

## Gained in translation (and then lost)

**A German musicologist earned a PhD for translating a Polish monograph. His doctorate-based book was selling well around the world when, at an international conference, it was revealed he had committed plagiarism and violated copyright law.**

**by Marek Wroński**

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Translated from the Polish by Anna Schneider

The case I write about today unfolded in October 2011, and it rocked the Polish music scene. At the core of the scandal was the monograph by Damian J. Schwider, *Mikołaj Zieleński. Ein polnischer Komponist an der Wende des 16. und 17. Jahrhunderts*. The author based it on his doctoral study, which he prepared and defended at the Institute of Musicology of the University of Munich. Publishing a PhD dissertation in book form is mandatory under Germany's PhD thesis publication rule, and the treatise was duly printed in 2009 in Munich by Herbert Utz Verlag. Dr. Schwider's doctoral dissertation — and the monograph on which it is based — explore the accomplishments of Polish Baroque composer Mikołaj Zieleński. The release of the scholarly publication gained much attention and the author of the scholarly treatise enjoyed the well-deserved acclaim its book version brought him. He was working at that time as a musician in Germany, where he took up residence after moving from his native country, Poland, many years ago.

The Polish-born writer's journey into the world of performing arts started in his home town of Zabrze when, in 1977, he enrolled at the local State School of Music in a piano course Level 2. Having completed it in 1983, he moved to another Polish town, Katowice, where, in the academic year of 1986–1987, he commenced his studies in Music Education at the

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Szymanowski Academy of Music. He further advanced professionally after moving to Germany and the book he published was the crowning achievement of the fifty-year-old's musical career. Indeed, the monograph, distributed in a highly professional manner, was selling exceptionally well and its copies could be found on the shelves of libraries as well as in the private book collections of musicologists around the world. It would have been hard to envisage at the time that the release of the publication marked the beginning of a chain of events that eventually led to the author losing all that he had gained from his scholarly achievements..

This reversal of fortune was a result of what may now seem an implausible scenario. It all started in his native Poland with an announcement that in mid-October 2011, Warsaw was to host a musicology event of world significance – a conference to celebrate the 400<sup>th</sup> anniversary of the Venetian publication of two of Mikołaj Zieleński's works, the *Offertoria* and *Communes totius anni*. Dr. Damian Schwider was among those who had submitted their scientific papers with the intention to share his scholarly views on the composer, whose life and works he had studied in his PhD. This was an appropriate occasion to promote his authoritative, German-language book, and he decided to present each of the convention participants with a volume of the professionally published treatise. To this end, a month before the conference, he had several dozen copies of the monograph sent to the convention organisers.

Prof. Agnieszka Leszczyńska, from the Institute of Musicology at the University of Warsaw, collected her copy of the German monograph prior to the convention in September and whilst studying it, realised that she had read a similar analysis before. She checked the sources and concluded that around 150 pages of the foreign work were directly translated from a Polish-language book by Władysław Malinowski, which was published in 1981 in Cracow under the title *Polyphony of Mikołaj Zieleński*. The blatant appropriation encompassed almost the entire Polish treatise, including the chapter titles and annotations. In addition, more than 70 examples of musical scores, appended to the German version, were scanned directly from the original publication. Incidentally, the Polish monograph was an expanded version of Dr. Malinowski's PhD thesis, which he defended in 1975, at the Department of History of the University of Warsaw.

A further 25 pages of the German treatise were copied from a Polish book by Dr. Danuta Popinigis, *The Music of Andrzej Hakenberger*, which was originally published in 1997 in

Gdansk, by the Stanisław Moniuszko Academy of Music. The next eight pages were borrowed from a volume by Wojciech Tygielski titled *Italians in the sixteenth and seventeenth century*, originally published in Polish in 2005 in Warsaw by the 'Together' Society.

The announcement that Dr. Damian J. Schwider plagiarised his PhD thesis was made on the first day of the conference. The audience was shocked when they learned that the highly regarded book, which Dr. Schwider based on his doctoral treatise and was now selling internationally under his own name, was mostly a counterfeit copy of Dr. Malinowski's monograph. The news especially confused the foreign participants who had arrived in a large number eager to catch up with the latest scholarly advances but were not prepared for this type of revelation.

### **Intervention of musicologists**

In mid-November 2011, after the uproar had somewhat subsided, two scholars from the University of Warsaw, Prof. Sławomira Żerańska-Kominek, Director of the Institute of Musicology, and Prof. Agnieszka Leszczyńska, Head of the Unit of the History of Polish Music within the Musicology Institute, decided to have this issue of the blatant plagiarism formally investigated. They prepared a concordance of the copied texts and wrote a letter in which they complained about the piracy. This letter was sent to the monograph's publisher, Mr. Herbert Utza, as well as to the Vice-Chancellor of the University of Munich, Prof. Berndt Huber, with a copy to the supervisor of the PhD thesis, Prof. Lorenz Welker. Of the three addressees, only the publisher chose to respond immediately. He admitted that the allegations were true and he decided to stop sales and withdraw the book from distribution.

A reply from the Vice-Chancellor of the University of Munich came one year later. The curt letter from his office stated that Mr. Damian Schwider had not been awarded the degree of Doctor of Philosophy. The PhD supervisor has not replied at all. When the two Warsaw professors contacted the notorious plagiarist, he expressed a genuine surprise that his authorship was being questioned, seeing that the book had been on the market for almost two years - and up until this point everyone had praised it. Talking to Dr. Władysław Malinowski I learned that, as the author of the original treatise, he was, on one hand, proud of the quality of his PhD thesis which, even after 35 years, met the requirements for a doctorate degree from a learned institution as prestigious as the University of Munich. On the other hand, the

dispossessed writer felt hurt by the fact that the book he authored had been distributed around the world under another person's name. He informed me that he had instructed his German lawyer to initiate legal action unless the plagiarist or his publisher apologized and printed an announcement in international music journals that the book by Damian J. Schwider *Mikołaj Zieleński. Ein polnischer Komponist an der Wende des 16. und 17. Jahrhunderts* had violated his copyright.

When I made inquiries, I was told that on 25 November, 2008, Damian Schwider had successfully defended his doctorate thesis (and from that day he has been proudly signing his internet posts as 'Dr. Schwider'). However, for a reason still unclear to me, the final approval of his PhD dissertation by the Faculty Council has been significantly delayed. Therefore, when the letter from the Warsaw's Institute of Musicology arrived, claiming that the Polish-born German had committed plagiarism in his doctoral treatise, the Faculty Council chose the most straightforward route to resolve the awkward issue and terminated his PhD candidature on the grounds of the failure to meet the formal requirements for a doctoral thesis. As a result, from the end of 2011, the honorific "Dr." ceased to appear in front of Mr. Schwider's surname. It is important to underline the legal significance of affixing "Dr." to surnames in Germany where the unauthorized use of academic titles constitutes a criminal offence under §132a of the German Criminal Code. The matter is important in the country where individuals are typically addressed by their full list of honorifics in a wide variety of situations, including semi-private. The custom is related to the traditional respect for those who have doctorates but unfortunately has led to attempts to gain the coveted title by dishonest means.

The fact that Mr. Damian Schwider decided to send to Poland copies of the monograph he based on his plagiarised PhD dissertation indicates that, most probably, the German musicologist was unaware that translating the fragments he appropriated from the Polish works was not considered genuine scholarly research. I would like to add in relation to this case that the habit of lifting material, word-for-word, from other authors' works, and using it without referencing, is nothing new in Germany. Over the last two years, VroniPlag Wiki, a web-based system developed in this country, that enables reporting plagiarism cases anonymously, published the details of 35 instances of scholarly theses that violated the copyright laws but for which the authors had been awarded PhD or postdoctoral titles. The academic degrees have been rescinded in nine of the 35 cases, and among those stripped of their credentials were some well-known German politicians, including a former Defence Minister as well as one of the Vice-Presidents of the European Parliament.

Some developments were quite bizarre — for example, in the case of the PhD thesis of Dr. Nalan Kayhan, a cardiac surgeon from the University of Heidelberg, where as much as 75% of the dissertation was copied from the works of the doctoral dissertation's reviewer, the decision was that 'in medical publications this is normal practice'! Among the prominent incidents concerning German authors, the one that especially stands out is the case of the fraudulent PhD thesis of Ms. Cornelia Scott, which she had defended successfully at the University of Economics in Cracow. Despite the formal notifications received, and the fact that two years have elapsed from the time that the problem had come to light, up until now neither the Central Commission for Academic Degrees and Titles nor Cracow University has managed to resolve the controversy. Meanwhile, the issue keeps attracting international attention, undermining the prestige of Polish scholarship.

Another German incident, that has happened recently, can be traced to Poland. It concerns the PhD thesis written by Dariusz Malan, which he had defended successfully in 2005 at the University of Ulm. In this unusual case, 47% of the content of the doctorate treatise had been copied word-for-word from a variety of scientific sources but, to give the author his due, he presented the borrowed fragments in form of quotations and attributed them to the authors of the original publications. In an interview with a local newspaper, Dr. Malan, who had finished his medical studies in the Polish town of Bydgoszcz and is now a specialist in obstetrics and gynaecology in Diepholz in Lower Saxony, Germany, vigorously denied the allegations of plagiarism, attributing the apparent similarities to the fact that, in his opinion, the thesis is, as he calls it, of a comparative nature. The spokesman for the University of Ulm said that the problem is being investigated by a Disciplinary Officer. If he finds that misconduct has taken place, the matter will be referred to the Doctoral Disciplinary Committee which will then instigate disciplinary proceedings which may, but not necessarily will, lead to revoking the PhD title.

### **Rescinded PhD (in history)**

The Central Commission for Academic Degrees and Titles has recently concluded an investigation into a PhD thesis in modern history, authored by Mr. Krzysztof Bukowski, titled *Offices of Public Security in Middle Pomerania in the years 1945-1956*. I discussed the case in detail in my two earlier articles in the *Academic Forum*, 'Patch plagiarism' in the July-August 2011 issue and 'Another rescinded doctorate' in the May 2012 issue. I would like to

remind the readers that Mr. Bukowski wrote his PhD dissertation under the supervision of Prof. Andrzej Pepłoński from the Pedagogical University of Słupsk, and the reviewers were Prof. Roman Tomaszewski from the same institution and Prof. Wiesław Wróblewski from the University of Szczecin. The doctoral candidate defended his PhD treatise in 2005 at the Faculty of Humanities of the University of Szczecin. Three years later, after the Public Library in Koszalin had published the thesis as a book, it was read by Dr. Paweł Skubisz, Head of the Office of Public Education of the Szczecin Branch of the Institute of National Remembrance, who later wrote an unfavourable review of Mr. Bukowski's work. The critical analysis appeared in 2010 in the academic journal *Recent History*, a quarterly devoted to the history of the twentieth century, published by the Institute of History of the National Academy of Science in Warsaw (Issue 1/2010, pp. 266-275). In the article, Dr. Skubisz pointed to a large number of borrowings from publications of other authors and this naturally led to a conclusion of the readers that the PhD thesis violated the copyright law and the principles of integrity in science.

The case was reported in the Szczecin and Koszalin press, which compelled the University of Szczecin to investigate the validity of the accusations: it then set up a special committee to study the issue. Their conclusions were discussed on October 28, 2010 by the Scientific Council of the Institute of History and International Affairs, a research unit of the University of Szczecin, headed by Prof. Adam Makowski. The Council acknowledged the fact that the thesis contained extensive borrowings incorporated into the text without quotation marks and without referring to the original sources. However, they concluded that this practice did not constitute plagiarism but was a result of a somewhat negligent and inconsistent methodology used by the author of the doctoral treatise. Their final decision was that this was insufficient grounds to rescind Krzysztof Bukowski's PhD degree.

However, the Board of the Central Commission was of a different opinion and ordered the University of Szczecin to re-examine the doctoral thesis in question. The reassessment was conducted on May 30, 2011. Two new reviewers appointed by the Council of the Faculty of Humanities to the thesis re-examination committee, Prof. Stanisław Jankowiak from the Institute of History of the Adam Mickiewicz University in Poznań and Prof. Grzegorz Strauchold from the Institute of History of the University of Wrocław, identified in the treatise a number of substantial borrowings from other studies. They unanimously agreed that the dissertation did not meet the requirements for a PhD thesis and that the best course of action would be not to authorise the doctorate dissertation to proceed to the defence stage.

Based on this recommendation, on January 12, 2012, the Council of the Faculty of Humanities at the University of Szczecin rescinded the November 12<sup>th</sup>, 2005 decision on the basis of which Mr. Bukowski had been previously awarded the PhD degree. In contrast, this time, after reassessing the thesis, the Council resolved not to award the candidate the doctoral degree.

Mr. Bukowski, who is now a prosecutor at the Koszalin Branch of the Commission for the Prosecution of Crimes Against the Polish Nation, filed an appeal with the Central Commission and a further reassessment was carried out. However, the two new reviews were again negative and the Faculty of Humanities at the University of Szczecin again decided to revoke his doctoral degree. Hence, on the grounds that all the four reviews found he had violated copyright law and breached the principles of scholarly integrity, on March 5, 2013 the Section of Humanities at the Central Commission unanimously rejected Mr. Bukowski's application for rescinding the latest negative decision. Further, they declared themselves convinced beyond a reasonable doubt that the doctorate thesis was fraudulent and announced that the previous ruling to award the PhD degree to Mr. Bukowski had been unsubstantiated. A similar resolution was passed on March 25, 2013 by the Board of the Central Commission and as a result, Mr. Bukowski was stripped of the title of Doctor.

Most probably he will now take the matter to the Voivodship Administrative Court of Law in Warsaw, but to the best of my knowledge this is not the best way for him to seek the restoration of his doctoral degree. As far as I know, the Court has so far failed to find that any law was violated in any of the dozen-odd university proceedings that led to the revocation of doctorates.

### **Rescinded PhD (in theology)**

I have recently been informed by Prof. Włodzimierz Wołosiuk, Dean of the Faculty of Theology at the Christian Theological Academy, that a year ago the Central Commission requested a re-examination of the doctoral thesis authored by Mieczysław Tarasiuk. His dissertation, *The concept of the Messiah in the history of Israel in the premonarchy period*, written under the supervision of the late Fr. Prof. Zachariasz Łyko, and defended in January 2004, allegedly contained large fragments copied from other authors' publications. Most of the material had been lifted from a book by Walter C. Kaiser, *The Messiah in the Old Testament*, published in 1995 by Zondervan Publishing House in Grand Rapids, USA. After

two reviewers confirmed the accusation of plagiarism, the Theology Faculty Council deliberating over the treatise, that was submitted to them for reassessment, at a meeting on 21 March 2013, decided not to grant permission for the thesis' public defence and, on April 25 2013, Mieczysław Tarasiuk lost the degree of Doctor of Theology he had been awarded on January 15, 2004.

The former PhD candidate did not deny he had plagiarised material from other works and he even sent a letter to the Faculty Council expressing deep regret and apologising for his deplorable conduct. When I interviewed him for the 'Archives of Scientific Misconduct'<sup>2</sup> he seemed utterly miserable and made a rueful comment that this is how research was done 10 to 15 years ago and not just by him but by everybody in the field, including all of his peers. Only a few years ago he had become aware that this approach was inappropriate and that it could do his professional development harm rather than advance it. The consequences were indeed serious. The misconduct he had committed in the doctoral thesis completely destroyed his professional and scholarly career, leaving him devastated. He said that the wrongdoings were particularly detrimental to him as a minister of the Seventh-day Adventist Church as well as to his position of Pro-Rector of the Senior College of Theology and Humanities in Podkowa Leśna near Warsaw. In the conclusion to our conversation he said that the extent of the damage resulting from the fraud he had committed in his PhD thesis was incalculable.

### **How they plagiarise in Poznań**

In the internet blog *Embarrassments. Examples of human weaknesses* the blogger, Mr. Ebenezer Rojt (a pseudonym) discusses 'EMBARRASSMENTS or errors, fabrications, deceptions, humbug, nonsense, plagiarisms, paralogic. etc. etc. as well as sloppiness, intellectual swindle and lack of accountability for the words written by those who are involved in professional writing'.

Recently, the blog supporters drew my attention to an entry in which Mr. Rojt reported on a well-substantiated allegation of plagiarism that was committed by four researchers from the then Department and Clinic of Nephrology, Transplantology and Internal Diseases of the Karol Marcinkowski University of Medical Sciences in Poznań. They offenders were Prof.

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2 'From the Archives of Scientific Misconduct' [Z archiwum nieuczciwości naukowej] is the full name of the section in the magazine *Academic Forum* where this series of articles has been published since 2002. <http://forumakademickie.pl/publicystyka/nauka/z-archiwum-nieuczciwosci-naukowej/>



Maria Wanic-Kossowska, Dr. Mikołaj Kobelski, Dr. Elżbieta Pawliczak and Dr. Lidia Koziół. They co-authored the article ‘Polycystic kidney disease — a historical note’, which was printed in Poznań’s *Medical News* in 2011 (80, 3:230-235).

The review paper contained fragments plagiarised from the publication ‘Polycystic kidney disease: antiquity to the 20th century’, printed in 1998 in the journal *Nephrology Dialysis Transplantation*, Vol. 13, pp. 2690–2696. The English-language article was co-authored by two nephrologists from the well known Mayo Clinic in Rochester, USA, and from the University of Edinburgh Medical School, UK. Additionally, the paper written by the Poznań physicians included portions copied from the Polish-language article by Aleksandra Stypułkowska, ‘Król Stefan died suddenly’, which was printed in 1965 in No. 44 of the *News*.

The publications, from which the Poznań medical researchers plagiarised, are readily accessible on the internet, and Mr. Ebenzer Rojt provided the links and the readers, as well as the editor-in-chief of *Medical News*, Prof. Marian Grzymysławski and the publisher, the University of Medical Sciences in Poznań, can easily confirm the validity of the allegations (<http://kompromitacje.blogspot.com/2013/05/jak-plagiatuje-sie-w-poznaniu-albo.html>). It is recommended the publisher take the necessary legal steps to retract the article, and the University is suggested to initiate disciplinary proceedings to investigate the conduct of the authors.

### **PhD thesis of Prof. Obarek**

In the article *Matters from the past* in the April, 2013 issue of *Academic Forum*, I commented on the recent developments related to the re-assessment, on the grounds of alleged plagiarism, of the doctoral thesis of Dr. Piotr Obarek, a professor of Graphic Design at the Faculty of Arts of the University of Warmia and Mazury. In the conclusions I wrote: ‘His dissertation has been “missing” [from the university archives — MW], but sometimes in life it happens that what had been missing — has suddenly being found! Let us hope that what has been missing will be found in this case, especially as the disappearance is being investigated by Warsaw prosecutors’.

Indeed, my ‘vision’ proved prophetic. In the blog of an on-line magazine *Debate*<sup>3</sup>, published in Olsztyn, journalist and editor, Mr. Adam Socha, wrote: ‘The *Debate* Foundation<sup>4</sup> presented

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3 A monthly regional magazine, which covers cultural and political issues.

4 The publisher of *Debate*.

the Central Commission for Academic Degrees and Titles in Warsaw with a certified copy of the original transcript of the lecture “Poster as a perverse image of reality” (a requirement for the degree of Doctor of Fine Arts, DFA) of Piotr Obarek, a professor at the University of Warmia and Mazury’. As we have been informed by the Central Commission’s Director, Piotr Korczala, the thesis forwarded by the *Debate* Foundation has been already compared to the one in the possession of the Central Commission and the two proved equivalent.

Therefore, the Central Commission is going to call upon the Faculty of Graphic Design at the Academy of Fine Arts in Warsaw to investigate the matter as they are responsible for conferring the DFA degree upon Piotr Obarek. Now that a copy of the original treatise has been unearthed, the issue of the alleged fraud in the thesis can finally be resolved. Please recall that all the while Piotr Obarek has been claiming that the document received by the Central Commission on 26 January 2012 is not a legitimate transcript of his lecture. His denial rests upon the fact that the Central Commission has received only a copy of the transcript and not the original transcript. The original has apparently vanished from Piotr Obarek’s file at the Faculty of Graphic Design of the Academy of Fine Arts in Warsaw.

On June 3, I spoke with Director Korczala from the Central Commission, who confirmed the above facts. In all likelihood, by the end of June, they will launch a formal action in this matter. An unusual thing is, however, that despite contesting the plagiarism allegations vigorously by insisting ‘it’s not my work’, Prof. Obarek has not made any attempts to provide the Central Commission with what he would consider a legitimate copy of the original transcript.

In the meantime, I have been informed by Prof. Obarek’s lawyer, Ms. Małgorzata Necel-Gizowska from Gdynia, that the District Prosecutor’s Office in Warsaw dismissed the criminal proceedings and closed the investigation into the disappearance of Piotr Obarek’s lecture transcript on the basis of the inability to identify the alleged perpetrators. In his turn, the Disciplinary Officer at the University of Warmia and Mazury, Prof. Bogdan Łukaszewicz, cancelled the investigation which has been triggered by a complaint alleging bullying by the then Dean, Piotr Obarek. We will keep you informed on further developments and news concerning this intricate case.

Finally, I would like to correct the information I presented in the May, 2013 issue of *Academic Forum*, FA 5/2013, in the article *Dual PhD*, in relation to the reassessment of the PhD thesis of Mr. Rafał Schmidt recently initiated by the Central Commission. I said that the treatise’s defence took place at the Faculty of Environmental Engineering of the Technical

University of Cracow but it had been actually defended at the Faculty of Engineering and Chemical Technology of the Technical University of Cracow. I note with distress that the PhD thesis assessment took place at the Faculty of Environmental Engineering of the Technical University of Koszalin (where Mr. R. Schmidt did his PhD courses), because there is a serious conflict of interests between the scholars involved in the decision-making process. Hence, the thesis supervisor, Prof. Maria A. Anielak, has notified the Committee on Ethics in Science of the Polish Academy of Sciences of the animosity that may influence the outcomes of the appraisal. I predict that, notwithstanding the efforts to mitigate the detrimental effects of the disagreements, the PhD candidate, as always, will bear the brunt of the academic infighting.

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