



**Not with a Bang but a Whimper: A Missed Opportunity for  
Restorative Justice in a Plagiarism Case**

David R. Karp

Interim Associate Dean of Student Affairs and Director of Campus Life

Skidmore College

When Kaavya Viswanathan graduated from Harvard University last year, she did so quietly and with the least attention she could gather. She even requested that her honors senior thesis should be unavailable for viewing or borrowing in the university library until 2013 (Atwan, 2008). It was quite unlike her start four years earlier. She arrived at Harvard with a bang, having written a popular teen romance novel about the Indian-American suburban experience. When it was discovered that much of her novel was plagiarized, she quickly fell from grace and questions were raised about the appropriate response from Harvard. When she left, she did so with only a whimper.<sup>1</sup>

Viswanathan gained international fame and fortune for publishing a novel, *How Opal Mehta Got Kissed, Got Wild, and Got a Life*, with a \$500,000 advance from Little, Brown and Company and movie rights purchased by DreamWorks. The luster wore off quickly when *The Harvard Crimson* published an article citing several passages in the book that appeared to be plagiarized from novels by Megan McCafferty (Zhou, 2006). For example, McCafferty wrote in *Sloppy Firsts*, “Sabrina was the *brainy* Angel. Yet another example of how every girl had to be one or the other: Pretty or smart.” Viswanathan wrote, “Moneypenny was the *brainy* female character. Yet another example of how every girl had to be one or the other: smart or pretty.” Apparently, more than forty such similarities were identified (Smith, April 26, 2006), and later allegations emerged about passages plagiarized from Sophie Kinsella’s *Can You Keep a Secret?* and Salman Rushdie’s *Haroun and the Sea of Stories* (Zeller, 2006).

News about the plagiarism quickly spread through the media and became a critical incident for the university. In this detail, it is quite different from more typical incidents of plagiarism, which are practically normative on campuses across the nation. While some cried for her expulsion, others argued for a book recall and a cancellation of contracts for subsequent books and movie production. Harvard was slow to respond, even while Viswanathan appeared on television explaining her side of the story to Katie Couric.<sup>2</sup>

Ultimately, the book was withdrawn by the publisher (Rich and Smith, 2006). DreamWorks cancelled plans for a movie. But Harvard chose not to pursue a disciplinary hearing, claiming that the book was not submitted to the university as part of her coursework. It did affirm that students should “conduct themselves with integrity and honesty at all times.” (Smith, April 25, 2006). This was certainly a mixed message.

While the incidence of plagiarism in a novel published by a college student is certainly unusual, plagiarism in term papers is not. Rutgers University Professor Donald McCabe, the leading researcher on academic integrity, reports that 40 percent of college students admit to copying sentences from written or internet sources without citation (McCabe et al., 2004). The Viswanathan case was an opportunity for the nation’s higher education system to reflect upon this problem, and to consider new approaches.

Plagiarism is a vexing offense on the college campus, not merely because it is widespread. Unlike many other student offenses, say date rape, hazing, or even the banal graffiti or vandalism, direct physical injury or property damage is absent in plagiarism. Yet, for many in the academy, it is seen as a severe offense worthy of punishment comparable to those that create

---

<sup>1</sup> T.S. Elliot’s well-known poem, *The Hollow Men*, ends with the lines, “This is the way the world ends, Not with a bang but a whimper.” To read the whole poem, see <http://poetry.poetryx.com/poems/784>

<sup>2</sup> You can watch the interview at <http://www.msnbc.msn.com/id/12495352/>

more obvious harm. It is the symbolic nature of the offense here that matters. In an institution of learning, a violation of the core mission is a rent in the community fabric.

In a difficult moment for Harvard, how might it have best responded to Ms. Viswanathan? Was it best to leave the incident alone, conveniently dismissing it as outside its purview? Was it best for Viswanathan to simply blend into the austere mahogany woodwork until she completed her degree and her case was forgotten? Was there not a better way for her and Harvard to face the issue directly, perhaps helping all schools to pay closer attention to a pervasive problem?

Dozens of institutions across the nation, from the University of Michigan, Rochester Institute of Technology, the University of Colorado at Boulder to my own school, Skidmore College, have embraced a restorative justice approach to student misconduct. This model contrasts with traditional disciplinary measures in important ways that Harvard might have considered.

Unlike traditional models that focus primarily on determining whether or not the student has violated a college code of conduct, in restorative justice a strong emphasis is placed on identifying what harms were caused by the offense, including emotional, material, and communal harms. Harmed parties are invited to participate and provide impact statements. In Ms. Viswanathan's case, Harvard might have invited her, her parents, her agent, representatives from her publisher, Harvard students and faculty, a DreamWorks representative, and the plagiarized authors and publishers. The circle of harm can be wide and inclusive. They would have met to discuss and learn how the various individuals and institutions had been affected, so that a full understanding of the consequences may be achieved.

Restorative practices include a brainstorming session in which the key stakeholders, especially the offender, identify strategies to repair the harm, placing as much obligation as is feasible on the offender to take responsibility for making amends. Although in this incident, substantial financial consequences are present, the typical plagiarism case highlights emotional and communal harms. Professors feel betrayed, learn to mistrust their students, and are quite often angry about the lost time and inconvenience associated with the case. Other students in the class are often worried about the grade implications of cheating, especially if grades are based on a curve. Collectively, all worry about the impact of plagiarism on the quality of the learning environment, and faculty may restructure their assignments as a deterrent, often narrowing the creative space within which their students can work.

Ms. Viswanathan, through her publisher, issued a public apology, which is a common restorative justice sanction. In her statement, Ms. Viswanathan said she was "surprised and upset" to learn of the similarities, and that she "wasn't aware of how much I may have internalized Ms. McCafferty's words." She claimed to be a "huge fan" of McCafferty, and that she could "honestly say that any phrasing similarities between her works and mine were completely unintentional and unconscious." She then committed to revise the novel for future printings and apologized to "Megan McCafferty and to any who feel they have been misled by these unintentional errors on my part" (Crimson Staff, 2006).

This apology was quickly rebuffed by Ms. McCafferty's publisher (Smith, April 26, 2006), which is not surprising since it lacks many of the ingredients of a restorative apology. It

offers more denial than acceptance of responsibility by minimizing her culpability and implying that she was a victim of her own photographic memory. The apology failed to articulate an understanding of the harm caused, thus its solution was inadequate to the task. Ms. McCafferty's publisher immediately noted that future printings would not solve the problem of the many thousands of copies in print and in wide distribution, for example. When an apology precedes the dialogue that yields an understanding of the harm, it is most likely to be seen as a defensive strategy to avoid responsibility rather than a medium to communicate comprehension, remorse, and a commitment to reparation and personal change.

The truly creative part of a restorative decision-making process comes when the circle participants respond to the unique circumstances of the case with their own ideas about how to proceed. A celebrated case like this one focuses attention on a widespread problem in academia. It is an opportunity to educate students and shift campus culture away from cheating. Ms. Viswanathan could have employed her considerable talents in the service of redemption; this would be far preferable to a paralysis of shame (or worse, indignation) in the glare of widespread negative publicity. Despite her actions, Viswanathan was a smart and talented student, and restorative circles also help identify the positive qualities of student offenders and what assets they can be to the community. Perhaps she could have worked with her editors and DreamWorks to develop a powerful new documentary on the problem of plagiarism—one that could have been used to great effect during first-year orientations across the nation.

At Skidmore, we have used restorative justice practices in many cases of academic integrity leading to creative, educational solutions. In one case, a student helped to expand a webpage on our library's website that offered academic integrity resources for both students and faculty. In another case, a student athlete produced a video documentary interviewing all those affected by his actions, including the professor, friends, parents, and teammates. The video enabled him and others to realize the wider ramifications of cheating. Restorative solutions should never be used to publicly humiliate a student offender, but public presentations are not uncommon. Students are often motivated to rebuild their reputation and will volunteer to tell their story. When most students think of plagiarism as a private and personal harm, such educational opportunities are crucial to their understanding and commitment to responsible behavior.

Conduct administrators can take advantage of these moments to reaffirm standards of intellectual excellence. Restorative practices offer one model for holding students accountable, helping them understand the consequences of plagiarism, while at the same time maintaining respect for their accomplishments and building upon them to educate and strengthen academic integrity.

## References

- Atwan, G. (December 2008). Kaavya emptor. *New York Family*. Retrieved from <http://www.nyfamily-digital.com/nyfamily/200812/?pg=22>
- Crimson Staff. (2006, April 24). Kaavya speaks: "I sincerely apologize." *The Harvard Crimson*. Retrieved from <http://www.thecrimson.com/article.aspx?ref=512999>
- McCabe, D.L., Butterfield, K.D., & Trevino, L.K. (2004). Academic integrity: How widespread is cheating and plagiarism? In D. R. Karp and T. Allena (Eds.), *Restorative justice on the college campus: Promoting student growth and responsibility, and reawakening the spirit of campus community* (pp. 124-135). Springfield, IL: Charles C Thomas.
- Rich, M. & Smith, D. (2006, April 26). Publisher to recall Harvard student's novel. *New York Times*. Retrieved from: <http://www.nytimes.com/2006/04/28/books/28author.html?ex=1303876800&en=5a0317fdd83370da&ei=5088&partner=rssnyt&emc=rss>
- Smith, D. (2006, April 25). Harvard novelist says copying was unintentional. *New York Times*. Retrieved from: [http://www.nytimes.com/2006/04/25/books/25book.html?\\_r=1](http://www.nytimes.com/2006/04/25/books/25book.html?_r=1)
- Smith, D. (2006, April 26). Aggrieved publisher rejects young novelist's apology. *New York Times*. Retrieved from: <http://www.nytimes.com/2006/04/26/books/26book.html?ex=1303704000&en=46bf0d6991bad677&ei=5088&partner=rssnyt&emc=rss>
- Zeller, T. (2006, May 1). In Internet age, writers face frontier justice. *New York Times*. Retrieved from: <http://www.nytimes.com/2006/05/01/business/media/01link.html?ex=1304136000&en=7f085dc26d02ebb5&ei=5090&partner=rssuserland&emc=rss>
- Zhou, D. (2006, April 23). Student's novel faces plagiarism controversy. *The Harvard Crimson*. Retrieved from: <http://www.thecrimson.com/article.aspx?ref=512948>