

Plagiarism Struggles

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Abstract

Plagiarism can be analysed as struggle between perpetrators and opponents. The main tactics of weak perpetrators, such as students, are hiding their plagiarism and trying to explain it away. Powerful perpetrators can deploy more types of tactics, including disparaging the target, using official channels that give an illusion of justice, and making threats. Two case studies involving allegations of plagiarism are used to illustrate tactics used.

Introduction

Most writing about plagiarism is about describing it, exposing it, deploring it, understanding it, proposing ways to deal with it and assessing its consequences (see, for example, Anderson, 1998; Harris, 2001; Howard, 1999; Mallon, 1989; Sutherland-Smith, 2008). Here I look at plagiarism from a different perspective: as a struggle between contending parties. This struggle is in part about hiding or detecting plagiarism but more widely is about responses to it. In other words, it is a struggle over what people will think and do about plagiarism allegations.

It is useful to look at different scenarios. Three configurations capture much of the dynamics.

1. A weak perpetrator versus a powerful accuser. This is the typical pattern when a high school or undergraduate student is accused of plagiarism by a teacher.
2. A powerful perpetrator versus a weak accuser. An example is a student accusing a teacher of passing off the student's essay as

the teacher's own work. Another example is when the perpetrator is in a position of authority, such as being head of an organisation.

3. A perpetrator versus an accuser of roughly equal power. An example is one academic plagiarising from another.

For selected scenarios, I outline key tactics by the contending parties. In making this analysis, I set aside the usual question about what should be done about plagiarism. Instead, my focus is on what people can do and actually do. (A different angle on plagiarism tactics is given by Saltmarsh (2004), who treats plagiarism itself as a tactic used by students to succeed in the education system.)

As an initial framework, I look for evidence of the five methods commonly used by powerful perpetrators of perceived injustice that inhibit outrage:

- cover up the action
- devalue the target
- reinterpret the events, including by lying, minimising consequences, blaming others and framing the events
- use official channels to give an appearance of justice
- intimidate and bribe targets and witnesses.

These methods are used in a wide range of injustices, including censorship, bullying, sexual harassment, unfair dismissals, torture, massacres, wars and genocide (Martin, 2007). Therefore it is plausible to expect the same sorts of methods to be found in plagiarism struggles.

In the next section I give an overview of plagiarism types and terms before turning to tactics. I look in turn at the cases of weak and powerful perpetrators, noting tactics that reduce or increase outrage. After commenting on the difficulties of collecting evidence about plagiarism cases, I give two examples of powerful alleged perpetrators, Australian academics Kim Walker and David Robinson. Then I turn to a different sort of unfairness, false allegations and excessive penalties, describing methods of attack. In the conclusion I summarise the advantages of focusing on tactics rather than morality.

Whenever I use the word “plagiarism” I mean “alleged plagiarism”; similarly, “perpetrator” means “alleged perpetrator.” My purpose is to analyse tactics, not to pass judgements on claims. Plagiarism disputes commonly involve struggles over the use of the label “plagiarism” or “plagiariser.” Widely used labels are the outcomes of struggles. If the issue is not resolved, the label is contested, and sometimes I add “alleged” to emphasise this.

What is Plagiarism?

Plagiarism, defined broadly, is presenting other people’s ideas as one’s own. The easiest type to detect and verify is word-for-word plagiarism, when a person uses someone else’s exact words — phrases, sentences, paragraphs or entire works — without adequate acknowledgement. Much less easy to judge is plagiarism of ideas, when a person expresses someone else’s ideas in a completely different form.

In western countries, plagiarism is widely perceived to be something wrong, even sinful — a form of cheating. Plagiarism itself is seen as unfair, as trying to obtain something — credit for work — that is undeserved.

But the stigma of plagiarism applies in only some circumstances, such as a student doing an assignment. In other circumstances — for example a celebrity authoring a book written by a ghostwriter — the word plagiarism is not normally used to describe behaviour that fits the definition. This is what I call institutionalised plagiarism (Martin, 1994), in which a powerful person takes credit for the work of subordinates. Other examples are politicians giving speeches written by speechwriters (Schlesinger, 2008), government officials releasing reports written by subordinates, and supervisors co-authoring papers when the research student did most or all of the work (Martin, 1986; Witton, 1973). Institutionalised plagiarism usually escapes opprobrium by being invisible or by reframing, as described below. What is usually thought of as plagiarism, I term competitive plagiarism. Some terms are given in Table 1.

Other types of plagiarism could be named and indeed may have been without the labels being taken up widely. My list of terms includes several I introduced myself (Martin, 1984, 1994), though others may have used their own terms for the same or related concepts.

Because competitive plagiarism is so stigmatised, an allegation of plagiarism can be highly damaging. Some allegations are wrong, which is an injustice against the person falsely accused. Another sort of unfairness occurs when the penalty for plagiarism is excessive. If the usual penalty in a university for a student’s copying without acknowledgement is failure on that piece of work, then expelling a student for the same offence may be perceived as unfair.

Table 1. Plagiarism Terminology

Bureaucratic plagiarism is inaccurate attribution of authorship within bureaucratic organisations (Moodie, 1993, 2006). It is a form of institutionalised plagiarism.

Competitive plagiarism is plagiarism in a situation in which it is stigmatised (Martin, 1994). Typically the plagiariser does not seek permission. Common examples are students copying from published texts and writers copying from other writers.

Cryptomnesia occurs when one is exposed to someone else's words or ideas but, forgetting this, mistakenly believes these words or ideas are one's own original thoughts. This is a memory error in attributing the source of ideas. It is a form of unintentional plagiarism.

Editorial ghostwriting is an editor's contribution to a text that is substantial and unacknowledged, for example writing new sentences and adding new references (Bedeian, 1996a, b).

Ghostwriting is writing text for someone else who takes credit for it. The ghostwriter, also called a ghost, may be paid for the work or receive some other benefit, such as the opportunity to have words and ideas reach a wider audience or serve a worthy cause. Ghostwriting is a form of institutionalised plagiarism.

Gift authorship, also called **honorary authorship**, is having one's name as an author or co-author without having done an adequate portion of the work (LaFollette, 1992: 91-107). Some gifting is at the initiative of the actual authors.

Institutionalised plagiarism is plagiarism in a situation in which it is considered normal, legitimate practice (Martin, 1994). It usually involves organisational superiors or powerful individuals taking credit for the work of others.

Paraphrasing plagiarism is plagiarism using the general sequence of text from another source, with some changes in words and sentence structure. The distinction between word-for-word and paraphrasing plagiarism involves the degree to which exact word sequences are used. Paraphrasing plagiarism differs from normal paraphrasing — considered legitimate — by prevailing norms about acceptable closeness and acknowledgement.

Patchwriting is Rebecca Moore Howard's term for paraphrasing plagiarism. She describes it as "copying from a source text and then deleting some words, altering grammatical structures, or plugging in one synonym for another" (Howard, 1999: xvii).

Plagiarism is using other people's ideas as if they are one's own. This involves two components: use of the ideas and inadequate acknowledgement. Some authors add another component: intention.

Plagiarism of secondary sources is listing sources — typically references to texts — taken from another source (the secondary source), presenting them as one's own sources (Martin, 1984). An example would be using references listed in another article without looking them up oneself.

Plagiary is a synonym for plagiarism.

Self-plagiarism is presenting one's own prior work as if it is new work (Bretag and Carapiet, 2007a, b; Scanlon 2007).

Supervisory ghostwriting involves a supervisor making substantial unacknowledged contributions to a subordinate's work. An example is when a research student's supervisor contributes text to a dissertation without specific acknowledgement.

Unintentional plagiarism is plagiarism in which the author does not mean to deceive, cheat or plagiarise (Sutherland-Smith 2008). It commonly occurs due to ignorance or lack of understanding of acknowledgement conventions. Cryptomnesia and patchwriting are forms of unintentional plagiarism.

Word-for-word plagiarism is plagiarism using exact or near-exact sequences of words from another source.

Some cases of plagiarism are clear-cut, but in others the existence or degree of plagiarism is a matter of judgement and hence dispute. The appropriate penalty — if any — for plagiarism is also often debatable. If few cases of plagiarism are ever detected, it can seem unfair to impose severe penalties on those unfortunate enough to be caught. As a result, there is a great scope for differences of opinion and for dissatisfaction among those involved, both accusers and those accused.

The Case of the Weak Perpetrator

In terms of power, a student who plagiarises is weak in relation to the teacher. A junior academic who plagiarises is weak in relation to a prominent scholar. There are rare exceptions to these examples: the student might be the daughter of an influential patron of the school. The scenario here is of a perpetrator who is weak in relation to those who expose the plagiarism and impose penalties. Foreign students, when writing in a second language and studying in a culture whose norms are unfamiliar, often are in a particularly weak position.

The key tactic of the weak perpetrator who intentionally plagiarises is cover-up: hiding the plagiarism. There are lots of ways to do it.

- find an obscure source and copy it;
- stitch together bits from several sources;
- run some foreign-language text through a translator and smooth the product;
- have someone else do the original work for you: pay someone to write your essay;
- paraphrase.

For dealing with weak perpetrators, the key step is exposure, namely identifying, documenting and authenticating plagiarism. This is far easier in word-for-word plagiarism. Sequences of identical words can be identified, for example through text-matching software. To demonstrate it is plagiarism, the absence or inadequacy of acknowledgement must be shown.

For types of plagiarism that do not involve identical wording, exposure is far more difficult. Suppose a student finds an illuminating article and skillfully uses the ideas in an essay. A teacher unfamiliar with the article might suspect plagiarism of ideas but would have no way of demonstrating it. Even a teacher who knows the article well might be hard pressed to prove the student used it.

Usually this doesn't matter. A weak perpetrator may gain credit for someone else's ideas, but this will be in a local context such as a class. In wider circles, for example in scholarly arenas, paraphrasing others' work can potentially generate publications but is not likely to be the basis for a reputation as an original scholar.

The only other tactic regularly used by weak perpetrators is interpreting plagiarism as harmless or blameless:

- "I didn't mean to do it."
- "It was an accident."
- "I don't know how it happened."
- "I didn't know it was wrong."
- "The author said it so much better than I could."
- "There's just a little bit."
- "Mary said it was all right to copy her essay."
- "I won't do it again."

It's often very difficult to assess such explanations, especially ones that deny intent or, by implication, suggest lack of an intention to cheat ("The author said it better."). It is one thing to demonstrate copying with inadequate acknowledgement and another to assess its significance.

Policies defining plagiarism as involving intent make proving plagiarism difficult, because evidence showing intent can be hard to obtain. Accused students might be very slow to understand what plagiarism is or they might be skilled liars.

There are several ways to judge whether someone understands what they are doing.

Ease of Detection

Sometimes a student will copy someone else's text and include the reference, but not put the text in quotation marks. Since it's no extra trouble to include the quotes, this suggests lack of awareness of quotation etiquette. A student trying to cheat, on the other hand, would not include the reference.

If a student has copied slabs of text from an obvious online source, even though the teacher announced she regularly uses text-matching software, this suggests the student doesn't understand it is wrong. The more blatant the copying combined with a reasonable prospect of detection, the less the likelihood of intentional cheating.

Note that if checks are seldom made or penalties seldom applied, easy detection does not imply ignorance. Another complication is the possibility that a sophisticated cheat might plagiarise blatantly and then, if caught, say they didn't understand it was wrong, taking advantage of the assumption that easy detection suggests innocence.

Repetition

If a student repeatedly plagiarises and is repeatedly detected and warned, this suggests intention to cheat, although it could be due to persistent failure to understand.

Direct Testing

Exercises can be set in class to quote text, paraphrase passages, acknowledge ideas and the like. This needs to be done before other assignments in which plagiarism might be a problem.

In summary, when perpetrators are weak, their main options are hiding their plagiarism and explaining it away, for example as harmless or due to ignorance. Those with more power — typically teachers — set out to detect plagiarism and determine a suitable response. If the plagiarism is unintentional, then an educative, supportive response is indicated. If it is intentional, there are several possible responses, including:

- offering better rewards for good practice
- applying penalties for infringements
- designing assessment tasks to minimise opportunities for plagiarism.

The Case of the Powerful Perpetrator

A teacher reads a student's essay and gets an idea, and then uses the idea in a conversation, a presentation or an article, without mentioning the student. A supervisor adds his name to a research paper even though he had nothing to do with the work. A leading figure in the field reads a grant application and uses ideas in it as the basis for an article, quickly published. A politician is listed as the author of a book for which the research, the first draft and the final editing were done by assistants, who are thanked in the acknowledgements. These are examples — some of them common practice — in which the perpetrators are more powerful than those whose work is plagiarised.

Powerful perpetrators have more options for minimising adverse consequences. In a large number of cases, they get away with their plagiarism. When they are challenged, the resulting

dynamics can be complex. To understand such struggles, it's useful to list the ways that perpetrators can minimise outrage from their actions.

The first tactic is *cover-up*, just as for weak perpetrators. In situations in which plagiarism is highly stigmatised — typically in competitive situations — exposure is very damaging. So perpetrators seldom advertise what they've done.

In exposing word-for-word plagiarism, it is effective to present side-by-side comparisons of the copier's text and the text copied from, a practice used for decades (e.g., Anonymous, 1959; Pine, 1972; Willey, 1970). Side-by-side comparisons allow anyone to judge what has been done. Exposure to wide audiences is more powerful; if decisions are left to official bodies, the perpetrator has an advantage, as discussed below.

With institutionalised plagiarism, cover-up is slightly different. In many cases, informed observers know what is going on, but say nothing. When a politician gives a speech, journalists may know that speechwriters did most or all of the work but still report the speech as "the president spoke today" rather than "the president today read a speech prepared by Sally Staffer." The result is a cover-up so far as many wider audiences are concerned. The institutionalised plagiarism is subject to a *de facto* cover-up by not being brought to people's attention.

Exposing institutionalised plagiarism has two components: showing that the perpetrator has used someone else's work without sufficient acknowledgement and naming it as plagiarism. However, exposure in this way is seldom enough to cause serious concern about the practice.

A second method used by powerful perpetrators is *devaluing the target* — the person plagiarised. In many situations, devaluation is implicit in the situation. Bertolt Brecht was a famous playwright, whereas his lovers were not, so what does it matter that he put his name to their work? (Fuegi, 1994). The same sort of question applies

to others such as novelist D. H. Lawrence, who took credit for writing by his lovers (Spender, 1989: 151-160). On a prosaic level, a prestigious academic who gives a talk has far more status than a student, so colleagues may think that taking credit for some of the student's ideas is not a big deal. Indeed, they may think students are unable to develop worthwhile ideas or write publishable text and therefore dismiss student complaints out of hand.

If a complaint is made, the perpetrator and allies may become more active in devaluing the target, by calling her a poor student, a complainer, envious, unstable and any number of other derogatory labels. Typically this is done behind the scenes.

To respond to this imbalance of status, targets need to bolster their own credibility and find esteemed backers. A student who has sole-authored publications is less likely to be dismissed than one who does not. Having someone else as an advocate is important; the more prestigious the advocate, the less likely the target is to be dismissed.

A third method used by powerful perpetrators is *reinterpretation* — the same as used by weak perpetrators. Plagiarism is explained away as inadvertent and not serious. It might be blamed on poor note-taking.

Powerful perpetrators sometimes argue that what they've done isn't plagiarism. Defenders of ghostwriting — which can include both ghostwriters and those who employ them — may say that the practice is acceptable because both parties agreed to it, and the ghost is paid (Shaw 1991). The term ghostwriting avoids the word plagiarism and shifts attention from the plagiariser to the person plagiarised, namely the ghost. Another defence of ghosting is the claim that everyone knows what is actually going on, for example that everyone knows that speeches by politicians or university presidents are written by their staffers.

Powerful perpetrators can also blame assistants or editors, for example saying an assistant left off the quotation marks. Weak perpetrators seldom have assistants.

Blaming assistants highlights a fascinating feature of plagiarism discourse. In 2004, Charles Ogletree, a Harvard professor, was exposed for having six paragraphs in his book taken verbatim from a book by another professor. His explanation: his student assistants didn't properly attribute the source and one of the assistants sent the text to the publisher without his scrutiny. Ogletree is just one of many Harvard professors who routinely take credit for the work of their assistants (Russell, 2007). When academics try to explain away competitive plagiarism — unacknowledged copying from sources — by blaming assistants, this reveals systematic exploitation of the work of the assistants who have done much of the research and writing but appear only in the acknowledgements, not as co-authors. This is a type of institutionalised plagiarism. That academics try to blame assistants in this way shows that copying from a peer — another academic — is seen as bad, whereas taking credit for the work of a subordinate is not nearly so bad. In fact, it goes on all the time and is seldom mentioned until one of the subordinates makes a mistake. (Incidentally, this example suggests a technique for disgruntled assistants: plant a few juicy plagiarised passages in the prose written for your superior.)

How can these justifications for plagiarism be countered? The usual tools are evidence and persuasive displays. Evidence is needed that the plagiariser had access to the text, for example an email showing a draft had been sent. For demonstrating word-for-word plagiarism, side-by-side comparisons are powerful. For plagiarism of a sequence of ideas, a side-by-side set of parallels can work well.

For challenging justifications for institutionalised plagiarism, it is useful to show double standards. "If a student did this, the result would be

a fail." "If the university president can use a speechwriter, why aren't students allowed equivalent assistance?" "Just because some people know it's going on doesn't mean it's right."

A fourth method that often assists powerful perpetrators is *official channels*: having the matter dealt with by superiors, editors, editorial boards, grievance committees, boards of directors, special committees of inquiry, courts, or other experts, agencies and formal processes. In principle, these channels should give a fair hearing, but in practice they seldom adopt a tough policy towards powerful perpetrators. Therefore, they may give only an illusion of justice.

Imagine a student who claims a teacher has plagiarised the ideas in the student's essay, and who puts in a formal complaint to the high school principal or the dean at a university. What chance does such a complaint have? Generally, not much. Managers in bureaucratic systems usually support the chain of command, which means supporting staff over students. The main exception is when the manager wants dirt on the staff member: then any trumped-up charge will do.

Usually the most that can be expected is the perpetrator being privately told to be careful. But the one who really needs to be careful is the student, who might suffer reprisals.

Generally, official channels are most likely to be facades when they are internal to the organisation, operate in private and are not accountable for their decisions. A court may be a somewhat better option because it is independent of the organisation, but much plagiarism is legal — for example, ideas are not covered by copyright.

My assessment of official channels may sound cynical. It is based on observations of the way official channels respond to a wide range of injustices, such as reprisals against whistleblowers (Martin, 2003). The implication of this assess-

ment, for those who want to challenge powerful perpetrators, is not to rely on official channels. Before pursuing them, it is worthwhile finding evidence about previous complaints. If there's no public evidence — the usual case — then try to find any previous complainant. For example, has anyone ever complained to the editors of a journal about plagiarism by an author and had a good outcome?

The final methods that powerful perpetrators can use to minimise outrage are *intimidation and bribery*. A PhD student who raises concerns about her supervisor claiming credit for her work is highly vulnerable to reprisals such as a bad reference or even blocking the granting of the PhD. Targets may not even raise the matter due to fear of repercussions.

Bribery is the mirror of intimidation. By going along with the practice of putting the lab head's name on papers, a form of institutionalised plagiarism, a junior scientist hopes to obtain good references, research opportunities, promotions — and possibly the chance, down the track in a senior position, of exploiting the work of a later generation of research students and junior scientists.

Collecting Evidence on Plagiarism

I've outlined a set of methods that powerful perpetrators can use to reduce outrage from their plagiarism of the work of weak targets. The methods are the same ones used by powerful perpetrators of all sorts of injustices. I've also drawn on my knowledge of hundreds of plagiarism cases over several decades of following this issue. However, it is hardly satisfactory to say "this framework fits the cases I've heard about": where is the evidence?

In the study of plagiarism, providing evidence is fraught with difficulties. Lots of stories are circulated. "The department head went to a conference and gave a talk based on joint work with Mary — a research student — but presented it as

almost entirely his own work." If the story is third hand, it may well be inaccurate. If it is second hand — you talk to the research student — it's easier to judge its validity. Furthermore, you can search for primary material, such as a copy of the joint paper and a recording of the department head's talk. But to be fair, it's vital to hear from everyone involved, including the head, who might have an innocent explanation of the apparent exploitation of the student's work. But few plagiarism researchers are so intrepid as to ask for explanations in unpublicised cases like this, especially when the head is a major figure in the field and you work in the department.

When it's a first-hand account — you are the student — you may have excellent material. Maybe you raised the matter with the head and he gave some mealy-mouthed excuse. But are you going to write about this case while you're still a student? As long as you're in the field and the head is too — or the head's allies — there's a risk. So it's one more case that is never properly studied or documented.

Informal communications suggest that these sorts of cases are common, but no one knows exactly how common. Undoubtedly they are far more frequent than publicised cases, where allegations become public via media coverage or widely circulated documents. The result is that much of the commentary on plagiarism is based on prominent cases, which receive ample publicity, because they are easier to study. The question then is, are these prominent cases similar to unpublicised cases?

I won't try to answer this generally, but only in relation to methods deployed in plagiarism struggles. My assumption is that the same sorts of methods tend to be used, but more methods are likely to be deployed in prominent cases.

If the research student tells only a few others in the department, who don't tell anyone else, there is a partial cover-up. If the department head is never questioned about his behaviour, he doesn't

need to explain it — no interpretations are required. No official channels are involved. There's no overt intimidation, though the student may be reluctant to take things further because of the possibility of repercussions.

On the other hand, if the matter is publicised, then the methods of devaluation, reinterpretation, official channels, intimidation and bribery may come into play. The upshot is that prominent cases are more likely to exhibit a rich variety of methods on both sides of the struggle.

Another factor is collecting evidence about plagiarism. In principle it sounds easy, at least for word-for-word plagiarism: just find the source from which the plagiariser copied and compare the two texts. This is reasonably straightforward when copying is from an online source and you have an electronic version of the suspect document, making it possible to use text-matching software, including search engines such as Google, compare-documents functions on word processors, and systems such as Turnitin designed to assist in detecting plagiarism.

The move to digital formats and the development of text-matching software certainly has made it far easier to detect and show evidence of plagiarism. Until the early 1990s, teachers who suspected a student of having plagiarised usually either relied on their detailed knowledge of relevant texts — especially assigned readings — or spent lengthy periods in libraries thumbing through likely sources. Today, it is often possible to find sources simply by keying suspect passages into Google or running a document through Turnitin.

It is often said that the Internet makes copying easier but it also makes detection and gathering of evidence far easier. As stated in the title of one article, "Plagiarism is easy, but also easy to detect" (Lyon et al., 2006). For example, to test for self-plagiarism, it is now possible to obtain e-versions of an author's published articles from databases and run them through Turnitin to see

how much text from a given article was taken word-for-word from the author's earlier writings. Without the software, this sort of analysis would require vastly more effort.

However, text that matches isn't necessarily plagiarised: careful study of suspect passages is required before passing judgement. For example, the convention in quoting a lengthy passage is to indent the quote and omit quotation marks. In converting from one e-format to another, it is easy for the indent to be lost and an incorrect judgement made about the adequacy of acknowledgement. An investigator into self-plagiarism, having found matching text in two different articles, has to check to see whether the author has acknowledged the prior source.

Text-matching software isn't always the answer. When sources aren't available online, detection is far more difficult. Also difficult to detect are plagiarism of secondary sources and plagiarism of ideas; these are often dependent on knowing the field really well. Being the author of the plagiarised text is an advantage!

Text-matching software makes an enormous difference but, even with this help, detecting plagiarism is often far more laborious than writing the original passage, plagiarised or not. Determining the extent of plagiarism in someone's body of writing can be an imposing task. In many cases of alleged plagiarism, one or two concerned or aggrieved individuals have carried out the investigative work. Any third party called in to assess the extent and seriousness of the plagiarism is usually dependent on the detective work of others. This can be an important limitation in the study of plagiarism.

Having found an instance of plagiarism in someone's writing, often there is a suspicion that other instances exist. On the other hand, the seriousness of the instance might be overrated because an equivalent investigation has not been carried out into the work of peers.

There is one other important factor: defamation. To accuse someone of plagiarism is defamatory. If the person accused sues for defamation, the accuser needs a defence. Several defences are possible, depending on the circumstances.

- *Truth*. The defendant has to provide evidence that the allegation of plagiarism is correct.
- *Qualified privilege*. The defendant is protected if the allegation was provided as part of a formal relationship, such as a teacher reporting on a student's work. Communicating outside the relationship, such as telling friends at a party or writing a letter to a newspaper, is not covered by qualified privilege.
- *Privilege*. Statements made in court or read out in parliament are protected.

It is legally safe to accuse a person directly to their face. It only becomes defamation when you tell someone else about it.

Most people do not understand very much about how defamation law operates, because they never have to deal with it. Therefore, when someone says "That's slanderous — I'm going to sue you" they often become afraid. Fear of defamation serves to discourage public comment. It reduces the amount of information about cases.

Weak perpetrators might threaten to sue, but usually this has little credibility, unless they have a lot of money, because going to court can be very expensive. Threats from powerful perpetrators are often more credible and may discourage media coverage as well as independent investigation.

Threatening a defamation action can be an effective means of intimidation. Because the legal system puts the burden of proof on the defendant, this discourages claims that can't be easily proved. This is another reason why word-for-word plagiarism receives disproportionate attention.

I've described a number of reasons why evidence about many plagiarism cases is not readily available and why the cases for which it is available may not be typical. This is a very long qualification for the following examples of alleged plagiarism by powerful figures.

Kim Walker

Kim Walker is dean of the Sydney Conservatorium of Music, part of Sydney University. It is by far the most prestigious music-training organisation in the state of New South Wales; Sydney University is one of the top-ranking universities in Australia.

In October 2007, a story in the *Sydney Morning Herald* stated that a report written by Walker had passages identical to text in speeches by former presidents of the University of Indiana, where Walker previously worked for a decade (Alexander, 2007a).

In July that year, Walker went on leave for unspecified reasons, called "special duties." It later turned out there was a formal investigation into allegations of plagiarism. Walker returned to work after ten weeks, but there was no public explanation offered for her absence.

Much of the public information about this case has been provided by journalist Harriet Alexander writing for the *Sydney Morning Herald*, one of Australia's most prestigious daily papers. Some of her stories included side-by-side comparisons of text. My examination here is based on media reports. I have not tried to assess the alleged instances of plagiarism. For the purposes of my analysis, this is a case of a powerful person accused of plagiarism. My focus is on methods used that reduce or amplify outrage over the allegations.

Cover-Up and Exposure

The plagiarism allegations were not disclosed by either Walker or officials at Sydney University. Another example is as follows:

Professor Walker also used material in an article last year [2006] in *Music Forum* magazine which was identical to material in a speech by an academic, Nancy Cantor, at a conference in 2005.

The article was removed from the Music Council of Australia's website in late August [2007]. It has since been returned to the website but with a footnote to the Nancy Cantor speech that was not there when the *Herald* first downloaded an archived version of the article last month [September 2007]." (Alexander, 2007a).

The reasons for Walker's leave from the university were not disclosed; nor, initially, was the investigation into allegations of plagiarism. "The University of Sydney's public relations strategy has been to deprive the affair of oxygen by refusing to confirm that an investigation took place" (Alexander 2007c).

The Sydney Morning Herald sought to obtain the investigation report through a freedom-of-information request. Sydney University refused to provide the report, so the matter went to an appeal body, the Administration Decisions Tribunal. Walker joined the case against release of the report (Alexander 2008a). The Tribunal denied access to the report (Alexander, 2008c).

Devaluation and Validation

There is little published information about any attempts to devalue those who made the plagiarism allegations. Media stories do suggest a furious battle over Walker's credibility, with critics attacking it and supporters praising her contributions (Guilliatt, 2008).

Interpretations

Walker was reported as saying — via her lawyers — that there was no plagiarism. A few months after the initial publicity, Walker was reported as having "told the university she had commissioned an assistant to prepare the reports and failed to check that the sources had been adequately footnoted" (Alexander, 2007d). This is an example of explaining away alleged competitive plagiarism — copying from a peer — by blaming an assistant, with institutionalised plagiarism implicitly seen as acceptable. Walker also attributed textual similarities to clerical errors and computer glitches (Guilliatt, 2008: 27).

On the other hand, Angus McFarland, president of the Students' Representative Council at Sydney University, said there was a double standard in the way Walker was treated compared to students (Alexander, 2007b).

Official Channels

The investigation — an official channel — served to exonerate Walker without revealing information about allegations, methods of assessing them or even who was making the judgments. Walker referred to the report of the investigation as showing there was no plagiarism and referred to a public statement issued by Sydney University in December 2007 which said an allegation regarding "inadvertent but inaccurate references and footnotes was resolved following the spontaneous and unprompted action of Professor Walker" (Walker, 2008).

Students critical of the apparent double standard concerning Walker protested in October 2007: "they arrived at the Con in a hearse and marched to the entrance dressed as pallbearers carrying an academic mortarboard wreathed with flowers" (Guilliat, 2008: 25). Actions like this sidestep official channels.

Intimidation

There is some evidence of threats and actions against those who have criticised Walker. Associate Professor Peter McCallum, it is reported, challenged Walker at a Conservatorium staff meeting after her return to work. “Professor Walker has since threatened to call on the university to investigate whether Associate Professor McCallum had breached its code of conduct” (Alexander, 2007a). *Sydney Morning Herald* journalist Harriet Alexander was ordered to leave the staff meeting and then the building. Journalist Richard Guilliat, in a feature story about Walker, reported allegations that she had bullied subordinates and noted the departure of many staff after her arrival. Guilliat quoted a staff member at the Conservatorium commenting about Walker after she returned to work in September 2007: “She came back really gunning for people ... She made unguarded comments to various senior people that she was out to get her enemies” (Guilliat, 2008: 24).

A group of Walker’s supporters — including wealthy donors to the university — started a fund to cover any legal costs she might incur should she sue the university. Some of them wrote letters to senior university officials on her behalf. “Some of the letters contain implicit threats about the cost to the university’s finances and reputation should it not speedily reinstate Professor Walker and apologise to her” (Alexander, 2008b).

Posters were put throughout the Conservatorium criticising students who protested. Student president Angus McFarland was reported as saying that “The students were really spooked” by this counter-campaigning, which he had never seen in five years of student activism (Guilliat, 2008: 25).

Overall, Walker and her allies seem to have used all of the methods of reducing outrage over alleged plagiarism that I’ve outlined as possibilities in cases of powerful perpetrators. On the

other hand, Walker’s critics have used a range of methods to stimulate outrage. The issue of alleged plagiarism is, in this case, part of a wider struggle over the future of the Sydney Conservatorium of Music.

David Robinson

In 1996, David Robinson became vice-chancellor of Monash University, one of Australia’s largest and most prestigious universities — roughly the equivalent of being president of a major US state university. In 2002, there was a story in the *Times Higher Education Supplement* — Britain’s most prominent venue for news on higher education — that Robinson, in two books he had written in the 1970s and 1980s, had not appropriately acknowledged other books from which text was taken (Baty, 2002). The *Times* story quickly led to stories in the Australian press, with calls for Robinson to resign.

The plagiarism had previously been hidden from all but a few people. Robinson initially came to Australia from Britain as vice-chancellor of the University of South Australia. Robinson said he discussed the plagiarism with the chancellor of the university in 1991, prior to his appointment, but others involved did not know about it. In his subsequent appointment as Monash vice-chancellor, it emerged that one member of the selection committee knew about the allegations but did not tell the other nine members of the committee (Madden, 2002b).

Robinson said “These matters were dealt with and resolved more than 20 years ago” and that after his apology, parties involved had taken no further action. He said these events didn’t affect his “ability to lead the university” (Madden, 2002a).

Initially the Monash Council — roughly equivalent to a US board of trustees — stood by Robinson, giving him a unanimous vote of confidence, apparently hoping the storm would blow

over. Robinson had been a controversial vice-chancellor at Monash, lauded by some for dramatically expanding the university's operations but detested by others for ruthless cut-backs of staff in some areas.

Some of Robinson's critics, enraged by Council's defence of him, started investigating his other works. Before long, a third instance of serious plagiarism, in a 1976 book by Robinson, was publicised. Robinson apologised for being "hasty and sloppy" and referred to "pressures to publish." He also said that because he had cited the source from which he copied, he hadn't intended to hide his use of it (Ketchell 2002a; Madden 2002c). Critics said this sort of excuse wouldn't suffice for a student and that failing to penalise Robinson was a double standard.

This further instance of plagiarism embarrassed the council. After a meeting with the chancellor Jerry Ellis, Robinson resigned. At the time, Ellis did not comment about whether he was aware of yet further additional instances of plagiarism, revealed in subsequent media stories (Ketchell, 2002b, c; Madden, 2002d; Maslen, 2002). According to a student representative on Council, Robinson had earlier told Ellis that only two instances of plagiarism existed — an assurance contradicted by subsequent revelations (Ketchell, 2002c).

Robinson received a pay-out of about a million dollars, negotiated with Ellis. The Council was not consulted about the pay-out, though some critics argued that a full investigation into Robinson's plagiarism should have been carried out first.

Let me summarise the tactics involved.

Cover-up and exposure. Two instances of Robinson's plagiarism were exposed in the 1980s. However, Robinson told very few in Australia about this, and those he informed kept it confidential. The 2002 exposure occurred because for-

mer colleagues of Robinson's heard he had become a vice-chancellor and were appalled. The ensuing publicity led to further investigations into Robinson's work and further exposures, which led to his resignation.

Devaluation and validation. There is little public evidence of Robinson's critics being disparaged.

Interpretations. Robinson explained his actions as due to being hasty and sloppy when there were pressures to publish. He focused on his contributions to Monash. Critics interpreted the plagiarism as a grave scholarly failure for someone in a prominent position who should be setting an example.

Official channels. Monash Council initially backed Robinson. There was no open investigation into the allegations.

Intimidation and resistance. Many academics were afraid to speak out about what Robinson was doing at Monash due to possible reprisals, as suggested by a letter to the editor published after Robinson's departure: "It is a relief to be able to write this letter without fear of losing my job" (Mardling, 2002). Resistance involved some academics investigating and disclosing new instances of plagiarism and others passing the information to journalists, with the resulting stories stimulating others to do the same.

Comment

So far I've described two configurations in plagiarism struggles, involving respectively weak and powerful alleged perpetrators. In tactical terms, the basic difference between the two is the number of methods available for reducing outrage over alleged transgressions against good scholarly practice. Powerful perpetrators can deploy more techniques and can usually deploy them more effectively. The result is that powerful perpetrators are less likely to receive serious pen-

alties. On the other hand, because they are usually higher up the ladder in career terms, penalties, when applied, might seem harsher. But then, how serious is losing one's job as a vice-chancellor compared to being blocked from entering a research career?

It is a simplification to talk about powerful perpetrators versus weak targets and vice versa because the resources available to the players can vary. A weak target, by enlisting allies such as parents or journalists, sometimes can mount a strong attack. I have mainly used the words powerful and weak in relation to the usual power differentials associated with roles such as teacher and student. The tactics used and the outcome of struggles are not predetermined by these roles.

What then of intermediate situations, when the perpetrator has a similar role and roughly equal power to the target? Examples include one student copying from another and one academic using another's ideas without acknowledgement.

Sometimes the perpetrator and target operate as an alliance, hiding or defending the plagiarism from others. This can be called cooperative plagiarism. Student copying rings, based on friendship or payment, operate this way. They can be challenged by outsiders such as disgruntled students or vigilant teachers; sometimes they collapse due to internal conflict. Some instances of ghostwriting are perpetrator-target alliances, such as when pharmaceutical company employees write scientific articles published under the name of university scientists.

Cooperative plagiarism sounds nice enough for those involved, but it can shade into exploitative practices of institutionalised plagiarism in bureaucracies or, in research teams, supervisors taking credit for work they had little to do with.

The counterpoint to cooperative plagiarism is competitive plagiarism, when credit for work done is considered scarce and the plagiariser's

gain is the target's uncompensated loss. Examples include one student obtaining illicit access to another's work and one academic plagiarising the work of another. Judging by a number of individual accounts (e.g., Anonymous, 1990; Bowers, 1997; Leech, 1991), it is very difficult to expose plagiarisers, suggesting that targets of plagiarism are often in a relatively weak situation compared to perpetrators.

False Allegations and Excessive Penalties

Plagiarism is commonly seen as unfair and deserving serious penalties. This creates the basis for a different sort of unfairness: false allegations of plagiarism. Publicly accusing someone of plagiarism can be highly damaging to the accused's reputation. Even if the claims are definitively refuted, the stain may linger. Accusations can also be used as a form of attack.

A research student was having trouble with her supervisors and complained to a senior academic. The supervisors found out about this. They obtained a copy of her major undergraduate research report and ran it through some text-matching software. Based on the findings, they alleged the report was plagiarised and moved to revoke her degree. Eventually an independent assessor was called in to examine both the report and the output from the plagiarism check. The assessor determined that the report was original.

Another injustice is over-zealous enforcement against inadvertent plagiarism. The most common scenario is a student who is found to have plagiarised, is accused of cheating and subject to severe penalties. The easiest way to determine whether this is unfair is the double standard test: find out how common the behaviour is and note the usual penalty. If quite a few students are plagiarising and being given a warning, then failing the course for a similar transgression seems harsh.

The methods used in struggles involving false allegations and excessive penalties are a mirror image of the ones used in the plagiarism struggles described in earlier sections. To briefly illustrate the methods, I'll take the case of a powerful accuser versus a weak target. The typical example is a teacher imposing excessive penalties for an innocent transgression.

The first method is cover-up of the context. The focus is on the copied passages. What might be omitted is the amount of correctly written work, indication from citations that there was no intent to hide the source, or mistakes in using quotations that indicate conventions are not properly understood. The way to counter this is to explain the context.

The second method is denigration of the target with labels such as plagiariser and cheater. Expressions that validate the target include learner and "honest mistake."

The third method of attack is to interpret the behaviour as inappropriate and deserving of severe censure. Copying is called cheating. Intent to cheat is attributed to the target. The copying is treated as a matter of morality and standards, not one of developing skills in giving acknowledgement. There are several ways to counter these claims, including denying intent, noting that copying is a common problem, and arguing that institutionalised plagiarism is a more serious issue.

In many cases of excessive penalties, official channels are the mode of attack. Formal procedures are used to give credibility to claims and to impose penalties. Targets need to defend themselves through formal processes, but it is unwise to rely on this for justice. After all, the rules may well be applied correctly; the problem arises from applying them selectively, namely to only some students or with disproportionate penalties.

Targets need to use informal, non-official means to contest the matter. This might mean a discussion with the teacher, or having a valued ally, such as a parent or senior teacher, meeting with the teacher or school officials. In some cases, when the stakes are high, it may be worthwhile being prepared to go public, for example by developing a webpage or petition. For campaigns like this, the skills of community organisers are highly relevant.

Finally, allegations of plagiarism operate as a type of intimidation. They can lead to feelings of humiliation, fear and self-doubt. The formal penalties, such as expulsion, may be damaging. If the allegations are known to others, through a formal statement or gossip, the damage to reputation can be severe. Dealing effectively with unfair accusations or excessive penalties requires persisting in the face of this intimidation.

I had hoped to provide a case study illustrating the dynamics of excessive penalties. However, it is risky to admit you plagiarised, even if you were subject to unfair treatment. Who wants to be labelled a plagiariser, even an inadvertent or contrite one, given prevailing antagonistic attitudes and the common assumption that plagiarising is cheating? Who wants to admit to being falsely accused of plagiarism, given that some may think there must be something in the allegation? The study of tactics involved in actual cases of false allegations and excessive penalties remains an under-explored area.

Conclusion

Plagiarism is normally treated as a matter of morals (cheating), learning or policy. Here I've taken a different angle, focusing on the methods used by players in struggles over plagiarism.

Plagiarism struggles vary quite a bit depending on the circumstances, but there are some patterns. The most common situation is the weak

perpetrator, typically a student in relation to a teacher or a junior scholar in relation to a senior one. Weak perpetrators have few resources aside from hiding their copying from detection and explaining it as inadvertent or trivial.

Cases involving powerful perpetrators can involve a wider variety of tactics. If challenged, powerful perpetrators and their allies can bring to bear a range of techniques to minimise outrage, including devaluing the target, reinterpreting the actions, using official channels and using intimidation and bribery. This array of tools is usually effective unless the accuser can bring powerful allies on board.

One of the complexities of these struggles is the different types of plagiarism, such as word-for-word plagiarism and plagiarism of ideas. Word-for-word plagiarism of someone else's text has the feature of being especially easy to demonstrate to others, including non-specialists. Therefore it is the most common type subject to censure, even though arguably it is less significant intellectually. Even powerful perpetrators can sometimes be brought down by exposure of word-for-word plagiarism.

Institutionalised plagiarism is treated completely differently. In large organisations such as corporations and government departments, it is routine for junior workers to write documents and senior officials to take formal credit. This is seldom labelled plagiarism.

Ghostwriting, one sort of institutionalised plagiarism, is usually unmentioned or treated as a business transaction. The misattribution of ideas is not seen as an issue as long as the ostensible author is powerful, for example a celebrity. For a high school student to have a ghostwriter for assignments would be seen as cheating. (This happens too. Often the ghostwriter is a parent.)

This raises the issue of double standards, which are rife in common conceptions of plagiarism. Weak perpetrators are stigmatised as cheats

whereas powerful perpetrators are ignored. For those who want to challenge institutionalised plagiarism, one of the most effective tools is pointing out the double standards involved.

Yet another complexity in plagiarism struggles arises from false allegations and excessive penalties. Because plagiarism is so stigmatised in many contexts, an accusation can be highly damaging. Because plagiarism is so common, those who are detected and exposed as plagiarisers may suffer disproportionate penalties.

Powerful perpetrators who are exposed and penalised are unlucky, in a sense, because so many others like them escape detection or exposure. On the other hand, it might be said that all but a few powerful perpetrators get off lightly compared to those with less power.

Because plagiarism is so often seen as a moral issue, as something reprehensible, allegations of plagiarism often are accompanied by powerful emotions. Weak perpetrators can feel they have done something terrible. This leads to attempts to cover up and reinterpret what happened. Learning of proper practice is often inhibited in such circumstances.

The very word plagiarism may be part of the problem. It carries a potent emotional charge, yet it might be considered simply a violation of the etiquette of giving acknowledgements. Plagiarism is thought of as so heinous that when it is inadvertent or trivial many do not like to use the word.

For those who are involved in plagiarism struggles, attention to methods used by players has advantages. It takes attention away from transgression and censure and puts it on actions taken. This can be helpful for those who feel unfairness is involved, either from plagiarism or from excessive penalties.

For observers, attention to methods can help in understanding the course of plagiarism struggles. It is possible to work backwards from the methods used to make an assessment of the perception of unfairness.

Journalists continue to find plagiarism a juicy story: it represents a transgression, especially in arenas like universities where scholarship is associated with truth and purity, which can be portrayed as a scandal. As long as plagiarism — the competitive variety — remains highly stigmatised, many perpetrators will use whatever resources available to escape detection and minimise repercussions and plagiarism tactics will continue to be a rich field for investigation.

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