PLAGIARISM
UTS
Academic board; thinking about plagiarism[1]

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PLAGIARISM AND PLAUSIBILITY

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[1] I would like to thank Janine Schmidt, Librarian, University of Queensland Cybrary, for the report on the Working Party on Plagiarism Software, 2002, which not only evaluates the 'solution' but also realistically states the problem and the possibilities.

Conventions and Complications

In 1719, Daniel Defoe's novel, the <u>True Life Adventures of Robinson Crusoe</u> was published, and when it was realised that this account wasn't 'true' at all, Defoe came close to ending up in jail for telling lies, and perpetrating a hoax.

As this was one of the first novels in the English language, there was at that time, no established convention about 'fiction', and Defoe had the almost impossible task of trying to explain to the public, the distinction between 'telling stories' and 'telling lies'.

Even after a 400 year acceptance of the convention of the novel, it is still very difficult trying to clarify the difference between 'telling stories' – and 'telling stories', as anyone who has tried to explain this to young people will know.

(When once I was trying to outline the difference to my five year old nephew, I was reduced to the explanation that telling a *long* lie – with lots of people in it, and which has been planned – is OK, but a *short* one, on the spur of the moment, is dishonourable! Hardly a definition that would withstand scrutiny of any sort.)

I use the example of Daniel Defoe, to indicate some of the problems that are involved when, because of an artistic breakthrough, or, more commonly, some form of technological innovation, conventions are challenged. Where the old concepts and understandings won't stretch to accommodate the new uses. This is what happened with 'fiction' and it is what is happening now with plagiarism.

Copyright Confusion

Not that the conventions in relation to plagiarism have ever been all that clear. In all the articles and commentary that I have read on this topic, it is worth noting that very few will venture into the dangerous territory of trying to define what plagiarism actually is. They didn't do so in the past, and are les likely to do so in the rapidly changing present.

Much of he confusion is caused by the many misunderstandings about the way copyright works. For example, many people hold the belief that ***you can't 'steal' ideas,*** and go so far as to cite copyright laws in their support.

But this is a gross misinterpretation of the copyright regime, which was explicitly established to reward creators for their work, (for a limited period), *without* putting a check on their ideas.

Ideas are free

There is a sense in which in a free society – *ideas are free!*

While the law provides me with certain protections for *the form* in which I *express* my ideas, it places no restriction on the *use* of my ideas. The fact that I wrote a book entitled <u>Women of Ideas</u>, would in no way preclude anyone from writing on the same topic, or from using any of my ideas.

They are perfectly free to copy all of my understandings or insights; it's just that they must express them **in their own words**.

And it is this distinction that is not widely appreciated among the academic community – where it is **the ideas** that are considered important! The form in which they are expressed may be incidental to the philosophy or the findings.

Common sense and common usage

So who would blame a student – particularly in this time of information overload -- for simply reproducing *the ideas*?

Why should a student bother to paraphrase the important points, when in this contemporary cut and paste world, they can - with a keystroke – be reproduced?

Students could even include the name of the author at the end – as part of the sources consulted! So that all they are leaving out – is the inverted commas.

As Janine Schmidt, the University of Queensland librarian has said; **many students see nothing wrong with plagiarism**. They think it is sensible use of other people's research. 'For many the difference between research and plagiarism is a very fine line…..' [2]

And trying to explain that the difference between acceptable practice, and plagiarism, may depend upon the use of inverted commas, (also increasingly discredited in the online medium) is also drawing a very fine line of distinction.

[2] Matthew Fynes-Clinton, 2002, Universities target internet cheats', <u>Courier Mail</u>, October 9, page 14

Plagiarisms possible forms

With the exception of some journalists, (many of them exposed by David Marr on Media Watch), most of the current commentary on plagiarism relates to universities. There are, however other possible plagiaristic practices which could be equally newsworthy and could warrant investigation.

Take the press release for example:

Press releases and author intent

It's not uncommon to find that the one press release is quoted verbatim, and at length, by numerous sources and generally without acknowledgement.

Is this plagiarism? Or does the fact that the agency that issued the press release wants it to be copied at length, by as many as possible, and without acknowledgement – make it perfectly acceptable practice?

What if there were researchers or academics who were equally committed to being copied by as many students as possible, without requiring permission or acknowledgement? Would the academic author's **intention** determine whether or not such a copy was plagiarism? Or an offence?

Or regardless of what it is called – does it matter?

Plagiarism as bad manners

As far as Mark Twain (1835-1910) was concerned, the answer was clear. It was one thing to pirate his books, to copy them for commercial purposes: that was illegal, and *theft*!

But **plagiarism?** – well, it was not an illegal act; just a case of bad manners. [3]

And if his definition is accepted, and I think in the current circumstances it is by far the best, then it could be that the response to the so-called plagiarism plague in universities, could be an overreaction.

The changed nature of copying

One of the reasons for the focus on plagiarism is the transformation of copying. Prior to the digital age, copying could be a time consuming and costly activity. But the computer has changed all this. Most of the acts that were once part of the process of copying, have now disappeared.

These days, we don't have to organise ourselves or plan to make a copy; we don't have to

- obtain an original
- find or read the right bit for copying
- procure the materials for copying
- physically copy it by hand, or photocopier

Or even deliver it to whoever wanted the copy!

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[3] Siva Vaidhyanathan, 2001, Copyrights and Copywrongs; the rise of intellectual property and how it threatens creativity, NYU Press, p67

It's all at our fingertips; it's hands-on, a keystroke away. As many copies, for as many people, at almost no cost – as often as we want!

Everything is a copy

What we have to grasp, fundamentally, is that the new technologies have changed the very nature of copying. As Lawrence Lessig says – **everything is a copy in the digital age**!

- the image on the screen is a copy
- the website it displays is a copy
- the code in the computer's random access memory is a copy
- an infinite number of copies can be forwarded to an infinite number of users/ readers
- such copies will continue to exist as a copies in their computer systems [4]

The challenge to convention

Copying, now, is therefore an inherently different activity from that of the print age. Yet it was within print culture, for most academics, that the concepts and conventions associated with plagiarism, were generally formed.

And these conventions do not translate; they fail to make sense to the digital students – who are the copying generation.

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[4] Siva Vaidhyanathan, 2001, Copyrights and Copywrongs; the rise of intellectual property and how it threatens creativity, NYU Press, p152

Freedom of Information

It's not just that the old conventions won't work in the new medium - and that we can no longer make a credible distinction between an original and a copy - that there's so much confusion and fuss. It's that this pinpointing of plagiarism as a problem, is taking place in the context of a much wider debate about **freedom of information**.

With the increased capacity for copying, has come an increased effort on the part of the information multinationals, or 'big media', to lock up more content, for longer periods of time. And to pursue with all the power of the law and limitless budgets, anyone who uses the new technologies to copy their Intellectual Property.

The prime example, of course, being the recording industry. It has tried to prevent peer-to-peer sharing – a fantastically efficient way of copying, with all manner of wonderful business applications – by having **the technology itself - made illegal**. With implications here for the education industries.

Because never before, according to Lawrence Lessig, has so much of the world's culture been owned by so few! This is a basic threat to the freedom of information and indirectly to education. And not because there's too much borrowing going on – but because **there isn't enough**!

(Frustrating the free flow of information throughout the scientific and academic communities internationally.)

Where do ideas come from?

Lawrence Lessig is one of the 'free culture' advocates who is asking the crucial question – where do ideas come from? And who, in tracing the process, reveals that the music industry which now puts so much of its resources into the pursuit of piracy, was itself established by pirating practices. – It took the content, from the music publishing industry. without permission or payment.

And the recording companies are not alone. According to Lessig, Fox Studies were the Napster of their day; And -

If 'piracy' means using the creative property of others without their permission … then the history of the content industry is a history of piracy. **Every important sector of 'big media' today – film, records, radio and cable TV – was born of a kind of piracy so defined** [5]

(And they have all tried to have the new technologies made illegal, to protect their businesses – eg cassettes, videos etc)

But 'piracy' is where ideas come from declares Lessig – they are built on the accumulated content, culture, creativity, that has gone before. And he provides an excellent example;

Walt Disney; plagiarist extraordinaire

Walt Disney; he did an awful lot of plagiarising in his day. Not only was Mickey Mouse a direct lift from Steamboat Willy, but the Disney

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[5]   Lawrence Lessig, 2004, Free Culture, Penguin, p53

creativity is based on a long list of borrowings from earlier content creators. I quote just some of them:

- fairy tales of Brothers Grimm
- plus works of others – Snow White (1937)
- Fantasia (1940)
- Pinocchio (1940)
- Dumbo (1941)
- Bambi (1942)
- Song of the South (1946)
- Cinderella (1950)
- Alice in Wonderland (1951
- Robin Hood (1952)
- Peter Pan (1953)
- Lady and the tramp (1955)
- Sleeping beauty (1959)
- 101 Dalmations (1961)
- The sword in the stone (1963)
- The jungle book (1967)

All of them, borrowed and built on without permission, acknowledgement or payment – all of them some form of piracy and plagiarism.

The cost of banning borrowing

Lawrence Lessig, stakes his case on the price we pay for banning such borrowings, via the subtitle of his book; Free Culture - *how big media uses technology and the law to lock down culture and control creativity*: and Siva Vaidhyanathan's does much the same with Copyrights and Copywrongs that has the subtitle, *the rise of intellectual property and how it threatens creativity*.

Because creativity – as far as these scholarly experts are concerned -- – has always been about borrowing and building on what has gone before, and usually without acknowledgement or permission. (Shakespeare was no slouch in this department either!)

If we are to stop all these liftings, and borrowings, and passing other people's creativity off as one's own, they argue – then the whole creative and innovative process is at risk. The information revolution and a free society is threatened – when ideas are not free and there for the taking.

Licence for Learning

And Xerox guru, John Seely Brown makes a further point which should be of significance to the educational community. It is his contention that in the digital age we learn by doing; we play with ideas, we tinker with multimedia tools, we try out presentations. The more you play with other people's content/insights/ understandings – the more you improve. And in his view – that's called learning.

So are students learning when they take other people's ideas, and make them their own? Are they engaged in educational activities – when they cut and paste and put things together that were not in the same place before?

And, if they are – then we must ask whether this learning is an illegitimate pursuit.

Or is it the way we now do learning and make information – in the digital world?

And if so, who would want to restrict this creative learning practice which is the key to personal and national success in the information economy!

Open Source Debates

And all of these practices are taking place in the context of the open source debates.

When Linus Torvalds posted an email on the internet in the early 1990s, asking for suggestions for improvement on his source code, he started a revolution.

Unlike companies such as Microsoft – which lock up their code and charge you for licences and upgrades – the Open Source Code allows anyone to tinker, to play with 'Do your own upgrades.' - and to improve upon it – all for free.

Those who do so, just have to **keep it open** – so that anyone, any time, and anywhere else, could "borrow' from it, and make something of their own.

Which they could then pass off as their own, and sell – as long as they let everyone copy from them in turn. A sort of '***plagiarism isn't plagiarism when everyone is doing it'*** notion.

Thousands upon thousands of code creators have since come on board, and so successful has this evolving – and free code – been, that it is now giving rise to such concepts (and realities) as the public commons, the creative commons – even the genetic commons. Where everyone who is so inclined can register their ideas and methodologies, and IP, and make them freely available to everyone else…..

Open Source is now a serious challenge to Microsoft in some respects. And apart from the cost, there is another reason.

It is that many believe that Open Source is the **better** system (with all its thousands of programmers working for free) than the closed (don't borrow/ don't pirate) system of Microsoft.

The proof of the pudding is in the eating; iOS is more innovative, creative – with fewer security flaws. This is because -
'No corporate model can match the sheer brain power (OS) yokes' states Thomas Goetz, who believes the revolution is in the **free/ borrowing process.** It's as effective - 'and as revolutionary – a means of production, as the assembly line was a century ago' [6]

This is **fostered borrowing**, taking the ideas of others, building freely on what has gone before, and insisting that the system is rigorous, productive – and fair – as long as it applies to all!

This is a long way from some of the responses within the academic community which – a bit like the record companies – are out to find the offenders. And to teach them a lesson

Turnitin

In order to help them track down the plagiarists, many universities have turned to a software solution, and have purchased Turnatin – or its equivalent. Apart from the fact that there is so much it *cannot* capture (and so much that it does, which is considered a legitimate citation) there are also the major legal, privacy, and copyright issues, which storage of student materials represents.

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[6]

Thomas Goetz, 2003, 'Open Source Everywhere' <u>Wired</u>, November

But even these difficulties pale into insignificance alongside its fundamental limitation: Most significantly – it cannot check whether what is handed in to turnitin is the same as that which is handed in as an assignment to a lecturer. (My discussion with students! They were quite open about handing in hard copies of their assignments to their lecturers, while handing in electronic copies to turnitin which bore no resemblance to their assignment; as one student said 'I hand in my letters to my mother – they won't find anything wrong with that!'))

All this money, all this effort, and all of it **without any educational merit whatsoever.**

And when you add to this the realties of campus life –
- where there are far too many infringements
- not enough staff to police it
- too few who know what it is
- or who can explain the concept/ or the policy –
- or, even the flagrant plagiarism among staff members in relation to their own lecture notes!

Then it is more than a losing battle.

It was the conclusion of the *UofQ working party on plagiarism software,* that it was '**clear that electronic detection would not solve the problem of plagiarism'** (p4) but that 'it will act as a deterrent, (as long as all staff participate) and as long as it is publicised by academics' … (so it is far from a *fait accomplit*)
But
 … that … 'it will act as a first line of defence for accusations from the media that universities are doing nothing to deter cheating and plagiarism'. (p3)

Is this **the best** we can do in the days of the digital revolution?

An issue of aesthetics

Like many others I have come to the conclusion that plagiarism – a concept which was developed in the age of print – is not a sustainable concept in an age based on copying. Where every encouragement is being given in the corporate world, and the community, to the cultivation of creativity, and the free flow of ideas; where they are mixed and matched and made into something new.

I do accept Mark Twain's dictum that plagiarism is 'bad manners' and that like certain grammatical errors – or some table manners – there can be legitimate objections, on **aesthetic grounds.**

But I do have suggestions as to how this might be handled

Plagiarism and pedagogy

Plagiarism is not a legal issue, it is a pedagogical issue. It is the creation of academics. And anyone it offends has the option of changing their assignments and their assessments. And thereby getting rid of it

'Assignments which require the simple regurgitation of material, but which ignore the higher level skills of synthesis, analysis, evaluation, and deeper learning will only foster the prevalence of cut and past from the web' [7]

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[7] Oxford Brookes University, Plagiarism: A Good Practice Guide http://www.jisc.ac.uk/pub01/brookes.pdf

Only assignments and assessments which call for generic answers, for the reproduction of someone else's arguments or ideas in their entirety – facilitate plagiarism. In contrast,

- Anything that is played with, tinkered with, improved upon – and open to all for inspection and further borrowing
- Anything that requires critique, evaluation, experiment, innovation, or solution

does not lend itself to the simple act of **copying without alteration**.

The solution is simple; it is not expensive.

It's called professional teaching practice - and it rests in the hands of academics.