The contemporary culture of letters appears to be in crisis. Its faltering status is evident in the rising tide of accusations of plagiarism, made against writers both new and established: Darrel Bristow-Bovey, William Mervin Gumede, Pamela Jooste, Antjie Krog and Cynthia Vongai (not all have been proven). Beyond the individual merits of any given case, journalistic accounts of plagiarism in South Africa raise a number of significant ethical questions. They nonetheless tend to frame the issue in terms of naively simplistic oppositions: plagiarism either exists or it does not; individual texts are either wholly original or stolen; authors are either honest or dissimulating.

As with many discourses of crisis and ‘criminality’, that about plagiarism tends to exceed actuality. Moreover, it is the proliferation of accusation (rather than of crime itself) that most often suffices as evidence of a social failure.

Consider, for example, Ferial Haffajee’s claim that “the greatest threat to media freedom... comes by July 2006, a quick Google search of the word Ombudsman, over 70% are simple acts of inaccuracy”. By far the numerically dominant concern of the Ombudsman, one notes, is inaccuracy. Yet plagiarism somehow looms as a sign of what ails the Fourth Estate. One therefore needs to ask why plagiarism functions so effectively as a sign of ethical failure. What does it represent about the current status of literature and the author within society? The obvious answer is that plagiarism entails intentional dissimulation, hence culpability, whereas inaccuracy is a merely erroneous representation. This may be true in individual cases, but the significance of ‘plagiarism discourse’ cannot be understood solely in terms of its own categories. It needs to be understood in its social and historical context, so that its ethical force and its political functions can be understood. And this requires asking about the economic structures that encourage it, but also about the ideological conditions within which individual accusations of literary misappropriation work to both occlude institutional forms of plagiarism and to substitute for other kinds of criticism.

South Africans are not alone in their concern about plagiarism, of course. Dan Brown’s Da Vinci Code is undoubtedly the most visible of the recent international cases, but there are countless others. In the United States, the case of Harvard sophomore Kaavya Viswanathan has also attracted much attention. Her precocious first novel How Opal Got Kissed, Got Wild and Got a Life, is now known to have incorporated large portions of two separate works by Megan F. McCafferty. At Harvard, Viswanathan shares the status of copyist with such renowned figures as historian Doris Kearns Goodwin, who has been accused of improperly acknowledging her sources in The Fitzgeralds and the Kennedys, and the Law School’s Charles Ogletree, who has confessed to plagiarising the work of Jack Balkin in his book, All deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education.

A more politically-charged case has been made against Ward Churchill, a faculty member at the University of Colorado, who was initially investigated following his publication of a controversial essay on the events of 9/11 and who was subsequently accused of research misconduct. The university affirmed Churchill’s free speech rights, and refused to censure him for the content of his essay but found, upon review, that the misconduct charges had basis. On 9 May 2006, they issued a report indicating that Churchill was guilty of plagiarism and of “failing to comply with established standards regarding author names on publications”. These highly visible episodes provide the representative forms for what is widely perceived to be a general and growing phenomenon. As with many discourses of crisis and ‘criminality’, that about plagiarism tends to exceed actuality. Moreover, it is the proliferation of accusation that most often suffices as evidence of a social failure. One therefore needs to ask why plagiarism functions so effectively as a sign of ethical failure. What does it represent about the current status of literature and the author within society? The obvious answer is that plagiarism entails intentional dissimulation, hence culpability, whereas inaccuracy is a merely erroneous representation. This may be true in individual cases, but the significance of ‘plagiarism discourse’ cannot be understood solely in terms of its own categories. It needs to be understood in its social and historical context, so that its ethical force and its political functions can be understood.

Even more covert economies may be at work, however. Purdy also suggests that some of the detection services may also have links to the mills that sell such papers to students in the first place.

Although there can be no doubt that plagiarism in schools is a problem, Brian Martin has suggested that the frenzy of accusation directed against students might provide something like an ideological screen behind which institutional plagiarism, such as ghostwriting and bureaucratic authorship, in which only the senior official is credited, are held obscure. An acute version of this dynamic can be seen in the Viswanathan case. Little, Brown had signed Viswanathan to a $500 000 two-book contract when she was only in high school but she shared copyright (equally) for the work with an entertainment company, Alloy Entertainment. Supplanting both authors and editors, ghostwriters, packaging companies, and book doctors are increasingly called on by publishers.
The point is that copying lay at the origin of literature. Authorship emerged not when writers began to invent or even alter already existing stories, but when the writers of texts began to claim that their contributions to the form of the story added something new and unique to it. When enforced by the state, this relationship excludes others from deriving revenues and/or benefits from the property that one claims – including one that belongs, such as credit for authorship, and cultural capital. As much as the law governing copy-right, patents, and trademarks, the regime of intellectual property is sustained through the discourse of plagiarism. This is why it is so central to the project of moral education. For, students today are not merely taught to recognise the elements of their cultural traditions, or to appreciate the unique concatenation of words and literary forms by which a story becomes a piece of literature. Indeed, too little of such teaching occurs now. The moral education to which they are subject also renders them appropriate consumers for the market place of intellectual property. To be a student of identity and adjudicate sources of knowl-edge. They must also learn the protocols of professional practice, including those of citation. But one can imagine that there are other discourses – not based in the logic of property – through which they might acquire these important skills.

Education is a matter of organising desires. This is why, today, the valorisation of the author works by rendering her or him as a celebrity – someone with mass recognition, someone who is the object of either identification or desire – or both. It demands to the work as an autonomous semiotic system. And just as well, for such criticism always runs the risk of an arch aestheticism, and as a result, incongruous, disinterested, and even questionably aesthetic criticism. That is, it produces the threat of their violation overshadows the possibility that the accusa-tions were less about plagiarism than about a claim to political legitimacy in the new South Africa. There were also economic motivations in the case, of course, with Watson's charges expressing legally dubious propri-erational claims to derivative rights emanating from the /Xam poetry and its transliterations. In the Ward Churchill case at Colo-rado, accusations of

Claims to legitimacy

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ship emerged not when writers began to invent or even alter already existing stories, but when, for largely economic reasons, they began to claim that their contributions to the form of the story added something new and unique to it. To understand the accom-plishment of the author therefore required a knowledge of the tradition – literary and cultural – whence it emerged. This is why, as Friedel, – or, perhaps, its emergence of a mass readership that makes possible the cult of the author.

In Europe that development occurred only at the end of the 18th century. In many parts of the world, which had only recently been subject to market economies, interna-tional copyright treaties and the aesthetic conventions of authorship, this history may reach back less than a century. But it took some time for the state to assume the burden of protecting authors’ rights to the work. Only when these economic rights were secured by the coercive apparatus of the state, did the problem of copying – at least as old as Plato – become a problem of author-ship (and the economic rights subtending reading engagements, interviews and photo-graphy as much as skill with words. But what kind of criticism is enabled by such a system? In contexts where authorship takes the form of celebrity (the ‘genius’ of the television age), criticism tends to concern itself with biography. The writer – his or her literary skill and knowledge, political commitments, and, increasingly, historical representativeness – rises to the fore in such commentary. As a writer and critic, I am interested in how to unveil the operations of its aesthetics, or to disclose the political structures animating it but, in the end, it is the writer who will be held culpable for these accomplishments or failures. The social milieu wherein the writer emerged becomes mere context. Rare today is the criticism which attends plagiarism clearly stemmed from a desire to find some publicly-recognised form of mal-fease, after efforts to restrict Churchill's political speech failed. A backdoor critique deployed when all else fails, charges of plagiarism can be made when there is a reproduction of mere phrases – even when these would not be eligible for copyright on creative content grounds. Copyright law does not protect the material form of ideas, it protects expression. The writer’s writings and/or there are such limited ways in which an idea could be expressed that some repetition in phrasing by speakers of the same language becomes inevitable. Moreover, the prevalence of the Google search engine makes plagiarism an ever more immediate and everyday possibility. But the growth of plagiarism – in all domains of bureaucratic and artistic life – and the need for its regula-tions cannot lead us away from the equally significant question about what is lost when criticism is reduced to this form of highly personalised accusation.

repetition of phrases from conscious intertextuality. What then, do we hear so much about plagiarism on the basis of relatively minor repetitions? Mainly, because search engine technology, which makes plagiarism so eminently plausible to so many students and lexicographic writers, also makes the spurious ac-cusation possible. And this is because litera-ture is increasingly construed as a searchable rather than a legible text. The implications of this fact may be more profound than the so-called ethical crisis of plagiarism. The reader, it appears, is being displaced by the ‘Googler’. This does not mean that literature is dead; but does it suggest the need for a different approach to the problem of plagiarism.

In fact, it suggests that the problem of plagiarism reflects a crisis in the culture of reading as much as it reveals the debasement of writing. The Googler cannot distinguish the mere repetition of phrases from conscious intertextuality. Worse still, he is limited to the texts searchable within a given engine. On this basis originality becomes a position in the database (no longer even an archive). The earliest entry is as far as the Googler can go in the archaeology of an idea. One might ask why, in a nation in which the idea of social welfare, or social good, has been used in arguments against patents, and their protection under the Trips (Trade-Related Aspects of Intellectual Property Rights) agreement, the proprietary rights of the author seem to loom so large, even to the extent that the threat of their violation overshadows the question of truth.

Socially responsible criticism

Criticism ought to begin by asking not only “Which elements of the text have appeared before?” but rather, “In what ways, or to what extent, does the new text deploy its constituent elements to say something new, and to do so in a way that is not wholly dependent on a prior writer?” This question acknowledges, as all socially-responsive criticism should, that the work of every writer relies on knowledge of the tradition that precedes him or her. The writer and the text are in and of the world. But this question also demands readers who share knowledge of the world and traditions within which a writer works. And here is the real political demand of criticism – which must proceed even in silence: namely, general education for all people in the habits of reading, and not merely Internet searching. Plagiarism must be managed, but we will only be able to resist its politically-instrumental deployment if there are readers who know the differ-ence between citation and intertextuality, invocation and misappropriation, and text database. The totality of the work, and with it the very possibility of literature, threatens to vanish in the ether.

3 For a list of these estimates see www.plagiarism.org/plagiarism_stats.html.