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Plagiarism, Cheating and Culture: An Editorial Essay

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about

The Little Book of Plagiarism
Posner, Richard A.

The subject of this editorial is plagiarism. The discussion here is largely confined to academic cultures. The essay began with a delighted reading of Judge Richard A. Posner’s recent work, The Little Book of Plagiarism.

This work has much to recommend; it is concise, incisive, and erudite. The author draws upon art, classical and contemporary literature including drama, fiction, and poetry, as well as upon current events, all the while weaving legal cases and issues throughout. To find these three qualities in one work is, unfortunately, uncommon.

All three, however, have marked Judge Posner’s career. [1] He has written on the law as it bears upon almost every important contemporary social issue of which one can conceive, from sex to catastrophic terrorist attacks.

To many it may not seem that plagiarism is an “important contemporary social issue”. [2] However, to academics, the issue is a critical one. As Professor Irving Hexham has put it:

The practice of plagiarism is a form of academic high treason because it undermines the entire scholarly enterprise. How else do professors decide between a good and a bad student, evaluate a candidate for an academic position, or grant promotion to a fellow faculty member, if not on the basis of the belief that their written work is actually their own work? [3]
While words such as these may make many readers flashback to the final execution scene in Braveheart, thus causing them to doubt Professor Hexham’s moral balance, most academics will respond with a heartfelt “Hear Hear!” and perhaps a concluding harrumph to add emphasis.

Judge Posner, however, should give even the most adamant inquisitor into plagiarism pause. Posner’s very learned and supple dance through Western cultural history makes it evident that plagiarism has not always, nor everywhere, been thought a serious crime, even in academic environs.

To Posner’s largely American and European examples of gray areas with regard to plagiarism, we would add Asian ones. To Asian intellectuals in the Confucian tradition (which would include Chinese, Japanese, Koreans, Vietnamese and many other groups) plagiarism is not a crime but a well-established methodology. One must demonstrate their learning and marshal their arguments by copious copying from their scholastic forbearers.

For the contemporary Chinese or Japanese student, whether at home or abroad, sensitivity to American standards on licit and illicit academic behavior requires great and continual effort on the part of the instructor to inculcate and enforce. And then the instructor often notes that the effort is failing and doing little more than embarrassing the good students while confusing the weaker ones who are now being told to avoid a practice that was hitherto fore a hallmark of successful academic work.

This Chinese example leads us to the relationship between intellectual property disputes, copyright fraud, and plagiarism itself. Might it be that the Chinese are such ardent violators of the first two of these because of their training in the third? Judge Posner suggests that whereas these occasionally touch upon each other, they are substantially different. We conflate them only because of the confused intellectual and legal heritage of plagiarism.

If, as Posner points out, Shakespeare’s audience both expected and looked forward to the creative reworking of familiar themes with familiar characters often speaking familiar lines, why are we now so adamantly opposed to it?

Posner spends considerable time in a short work such as this (116 pages in an elegant 4.5 x 6.5 inch format) defining this term precisely because it has been so fuzzy. As he gives the reader the cultural history of the term and of its evolution into a crime, he continually adds to the definition. At the last we understand plagiarism to be “...fraudulent copying and fraud tied to reliance and hence to expectations...” (Posner 49; see also 19). The notions of reliance and expectation are critical to Posner’s understanding of the term. Plagiarism, oddly, is not a legal term (Posner 34). It is usually punished as a violation of contract, as when a journalist or a writer is fired for copying, or when a student is punished for violating a school code to which he or she agreed to be bound. But no one can be indicted for plagiarism as such.
But in Posner’s definition, the audience must both rely upon the work for some purpose, such as for grading or promotion in an academic environment, and have an expectation that it is, in fact, original.

Not all contemporary Western audiences, however, agree that plagiarism is a serious fault. Just as Asian producers sometimes view the Western patent system as another aspect of colonial exploitation, so do some postmodernists view it as a form of domination, usually economically exploitive in its purposes. Deborah Halbert has written upon this issue, [4] as has Rebecca Moore Howard (Posner 95).

Posner reiterates another important point often found in the actual day-to-day incidences of plagiarism. Many professions find it far more shocking when practiced by the unwashed than by highly successful members of their own guild. Posner begins with an amusing discussion of why it is that Judges and Lawyers are not forbidden, but rather expected, to forward the writings of law clerks as their own.

In academia we frequently find examples of successful authors who produce “managed” books—that is researched and largely written by others as work-for-hire on contract but published under the luminaries’ far more commercially attractive names. Not infrequently the drones take short cuts in research and writing, and the stars then forward plagiarism as original work. The evidence that careers were in fact damaged for such events is slim; success here, as elsewhere, mitigates many sins. [5]

Given the fact that plagiarism is certainly impacted by culture, at some times and places admirable, at others akin to treason, how did we get to the present state of affairs? Why does our own highly litigious society view children downloading music, Chinese producers of knockoffs that hardly anyone in their right mind would pay full price for anyway, and student plagiarists all as somehow related?

Posner’s argument is that two important factors have changed over time in the West: the first is that market forces have made originality valuable; to Shakespeare’s audience it was not. To today’s corporation it is critical, because it is the best way to establish that highly desired market niche—preferably even a complete monopoly [6] (Posner 68-73).

A second factor, in the West at least, is the rise of individuality. We insist on seeing the creation of value not as a cumulative process but as the bold stroke of an individual such as Bill Gates who should be rewarded lavishly for his or her creativity.

Why then, given this historical development, with cultures so diverse and so varied in their attitude toward plagiarism, and given the somewhat suspect motives of many who would prosecute it to the fullest possible extent for personal or corporate advantage, should we care about plagiarism?
As an academic, I must answer that we should, though I believe Posner’s hopeful solution to be unrealistic.

Posner believes the web, in the short run, to be a facilitator of plagiarism whether we call it cutting and pasting or the less objectionable, to some at least, "patchwriting" (Posner 95). But in the long run, it will prove to itself be the solution. Posner believes that a technological silver bullet, the rise of counter-plagiarism software and sites, such as turnitin to which he continually refers, [7] will make copying so easy to prove as to effectively prevent future plagiarists.

However, the evidence suggests quite the opposite. A recent article by Justin Pope, “Ethics Breakdowns Simmers in Higher Education," [8] confirms what most teachers believe. Cheating of all sorts is rampant in academic institutions, and digitally facilitated plagiarism is probably increasing exponentially.

The cause of this increase is certainly in part the ease of copying digital materials. But there are also cultural factors. Students are increasingly working, or working more, to pay for ever higher tuitions. They are busy and must find shortcuts if they are to survive. They take overloads in order to graduate earlier so as to reduce costs, and are often on the verge of total meltdown in their classes.

Too, students are initially persuaded to go to college by parents and institutions who put dollar prices on the eventual return on investment in education. This serves several ends, including justifying students taking on loan burdens which are well over several hundred thousand dollars at elite institutions, and commonly forty to eighty thousand at lower ranking state or private institutions. If the return on a degree is money, the student logically concludes, then cut to the chase, get that ticket as quickly and easily as possible and start accumulating—your loans are certainly doing so.

In addition, students are surrounded by a culture of excess, corruption, dishonesty and manipulation in which calls for individual rectitude come to seem quaint and quixotic. When your leaders and cultural icons continually lie, engage in self-aggrandizement on a breath-taking scale and are frequently caught in the most flagrant examples of hypocrisy, a bit of cutting and pasting seems less than heinous.

This brings us to a point where Posner and I emphatically agree. Certainty of punishment is key to preventing plagiarism, given that professors and institutions are indeed committed to doing so. But all too often, at present, deterrence is more akin to the Chinese analogy of “killing the chicken to scare the monkeys.” That is, finding an easily caught malefactor and flaying them to discourage the potential many others.

Posner points out that the more difficult the crime is to detect or prevent, the more it must be punished. Really sophisticated modes of plagiarism must be dealt with severely. Hence his hope that there is a technological solution which will ultimately prove self-correcting.
But I think Judge Posner out of touch with the teaching load of most of us. Many instructors in higher education commonly teach several hundred students without benefit of teaching assistants. A total teaching load of fifty students would be light. How are they to “turn it in” and then respond to evidences of cheating when informed that the database finds a student’s work to be 12.5 percent plagiarized? How about a high school teacher with 150 students? Never happen….

I think that the answer is already clear to most of us. We need to exercise the suspicions that our experience engenders in us and pull out a search string from a suspect passage (five words will easily do) and Google it. But the time to demonstrate this process is before the crime is committed, not after. No later than secondary school, students should be shown how easy cheating is to detect, and the lesson should be repeated in each class through the first several years of college.

Students are so naïve in their understanding of the extent, quality, and nature of the web, and so accustomed to a huge age-based gap in ease of use of digital resources that they need to be shown repeatedly that we may not get Youtube, texting or video blogs, but we can find copied prose.

Notes


[2] This piece is going to have a great many notes and many quotation marks if only because, after reading Posner, any writer will be hypersensitive to charges of plagiarism, if perhaps only temporarily so in my case. Here I have used quotation marks not only to avoid self-plagiarism, often encountered in academic writing (See Posner, 41, 64), but primarily to emphasize my point. This note raises another of Posner’ points, the issue of the “awkwardness of acknowledgement” which sometimes complicates issues of possible plagiarism (See Posner 62).

[3] From the very useful web page of Professor Irving Hexham of the Department of Religious Studies at the University of Calgary, Canada. http://www.ucalgary.ca/~hexham/study/plag.html;

[4] While I do not have full access to a book review in which she apparently discusses this issue, a summary can be found at: http://muse.jhu.edu/login?url=/journals/tae/v009/9.2halbert.html

[5] Non-academics might find useful insights into the food chain in academia and its relationship to plagiarism in “Forget about academic fraud? Were you sexually harassed?” (Found in downloadable format on Professor Wexham’s very useful website at: http://www.ucalgary.ca/~hexham/study/plag.html)
[6] Posner also points out the limitations on originality. Hollywood, for example, is more comfortable with King Kong Part IV than with a truly original concept or unknown writer, let alone an unknown actor or actress. So we value originality, but only along well-trodden paths.


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