

PLAGIARISM

[Law School]

Plagiarism is the presentation of someone else's ideas as your own. It is a particular species of cheating, formally known as academic misconduct. It must be avoided at all costs.

I. FORM 1

Perhaps the classic example of plagiarism is to cut and paste, or copy, passages from the work of others and to integrate these passages into your own work without acknowledgment of their source.

However, it should be obvious that it need not be a whole passage, but merely a sentence or part of a sentence. It also includes changing a few words so as to disguise the original source.

This form of plagiarism also includes getting somebody else to write your work for you (ghost-writing).

Finally, this form of plagiarism includes not only copying but also *paraphrasing*, which means saying essentially the same thing, but using different words to do it.

Form 1 means you can't do the following:

1. Cut and paste from electronic journals, websites or other sources to create a piece of work;
2. Copy passages from the works of others, including fellow students;
3. Recycle essays or practical work of other people *or that you have completed yourself* (the latter is self-plagiarism);
4. Employ a professional ghost-writing firm or anyone else to produce work for you. Ghost-writing is never acceptable.

Apart from ghost-writing, which is academic misconduct under all circumstances, the key to avoiding this form of plagiarism is to acknowledge the source of information. When quoting word for word, this is done by placing the words taken *within* quotation marks, and then footnoting the source of information. Alternatively, you can indent the quote or do both, that is to say indent and also place within quotation marks. *The footnote is essential.*

Alternatively, if you paraphrase, you should point out the source of the information as explained with Example III below.

EXAMPLES OF FORM 1 OF PLAGIARISM

The original passage to be used in all the examples:

“This book has been written against a background of both reckless optimism and reckless despair. It holds that Progress and Doom are two sides of the same medal; that both are articles of superstition, not of faith. It was written out of the conviction that it should be possible to discover the hidden mechanics by which all traditional elements of our political and spiritual world were dissolved into a conglomeration where everything seems to have lost specific value, and has become unrecognizable for human comprehension, unusable for human purpose.”

Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, Inc., 1973 ed.), p.vii, Preface to the First Edition.

EXAMPLE I

Word-for-word plagiarism:

This book has been written against a background of both reckless optimism and reckless despair. It holds that Progress and Doom are two sides of the same medal; that both are articles of superstition, not of faith. Interestingly enough, Arendt avoids much of the debates found in some of the less philosophical literature about totalitarianism.

When material is taken directly from a book, article, speech, statement, remarks, the Internet, or some other source, the writer must provide proper attribution. In this example, no credit is given to the author. The quote requires indentation and/or quotation marks and a footnote to show where the quote originates.

EXAMPLE II

The same quote with a footnote but without quotation marks:

This book has been written against a background of both reckless optimism and reckless despair. It holds that Progress and Doom are two sides of the same medal; that both are articles of superstition, not of faith.¹ Interestingly enough, Arendt avoids much of the debates found in some of the less philosophical literature about totalitarianism.¹

When material is quoted word-for-word, a footnote alone is insufficient. The material that represents a direct quotation must either be put within quotation marks or indented. For example:

A. As Hannah Arendt explains, her book was “written against a backdrop of both reckless optimism and reckless despair.”^{Footnote number here} The book “holds that Progress and Doom are two sides of the same medal”^{Footnote number here}

B. As Dr. Arendt has explained:

¹ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, Inc., 1973 ed.), p.vii, Preface to the First Edition.

This book has been written against a background of both reckless optimism and reckless despair. It holds that Progress and Doom are two sides of the same medal; that both are articles of superstition, not of faith.¹ Interestingly enough, Arendt avoids much of the debate found in some of the less philosophical literature about totalitarianism. *Footnote number here*

EXAMPLE III

The paraphrase:

Hannah Arendt's book, *The Origins of Totalitarianism*, was written in the light of both excessive hope and excessive pessimism. Her thesis is that both Advancement and Ruin are merely different sides of the same coin. Her book was produced out of a belief that one can understand the method in which the more conventional aspects of politics and philosophy were mixed together so that they lose their distinctiveness and become worthless for human uses.

Here, even though the author's exact language is not used, the essence of the message is identical, and much of the words are proxies for the original words. This is plagiarism because it is passing off the work and thoughts of another as if they are your own. Once again, a footnote is required for material that is paraphrased. But you should also acknowledge that the words and ideas belong to another, so it is best to acknowledge this in the text, or in the footnote, along the lines of: "To use Hannah Arendt's argument..." or "As Hannah Arendt has explained..." As a result of this, it is best not to paraphrase long extracts.

EXAMPLE IV

The mosaic:

The first edition of *The Origins of Totalitarianism* was written in 1950. Soon after the Second World War, this was a time of both reckless optimism and reckless despair. During this time, Dr. Arendt argues, the traditional elements of the political and spiritual world were dissolved into a conglomeration where everything seems to have lost specific value. In particular, the separation between the State and Society seems to have been destroyed. In this book, she seeks to disclose the hidden mechanics by which this transformation occurred.

Even though this example includes some original material, selected phrases from Arendt are interwoven into the passage - a. reckless optimism and reckless despair, b. traditional elements of the {our in original} political and spiritual world were dissolved into a conglomeration where everything seems to have lost specific value, and c. hidden mechanics.

This type of approach makes it hard to acknowledge the original material, given the intermittent use of the original material, and is therefore best avoided altogether.

EXAMPLE V

The “apt phrase”

Following the Second World War, scholars from a variety of disciplines began to explore the nature of “totalitarianism.” One of the most pressing issues for these writers was to understand the “essence” of totalitarianism. How, for example, is a totalitarian regime different from an authoritarian regime? Although authors disagree on the precise answer to this question, a common thread running throughout most of the classic works on totalitarianism deals with the relationship between State and Society. In a totalitarian state, the traditional boundaries between State and society are dissolved into a conglomeration so that the two become indistinguishable.

This passage is almost entirely original, but the phrase “dissolved into a conglomeration” is taken directly from Arendt. Even though this is a short phrase, it must be footnoted. Only phrases that have truly become part of general, popular usage can be used without citation.

II. FORM 2:

This is the idea of simply presenting other people’s ideas as your own. This might be called, colloquially, stealing an idea, because you are presenting the idea of someone else as your own.

This form of plagiarism thus involves taking an insight of another person and passing it off as your own. Thus if an academic has conceived of a certain way of conceptualising a feature of criminal law, say defences, that throws a great deal of light on how they should be defined and developed, and you simply present this idea as your own, then that is plagiarism. Furthermore, it is plagiarism *in the absence of any similarity in the language you use*.

EXAMPLE

I shall suggest that the criminalisation of bribery is surprisingly difficult to explain, for those who take harm-doing to be the central case of conduct fit for criminalisation. The problem for such thinkers is this. Bribery may, indeed frequently does, involve harmless wrongdoing; but the justification for making it a criminal offence is not any unwarranted harm that bribery by its nature involves. The justification is the nature and degree of remote harm that may result if bribery is left unpunishable, given the likely ineffectiveness of the civil law – considered below – in deterring its occurrence.

Jeremy Horder “Bribery as a Form of Criminal Wrongdoing” (2011) *Law Quarterly Review* 37.

The student might write:

My insight into bribery as a crime is to expose the fact that its criminalisation is surprisingly hard to justify if one believes harm-doing to be the exclusive justification for criminalisation. However, I will show that bribery is legitimately criminalised due to the remote harms it would cause if it remained unpunished. In so doing I will also show how the civil law would not be effective in preventing those remote harms.

Here you can see that the student has stolen the ideas in the original and presented them as his own.

III. EXCESSIVE QUOTING:

Excessive acknowledged quoting of others is also to be avoided. Thus a written work that consisted almost entirely of quoted passages, with only one or two sentences from the student linking those passages together, would almost certainly fail. Any written work that depended too much on quoted passages would receive a very poor mark.

The fundamental message is that written work should be your own work and you cannot be rewarded when you depend on the work of others.