleagues. On many difficult issues, Poynter teachers and writers take different approaches, some of which diverge. I also believe that standards and practices continue to evolve, especially in the digital world. I'll leave it to my editors at [Poynter.org](http://www.poynter.org) to speak for the website. Thanks for the good question.

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Alfred Ingram · 2 months ago

Bravo!

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Mike Fancher · 2 months ago

Very thoughtful as always, Roy. And I would emphasize this warning from your 1992 piece:

