The Right to Own: internationalization of perspectives of plagiarism and the Internet

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ABSTRACT: Cultural diversity in tertiary classrooms is integral to the current university scene. Teachers must incorporate different methods of delivery and assessment to cater for an increasingly international student population. Whilst universities strive for internationalization of the curriculum, much of the thinking relating to academic writing continues to be largely Western. Western notions of authorship are founded in legal concepts of copyright and the element of originality in writing. The nemesis of originality is plagiarism.

This paper explores the notion of plagiarism from two perspectives: the law and English as a Second Language (ESL) writing theory. The law has contributed to understanding the ways in which misconduct and punishment provisions apply to plagiarism. Cultural studies and ESL writing research have specifically contributed to the increasing debate about plagiarism by questioning traditional notions of authorship in cross-cultural language classrooms. This is particularly true for online academic writing environments. The tensions in a cross-disciplinary examination of notions of plagiarism paper are highlighted. These encompass ‘penalty’ clauses for academic acts of misconduct, including plagiarism under university policy. These policy decisions impact on international students and ESL teachers in academic writing contexts.

KEYWORDS: Plagiarism, internationalization, cross-cultural issues.

The historical development of legal concepts of authorship

The concept of plagiarism emerged from developing legal notions of authorship in the mid fifteenth century. Thomas Mallon (1989, p. 6) explains plagiarism derives from the Latin term plagium, meaning ‘theft or literary adoption of the thought or works of another’. He concludes that a plagiarist is ‘a thief in literature; one who steals the thoughts or writings of another’ (Mallon 1989, p. 11). Thus plagiarism is presented as kidnapping the words of others, as a child is kidnapped from a parent. This notion evolved as the ‘Romantic’ or ‘traditional’ view of the author who was conceived as an individual creator of an original work. Concepts of possessive individualism were growing in society at the time and individual ownership of literary rights was nurtured in this environment. Indeed, the English Statute of Anne of 1709 legalized an author’s claim of proprietary rights over his literary work, as he was in the position of ‘father’ or ‘begetter’ of the work and the text itself was the ‘child’. The belief that words could be kidnapped or misappropriated with legal recrimination, saw the legal birth of ownership or authorial rights over literary work and with it, the notion of taking the words of another person without attribution - plagiarism.

Australian legislation makes it clear that where a person fails to give correct attribution to the original author, then there is wrongdoing by the perpetrator. Such action is a violation of moral property rights over the literary work. Such legislative constructs are paralleled in England and the United States. Indeed, copyright as an
international area of law has been embraced by many nations since the oldest international agreement on copyright, the Berne Convention for the Protection of Literary and Artistic Works of 1886, was propounded (WIPO, 1886). This agreement has been signed by 119 nations, including China and many other South-East Asian countries. Signatory nations to the Berne Convention agree to comply and uphold international copyright protections and regulations for authorship. Thus Mallon’s (1989) portrayal of a plagiarist as a “thief” is supported by international legislative penalties for breaches of copyright (Sutherland-Smith, in press).

Legal concepts of authorship and university plagiarism regulations: the nexus

Although the term ‘plagiarism’ itself is not embodied in law, many university plagiarism policies prescribe outcomes as penalties. Words such as ‘wrongful’, ‘stealing’, ‘misappropriating’, ‘falsely representing’ and ‘taking’ are included in university policy definitions of plagiarism, reflecting the punitive element of criminal law. As Jaszi (1994, p. 9) points out:

> The stakes are high in disciplinary actions against students accused of intramural offenses against authorship. Indeed, our institutions underline the seriousness of these proceedings by giving them the form, as well as some of the content, of legal actions for violations of copyright law.

Studies examining plagiarism policies in universities across Australia, the UK and the USA, indicate plagiarism is conceived in terms of serious academic misconduct deserving of punishment (Pecorari, 2002; Sutherland-Smith, 2003, in press). Universities at a policy level, therefore, appear to embrace the traditional Romantic view of the author.

Literary Theory challenges to traditional notions of authorship

Many academics and researchers in the field of Literary Theory are aware of the conflicting forces operating that marginalize ESL student writers. Clearly challenging ESL teachers of academic writing to question traditional notions of the Romantic author, Woodmansee (1994) writes,

> Teachers too often remain loyal to a reductively expressive model of composition, which defines their task as one of helping students ‘find a voice’ - articulate the authentic, originary selves that lie deep within, beneath the layers of cliché in which they write. This unrealistic model of composition places extraordinary demands on students. Everyone fails to measure up, but those young writers whose shortcomings are most visible are those-often students with non-Western backgrounds-who have not internalized basic lessons of intellectual property early in their educational careers, and who neglect to employ conventional means to mark the boundaries between ‘original’ and ‘derivative’ material’ (p. 10).

Other researchers advocate a broader tolerance stating that as teachers of ESL students, we should be tolerant and accepting of other rhetorical traditions, and that should ‘broaden the canon rather than shape students into the likeness of our Western academic selves’ (Atkinson, 1999, p. 652).
Some academics consider that taking a critical approach to academic discourse provides students with the best chance of success. As Belcher (1995) argues ‘For many teachers, however, a more compelling reason for explicit teaching of academic discourse is not just that it can promote participation in academia, but that it can promote critical participation.’ (Belcher, 1995, p. xvi). She goes on to explain that such teaching is essential as:

Students are reluctant to critique ...especially true for ESL students who come from cultural and educational backgrounds in which... there is much reverence for scholars and scholarly work, where the students have been trained to absorb knowledge dispensed by their teachers and to memorize and imitate, not dissect, scholarly texts (p. 137).

Additionally, researchers such as Scollon (1994) criticize academic institutions for encouraging the sustainability of these traditional methods of attribution. He claims that there is a shift away from the notion of an ‘original, creative, rational and individualist authorial-self expected in English academic writing’ to a much more collegiate method of writing (p. 33). Additionally, Scollon (1994) urges academics to acknowledge the wider, collaborative writing community, including cyber-authors.

Following the idea of expanding current notions of authorship, Lunsford and Ede (1994) argue that if writing is collaborative, then there cannot exist a system of individual attribution of authorship. The authors state that ‘the traditional model of solitary authorship is more myth than reality, that much or most of the writing produced in professional settings in America is done collaboratively’ (p. 418). Accordingly, they press for a rethinking of notions of copyright and intellectual property to conform to collaborative writing practice. Faigley (1992) not only agrees with these views but also suggests there has been a reluctance to ‘surrendering belief in the writer as an autonomous self, even at the time when extensive group collaboration is practiced in many writing classrooms’ (1992, p. 15). Faigley’s (1992) belief that the Academy is reluctant to ‘surrender’ ideas that the individual author is the sole creator of a work tends to be supported by the increasing formal penalties mounted against those accused of plagiarism.

Supporting the idea of the single literary author is a ‘disintegrationist’ view, according to Love (2000, p. 3). In discussing the attribution of authorship from a literary perspective, he observes that the model of the ‘single author creating a text in solitariness’ does not take credence of ‘all that precedes the act of writing (language acquisition, education, experiences conversation, reading of other authors)’(Love, 2002, p. 33). Teachers of contemporary composition theory, Danielle De Voss and Annette Rosati (2002), uphold Love’s (2002) view. They consider that we should ‘dismiss the romantic, modernist notion of Author (writing in isolation, suffering, the tortured artist at his craft)’, whilst acknowledging that the problem is ‘most of us still focus on a polished, final product by an author whose name appears (alone) at the top of the first page’ (authors’ emphasis, p. 194). In addition to maintaining that the Romantic view of the author as individual creator is not appropriate, particularly for the Internet environment, the authors admonish academic institutions, which ‘hold the same values’ (p. 194) as did Scollon (1994). Similar propositions are forwarded by other academics and researchers in the field of literary studies (Burbules & Bruce, 1995; Howard, 1995, 1999, 2000, 2002; Lunsford & Ede, 1990, 1994; Pennycook,
The collective push from many members of the academic community is that revisiting the idea of the author as a sole creator is necessary if the current trend of collaborative work is to be legally protected. The general thrust of their collective argument is that traditional notions of authorship and its rights of literary ownership—where the author composes alone and without the influence of others—do not reflect the interactive age in which we teach and write. Indeed, the notion of the author as an autonomous creator of a work has been recently characterized as a ‘regulatory fiction’ (Howard, 1999). A closer examination of this argument in the specific area of ESL writing is warranted.

**ESL perceptions of plagiarism**

ESL teachers perceive plagiarism quite differently to their colleagues in law. A number of research studies undertaken in tertiary classrooms around the globe indicate that traditional Romantic views of plagiarism are not supported in the ESL context.

Early studies such as those of Dant (1986) and Kroll (1988) concluded that students had differing notions of plagiarism, which ranged from considering copying text as a legitimate activity to classifying plagiarism as a moral wrong. Mantalene’s (1985) research at Shanzi Daxue University in China argues that broader understandings of non-Western writing traditions are necessary. She asserts that ‘ethnocentrism is a less and less appropriate response, we need to understand and appreciate rhetorical systems that are different from our own’ (p. 790). Similarly, Myers (1998, p. 13) contends that traditional Western notions of plagiarism ‘splinter on close examination…and a new order is needed’. This ‘new order’ includes non-Western writing traditions.

In 1992 Sherman noted that first year students in an Italian university gave verbatim answers without analysis or sourcing. She observed that ‘What we all saw as plagiarism, they clearly saw as not only legitimate but correct and proper’ (Sherman, 1992, p. 191). She concluded that Italians value mimetic practice in written text whilst promoting oral debate for spoken text. Interestingly, Sherman’s (1992) study highlights the fact that strategies such as rote learning and recounting tracts of text from the original are not only perceived as acceptable, but desired. Similarly, Bloch and Chi’s (1995) study of Chinese students’ use of citations in academic writing found that cultural traditions shape preferred writing styles. They concluded that ‘each form of rhetoric reflects the cultural traditions in which is developed’ (p. 271) and simplistic views of Western and Eastern views of differences in citation methods are inappropriate. Deckert’s (1993) survey of 170 first year Chinese students’ attitude to plagiarism makes similar findings. He notes, ‘the student is simply pursuing the writing task in a manner consistent with her educational background and broader cultural experience (p. 95). It is in this sense that the student is engaging in what Deckert (1993, p. 95) terms ‘learned plagiarism’. Although supporting the idea that cultural context influenced his students’ writing, he added,

> They are the proverbial rote memorizes or recyclers. In other words, egocentric concerns of learning well and feeling right about oneself together
far exceed concern for either the college, the original writer, one's own classmates, or one's relationship with the teacher (p. 140).

Pennycook (1996) criticized this conclusion. He suggests that Deckert (1993) operated within Western notions of value within academic writing. Pennycook (1996) considers that Western notions of plagiarism are not cross-culturally applicable. He argues that in cultures where rote learning and huge feats of memory are regarded as displaying intellectual superiority, and notions of Western citation styles are inapplicable or inappropriate. Pennycook (1996) claims that Deckert’s (1993) Western framing of the notion of plagiarism and ownership of authorial work has been protected by intellectual property laws. These ideals are reflected in traditional conceptions of the Romantic view of the author and are mirrored in university plagiarism policy. Pennycook (1996) observes that:

Given the emphasis on the creative individual as producer and owner of his or her thoughts, it seems that the borrowing of words is often discussed in terms of stealing (author’s emphasis) of committing a crime against the author of a text. This particular connection presumably has its origins in the peculiarly Western conjunction between the growth of the notion of human rights and the stress on individual property, thus making the reuse of language already used by others a crime against the inalienable property rights of the individual (p. 214).

Pennycook’s (1996) view that Western notions of plagiarism are merely one way of viewing the issue has received support from academics who consider that plagiarism is not a simple matter of ascertaining whether text was copied or not by students without attribution (Angelil-Carter, 2000; Howard, 1995, 1999, 2000, 2002; Lunsford & Ede, 1994; Pennycook, 1996; Scollon, 1994; Woodmansee & Jaszi, 1995). There are deeper issues underlying such practices. In fact, Shen (1989) says when learning English in the USA and being instructed to ‘write what you think and be yourself’ that:

To be truly myself, which I knew was the key to my success in learning English composition, meant not to be my Chinese self at all. That is to say, when I write in English I have to wrestle with and abandon (at least temporarily) the whole system of ideology which previously defined me in myself…I had to put aside an ideology of collectivism and adopt the values of individualism (p. 461).

Clearly, these researchers are suggesting that not only do cultural ‘ways of acting’ (Gee, 1992) influence concepts of excellence in writing traditions, but that ‘different’ is not equivalent to ‘wrong’ or ‘lesser’ ways of expressing written text. The focal point of ESL debate is whether the Romantic view of authorship is an appropriate tradition by which to judge the writing of all students. Furthermore, the Romantic view embodied in university plagiarism policies is also questioned in online classrooms.
Plagiarism and the Internet

Traditional notions of authorship are not helpful for teachers or students in the digital age of the global classroom. As a great deal of online class work is collaborative, researchers argue that ‘old laws of copyright are not adequate to deal with the exchanges of information possible on electronic networks and global conference networking’ (Angelil-Carter, 2000, p. 247). The argument is extended to suggest the boundaries ‘essential to the survival of our modern fiction of the author as the sole creator of unique, original works’ are being dissolved (Woodmansee, 1994, p. 25).

In addition, the Internet is a new space in which writing creation takes place and the law is having trouble recognising the problems and the different way in which we deal with Internet information (Bolter, 1991). Traditional legal notions can protect stable print texts, but in the hypertext environment, texts can change and move by the author as well as others (Kress, 1997, 2003). It is difficult to apply traditional notions of authorship to the Internet where a ‘work’ can be created as text, images or graphics in cyberspace, which itself is an intangible medium. Additional problems arise where the Internet provides for rapid and easy copying of sections or whole works (Gurak, 2001; Lankshear, Snyder, & Green, 2000; Larson, 2001; Lincoln, 2002; Litman, 2001). As the Romantic view of authorship has previously relied upon the idea that a work has specific boundaries, it becomes problematic to apply these views to an environment where, as Fitzgerald (2000, p. 4) states ‘the fences are too easily removed’. The fact that the Internet is a transnational and international means of communication, transcending national or nation-State legal boundaries is challenging traditional concepts of authorship. Furthermore, digitised information can be considered intangible property which also creates tension for traditional notions of authorship.

As Jaszi (1994) warns:

A battle is shaping over the future of the Internet. On the one side are those who see its potential as a threat to traditional notions of individual proprietorship in information, and who perceive the vigorous extension of traditional copyright principles as the solution. On the other side are those who argue that the network environment may become a new cultural "commons" which excessive or premature legal control may stifle … The ideology of Romantic "authorship" however, has greater potential to mislead than to guide the decision-makers (p. 56).

The current legal and literary debates over traditional notions of authorship, plagiarism and the Internet are an essential preamble in finding alternative ways to attribute text. Even if alternatives are found, further challenges exist for ESL teachers as research indicates that students view plagiarism on the Internet in completely different ways to plagiarism of print-text.

Student attitudes to Plagiarism and the Internet

In Australia, O’Connor’s (2002) study examined the extent of student copying of texts. 1,751 essays were examined from the six different tertiary institutions over 17 different subjects. Computer software was used to determine the extent of copying.
O’Connor’s (2002) study found all universities and 70 per cent of subjects were affected. The research initially found that twelve subjects had essays with more than 25 per cent of the text copied, or 145 out of the 1,751 essays. He found 1,125 or 58 per cent of the total essay pool had more than five per cent copied, with 9.15 per cent of those having information copied from the Internet (from 131 different websites).

Scanlon and Neumann’s (2002) survey study of 698 American students from 1999-2000 about online plagiarism researched student perceptions about the degree of plagiarism undertaken by their peers. The authors found that although the participants denied having plagiarized themselves, they considered that most of their peers had plagiarized. The students construed plagiarism as being an activity of cutting and pasting information from the Internet. The researchers said,

Students consistently judged plagiarism by others to be more prevalent than their own self-reports would suggest... for example, although only 8.0% of students self-reported cutting and pasting text from the Internet ‘often’ or ‘very frequently’, 50.4% indicated their peers do so (p. 380).

My own research indicates that the students themselves do not regard Internet text in the same way that they regard print texts. In fact, my study of 186 ESL first year undergraduate students in the Faculty of Business and Law at South-Coast University in semester one of 2002 indicates that students consider plagiarism is not possible on the Internet. Students from 17 different South-East Asian countries were surveyed and 30 students interviewed about plagiarism in academic writing with a focus on Internet textual space.

Many (42 per cent) responded that the Internet is a ‘free information’ zone and therefore the information belongs to no one. One student quoted Bill Gates as saying the information superhighway was free, and thus ‘if such the inventor of Microsoft says that thing, then it must be true for all of work on the Internet’ (Yee, interview, 3 April 2002). These students considered that copyright was not a relevant issue for the world of cyberspace. Ten per cent of students surveyed describe the Internet as being information ‘in the public domain’. Students explain that information in the public domain is accessible by anyone and this is true for Internet information. As Internet information is in the public domain, it is commonly available knowledge and does not need to be cited. This then means, the students argue, that for the purposes of academic writing students do not need to acknowledge such Internet text resources. Such concepts of ‘public domain’ and ‘accessible by the public’ are clearly confused. ESL teachers manifestly have a role in teaching students about attribution of text, no matter the source.

Twenty of the 30 students interviewed consider citing website sources in the final list of references as sufficient attribution. These students did not consider that in-text citation of Internet sources was necessary or important. Another obstacle for ESL teachers arises from the fact that 25 of the 30 students interviewed indicate that cutting and pasting information from the Internet is permissible. These students do not consider the act of cutting and pasting equals plagiarism, nor do they feel copying or downloading Internet information (including graphs, statistics or pictures) onto disk and copying such text into essays warrants acknowledgement of authorship. One student said he assumes that the Internet is a copyright free zone. Referring to
Internet information he said, ‘If it not meant to be taken, it would be ‘read-only’ protected. This mean I cannot download it or print it out at home’ (Zhao, interview, 5 April 2002).

These findings are clearly of concern to ESL teachers. Not only is there a lack of awareness that Internet text is legally protected as a copyrightable space, but students perceive plagiarism as somehow less applicable to Internet text than print text. Such responses indicate varied understandings of authorship and attribution of text, particularly for online sources. Most survey responses do not match traditional notions of authorship and plagiarism as espoused by the legal fraternity and university plagiarism policies.

**Conclusion**

The issues for international educators are striking. Current university plagiarism policy is framed within traditional legal notions of the Romantic view of authorship. This view is supported by legal rules granting proprietary rights over literary works to individual authors. Such notions are not culturally inclusive nor do they translate effectively into Internet textual space. Where these notions continue to survive and are perpetuated by teachers and academics, the opportunity to include global and technological perspectives in plagiarism policy is ignored. A reformulation of plagiarism policy, taking account of cross-cultural attitudes to authorship and attribution of text, as well as the new textual dimension of the cyber-author may prove timely in our twenty-first century language classrooms.

**References**


NOTES

1. Statute of Queen Anne 1709 (c. XIX) s.1.
2. Copyright Act 1968 (C’th) s.10; Copyright Amendment (Moral Rights) Act 2000 (C’th) s. 190.
3. Copyright Act 1814 (54 Geo. 3) s.56.
4. Constitution of the United States of America 1787 (Art. 1, 8, cl.18); Copyright Act 1976 (Title 17 US Code)
5. Pseudonyms have been used for all institutions and persons to protect anonymity