

What makes plagiarism a fascinating subject ... is the ambiguity of the concept, its complex relations to other disapproved practices of copying, including copyright infringement, the variety of its applications, its historical and cultural relativity, its contested normative significance, the mysterious motives and curious excuses of its practitioners, the means of detection, and the forms of punishment and absolution.<sup>1</sup>

## **Background**

This introduction to plagiarism is intended to provide

- publishers with guidelines to draft their own policies on plagiarism, which could include company sanctions of cases of plagiarism
- authors and editors with some background.

The document is not definitive and could be added to and changed as new needs and insights develop.

## **Definitions**

The English word 'plagiarism' is derived from the Latin *plagiarius*, meaning 'kidnapping', i.e. abducting or stealing someone's child. By extrapolation this would mean stealing someone who is not emancipated and taking what you are not free to take.

Plagiarism may appear to be a straight-forward, non-disputable concept. Plagiarism is often defined along the following lines: "taking and using as one's own of the thoughts, writings, or inventions of another."<sup>2,3</sup>

In addition to "thoughts, writings, or inventions", plagiarism could also apply to the field of visual arts (e.g. illustrations, photographs and graphics).

However, plagiarism is no clear, finite concept. Historically, it has been viewed differently in different times and cultures. Posner refers to the "... extraordinary historical and cultural variability of the concept ..."<sup>4</sup>. Shakespeare, for example, is well-known for having used, adapted and imitated others' work. See for example, his use in *Antony and Cleopatra*, of Plutarch's description of Cleopatra on her barge. This example made a modern authority comment: "If this is plagiarism, we need more plagiarism."<sup>5</sup>

Posner emphasises the action of concealment by the writer as being an essential element of plagiarism<sup>6</sup>:

Concealment is at the heart of plagiarism. But it must be carefully defined. It is not a mere failure to acknowledge copying. Often copying is not acknowledged because it is known to the intended readership ... Allusion is not plagiarism, because the reader is expected to recognize the allusion. Sometimes there is no acknowledgement, tacit or express, of the original author but readers are indifferent; they may be deceived, but the deception has no consequences.

He illustrates these views with an example<sup>7</sup>:

Textbooks are an obvious example. They do not cite the sources of most of the ideas expounded in them because there is no pretence of originality – rather the contrary: the most reliable textbook is one that confines itself to ideas already well accepted by the experts in the field ... Textbook authors are guilty of plagiarism not when they copy ideas without acknowledgement, but only when they copy verbal passages without acknowledgement.

In addition to concealment, Posner believes there is also an element of reliance on the side of the reader<sup>8</sup>:

A judgement of plagiarism requires that the copying, besides being deceitful in the sense of misleading the intended readers, induce *reliance* by them. By this I mean that the reader does something because he thinks the plagiarizing work original that he would not have done had he known the truth.

Post-modernist views have lately again put simplistic definitions under the spotlight.<sup>9</sup> (See more on these views below.)

### **Plagiarism and copyright**

Plagiarism and copyright infringements are often confused. There is indeed some overlap. Posner observes that “... not all plagiarism is copyright infringement and not all copyright infringement is plagiarism.”<sup>10</sup> This is illustrated by the fact that a work that is out of copyright can still be plagiarised.

Posner differentiates between the two concepts on the basis of their effects: “... they are different wrongs in the sense of injuring different interests of the victims.”<sup>11</sup>

Copyright infringement is an invasion of private ownership rights, whereas plagiarism involves **a wilful deception of the reader.**

### **An actionable offence?**

Whether one takes a narrow or a broader view of plagiarism, it is not a legal offence. It can, however, be the basis on which an author could institute a civil claim against a plagiarist.<sup>12</sup> Posner says<sup>13</sup>,

... the doctrine of 'moral rights' ... entitles a writer or other artist to be credited for his original work, and this 'attribution right', as it is called, would give him a legal claim against a plagiarist.

However, plagiarism, especially when it appears to be consciously misleading, does not relieve a plagiarist from his/her employer's sanctions. Posner emphasises the responsibility and liability of the author (and editor?) by stating: "Plagiarism can be deliberate or negligent, but at least when it is extensive, it is never unavoidable."<sup>14</sup>

Plagiarism should in possibly all cases be viewed in a very serious light. PASA member companies should have clear policies that spell out sanctions against a plagiarist.

### **Plagiarism in a postmodern context**

The world is abuzz with publishing. The incessant, increasingly faster global expansion of information and knowledge networks, placing sophisticated communication tools within the reach of hundreds of millions of citizens, is leading to an exponential growth of published materials of an increasing variety. This growth is linked to the democratisation of access to such materials.

In addition to the volume of this communication buzz, the use of impermanent electronic formats open to being edited by one and all has led to a widely held view that no one individual alone can claim to be the owner of intellectual property anymore. In a historically unprecedented way, traditional communication concepts and values are being challenged and new ones created. Posner states: "... some postmodernists do indeed question the concept of plagiarism,"<sup>15</sup> and, "Creative imitation is not just a classical or Renaissance legacy; it is a modern market imperative."<sup>16</sup>

### **How should an employer approach plagiarism by employees?**

Plagiarism should be dealt with as an ethical aspect of writing and publishing. Posner advises: "Plagiarism is ... the kind of wrongdoing best left to informal, private sanctions."<sup>17</sup>

Employers' approaches to plagiarism could therefore vary. They could range from broad outlines supported by a clear company culture which unequivocally sanctions plagiarism; to prescriptive ethical codes with unforgiving injunctions. Posner makes it clear that, whatever the nature of the company's sanctions plagiarism is generally regarded in a serious light<sup>18</sup>:

By far the most common punishments for plagiarism outside the school setting have nothing to do with law. They are disgrace, humiliation, ostracism, and other shaming penalties imposed by public opinion on people who violate social norms whether or not they are also legal norms ... The stigma of plagiarism seems never to fade completely, not because it is an especially heinous offense but because it is embarrassingly second rate: its practitioners are pathetic, almost ridiculous.

The most successful actions against plagiarism would probably be those which arise from employees participating in the processes of clarifying shared values and developing an ethos which sanctions plagiarism.

The challenge for publishing companies is of course to know its responsibilities regarding plagiarism. Even though authors' agreements typically require authors to state their sources or to give an assurance of its originality, publishers are also caught up in the fray which is often caused by instances of plagiarism becoming public. Publishing companies cannot distance themselves from the effects, let alone bad publicity, caused by revelations of plagiarism.

It is therefore important for publishing companies to be proactive by e.g. employing and training editors who are capable of giving guidance to writers and of detecting plagiarism; by requiring employees to sign ethical codes and by informing authors regarding plagiarism. It is also important to be prepared and to have policies in place to deal instantaneously with accusations of plagiarism.

Employers should furthermore realise and understand the pressure under which employees in publishing and authors often are. This pressure might lead employees and authors to succumb to taking shortcuts by plagiarising.

### **Editors and authors**

Editors and authors should be aware of the nature of and serious potential implications of plagiarism. They should also be informed about the policies of the employer regarding plagiarism, e.g. the use of disciplinary steps and summary dismissal.

Although cases should be handled on individual bases, some guidelines might help.

The American Institute of Electrical and Electronics Engineers recognises five types of plagiarism<sup>19</sup>:

- No credits were given with the verbatim copy of a full text.
- No credits were given with the verbatim copy of a large section of a text.
- No credits given with the verbatim copy of individual elements like sentences, paragraphs and illustrations.
- No credits given with the paraphrasing of pages or paragraphs with only minor alterations like changing words or phrases or the original sentence order.
- Giving some credits but not indicating clearly who wrote the original.

In order to avoid plagiarism, it is preferable to give credit whenever one uses the following<sup>20</sup>:

- Another person's idea, opinion, or theory.
- Any facts, statistics, graphs, drawings – any pieces of information – that are not common knowledge.
- Quotations of another person's actual spoken or written words.
- A paraphrase of another person's spoken or written words.

‘Common knowledge’ is defined as “facts that can be found in numerous places and are likely to be known by a lot of people”.<sup>21</sup>

It is also important for editors and authors to be confident enough of the field in which they are working that they trust themselves to detect or avoid plagiarism. Alternatively they should have the material reviewed by experts.

New electronic developments like the Turnitin software programme will increasingly make detecting plagiarism easy.

### **Further references**

The following useful resources can be recommended:

[www.plagiarism.org](http://www.plagiarism.org)

[www.turnitin.org](http://www.turnitin.org)

<http://www.geneseo.edu/~psych/PLAGIARISM.html>

[http://www.asee.org/prism/december/html/student\\_plagiarism\\_in\\_an\\_onlin.htm](http://www.asee.org/prism/december/html/student_plagiarism_in_an_onlin.htm)

<http://www.rbs2.com/plag.htm>

<http://www.plagiarism.org/>

### **Comments**

PASA welcomes comments on this document on plagiarism. Comments may be addressed to:

Publishers’ Association of South Africa  
Unit 305, Second Floor  
The Foundry  
Prestwich Street  
Green Point  
8005

tel: 021-425 2721

fax: 021-421 3270

e-mail: [pasa@publishsa.co.za](mailto:pasa@publishsa.co.za)

*Compiled by Carlo Scollo Lavizzari, attorney admitted in South Africa and Switzerland, and Nicol Faasen, chairperson, PASA Copyright Committee.*

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<sup>1</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Pages 9-10.

<sup>2</sup> Oxford University Press. 1980. *Shorter Oxford English Dictionary*. Oxford: Clarendon Press. Page 1596.

<sup>3</sup> Some other definitions:

Plagiarism is stealing other people’s words and ideas and making them appear to be your own without giving credit. If you paraphrase something from already published material and do not give the reference, you’re guilty of plagiarism even though you have no intention of stealing! Simply rearranging sentences or rephrasing a little without

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crediting is still plagiarism. (W. Pauk. 1984. How to study in college (3<sup>rd</sup> edition). Boston: Houghton Mifflin. Page 354.)

Plagiarism ranges from the unreferenced use of others' published and unpublished ideas, including research grant applications, to submission under 'new' authorship of a complete paper, sometimes in a different language ... It applies to print and electronic versions. (Committee on Publication Ethics (COPE). "Guidelines on Good Publication Practice". <http://www.publicationethics.org.uk/reports/2003>.)

Plagiarism is "stealing somebody's work or idea, copying what somebody else has written or taking somebody else's idea and trying to pass it off as original." (*Encarta's World English Dictionary*. 1999. London: Bloomsbury. Page 1440.)

- <sup>4</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 49.
- <sup>5</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 51.
- <sup>6</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Pages 17-18.
- <sup>7</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Pages 18-19.
- <sup>8</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Pages 19.
- <sup>9</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 76.
- <sup>10</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 12.
- <sup>11</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 46.
- <sup>12</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 34.
- <sup>13</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 35.
- <sup>14</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 78.
- <sup>15</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 76.
- <sup>16</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 77.
- <sup>17</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Page 38.
- <sup>18</sup> Richard A. Posner. *The little book of plagiarism*. New York: Pantheon Books. Pages 35-37.
- <sup>19</sup> [www.ieee.org](http://www.ieee.org)
- <sup>20</sup> <http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml>
- <sup>21</sup> The Trustees of Indiana University. 2004.