

Dryden

Perspectives on Plagiarism
and Intellectual Property
in a Postmodern World

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the opportunity to grapple with the real messiness of the writing process and to cope with the decisions and judgments that all writers have to face and make, no wonder the students clung to the sure thing that copying and "plagiarizing" seemed to be. Too much attention was centered on grammatical and formal "correctness," very narrowly and rigidly defined (topic sentences at the beginning of every paragraph, strict five-paragraph essays, etc.) and reinforced by "skill and drill" exercises in a computer lab, and too little attention, frequently none, was devoted to what the profession has been affirming for more than thirty years as the real work of a writing class: the generation of ideas, the recognition of audience and purpose, the communication of meaning—in short, the development of competent and confident writers.

A Distant Mirror or Through the Looking Glass? Plagiarism and Intellectual Property in Japanese Education

L. M. Dryden

"Why is it," a colleague asked, "that Westerners consider plagiarism such a big issue?" A bilingual Japanese professor of English, she confessed to being puzzled by complaints from some Western instructors that Japanese students and even some native academics copy texts without acknowledging their sources (Ujitani). It is a familiar situation in which cross-cultural misunderstanding arises: Some Western academics find copying common in Japan and invoke their own culture's injunctions against such "dishonest" and even "criminal" behavior. The Japanese, working in a very different epistemological tradition, regard such moralizing with bewilderment. Each views the other with a sense of unreality, as if "through the looking glass."

This mutual disorientation, which occurs commonly enough in Japanese-American relations, leads to at least one undeniable conclusion: plagiarism is not the culturally universal transgression that many Western academics assume it to be. According to one American scholar of sixteen years in residence in Japan, plagiarism for the Japanese is simply "no big deal" (Nord). Pursuing the sources of this state of affairs—that is, looking more closely "through the looking glass" at Japanese education and, more generally, at Confucian-based educational values—may paradoxically yield a sharper image, a distant mirror in which to reevaluate the Western view of plagiarism with refreshed insight.

Through the Looking Glass and into a Cultural House of Mirrors

My research yielded responses that were surprisingly consistent as well as unexpectedly contradictory. On the one hand, in an English-language survey of

approximately two hundred Japanese undergraduates at my own university in central Japan. I found, most commonly, that copying a source without attribution was considered "improper" and "not conducive to a good education." In fact, the responses were often so similar that I wondered whether the students were simply writing what they thought they were somehow "expected" to say. On the other hand, in surveys and interviews of several dozen professors—Japanese (many of them English-speaking) as well as native-English-speaking foreigners at half a dozen universities in central Japan—I frequently heard echoes that plagiarism is "no big deal." But then, many would offer remarkably similar theories and anecdotes attesting that, yes, plagiarism as we think of it in the West (particularly in the United States) *does* commonly occur in Japan among students and even among some Japanese faculty.

In contrast, however, to the customary penalties for plagiarism in the West, ranging from failure to expulsion, the policy of most professors in the survey followed a much softer line. Often faculty simply overlooked the practice, while some, generally Westerners, said that they themselves had dealt with students whose work appeared to be plagiarized by asking them to redo the assignment and identify their sources—without further penalty. A surprising number of Western and Japanese colleagues also reported—with requests of anonymity—even more serious lapses in attribution in the published writing of some Japanese scholars, in which large-scale cribbing of foreign-language texts might occur during the process of translation into Japanese. The practice persists even though the most flagrant violators are eventually accused and dismissed from their posts. Nonetheless, such scandals are fairly rare, occurring as rituals of group or national atonement only a few times each decade.

The various forms of "punishment" described above may very well fit the crime—that is, as plagiarism is no real transgression in Japan, therefore no significant penalty gets meted out with any consistency. No single Japanese word for plagiarism appears in the major unabridged Japanese/English dictionaries, though the general verb for stealing property, *nusumu*, includes "plagiarism" as one of its submeanings. That a separate word for plagiarism does not exist in Japanese may account for the initial confusion of many students and some Japanese faculty when being surveyed.

Western terms that do exist in Japanese sometimes assume unexpected meanings. "Composition" is one. The Western conventions of critical reading, argumentation, and citing sources have little place in Japanese universities, where courses called "composition" may involve nothing more than translating—that is, somehow "composing"—Japanese texts into English (English "reading" courses sometimes amount to mere translation in the opposite direction, from English into Japanese.)

In Western academia, we often assume that students, as unfolding individuals, should be taught and encouraged to express opinions, to undertake "original" statements in writing, and also to distinguish clearly between their

own words and ideas and those of authorities. It may be hard for Westerners to imagine a culture in which personal opinions, originality, and the need to distinguish one's own views from those of received wisdom might carry little value and, in fact, usually harbor the potential for social disharmony and personal stigma. But those conditions must be acknowledged if we are to understand Japanese attitudes toward the ownership of words and ideas—attitudes that differ widely from those in the West.

Japanese Primary and Secondary Education: Mastering Form and Information versus Critical Thinking

Japanese students write a good deal in elementary school (where curricular freedom is allowed), composing book reports and expressive writing in Japanese. But once students reach junior high and then senior high school (where they put on uniforms, as if mobilizing for some arduous campaign), writing and personal expression—along with other indulgences of early childhood—give way to the rigors of preparing for the relentless economic world. Students follow a curriculum that is driven by entrance examinations. These exams are written and administered locally at each school and consist mainly of discrete-point multiple-choice questions in major academic subjects, including foreign languages. Analysis and personal expression have no place here: mastery of factual information, personal discipline, and endurance are the pedagogical and social goals that entrance exams uphold.

The central purpose of Japanese middle and secondary education is to prepare students for entrance exams leading to the next academic level. To this end, as cultural anthropologist Thomas Rohlen observes in his classic study of Japanese high schools, most classes consist of teachers lecturing on certifiably bland textbooks—predigested factual summaries of history, social science, ethics, religion, grammar—that take an "encyclopedic" and ostensibly politically neutral view of knowledge. Debate and discussion are rarely undertaken. While Japanese students learn to listen patiently, pay attention to fine details, and master immense amounts of factual information, they also learn to keep their opinions to themselves and to adopt passive and utilitarian attitudes toward their education. It is generally understood that if something does not help prepare for the entrance exams it is not worth attending to. As Rohlen concludes, "By implication, Japanese high school education provides no intellectual roots, it turns out students long on information and short on intellectual understanding" (267).

Behind Rohlen's measured assessment lie certain assumptions found in contemporary Western education—that intellectual growth proceeds from arguing through and sometimes against authoritative sources. This process usually involves composing one's ideas in writing, while practicing "intellectual honesty" by acknowledging the sources to which one is indebted. Japanese

education, with its emphasis on the mastery of officially approved "factual" information, rests on very different views of learning and knowledge, leaving little time in the Japanese secondary curriculum for much attention to composition in the Western sense. The general neglect of writing instruction and practice—in both Japanese and English—is one important reason why plagiarism is "no big deal" in Japan.

In Japanese education, the biases toward discrete-point testing lead to a greater concern for another kind of academic dishonesty altogether: "Cheating" on exams, rather than plagiarism in written discourse, is considered the cardinal sin, and elaborate security procedures are taken to prevent it—among them the legendary secrecy in the process of exam construction by the faculty at each school and university; and then, on the days of entrance exam testing, the systematic seating of students in long ranks and files in vast lecture halls, with exam takers carefully identified and placed at a suitable distance from each other to forestall copying. Ironically, the English reading passages in many such entrance exams have often been lifted from sources published in the West, without attribution or compensation to their authors. Violating international copyright law causes far less concern than maintaining security throughout the process of local production and on-site administration of entrance exams—in a yearly ritual which, incidentally, is highly profitable for many Japanese universities.

The Undergraduate Interlude:

Further Friction between Eastern and Western Conventions

One might innocently assume that something like "freshman English" would bring Japanese undergraduates up to some expected "university-level" of written discourse, compensating them quickly for the lack of intellectual development in their secondary education. While understandable, this expectation misses one of the fundamental truths about Japanese university life that is largely unknown in the West: High school students may cram furiously for "exam hell," but the subsequent period between college admission and graduation amounts to a rare time in a Japanese person's life when relaxation and some measure of choice are permitted. In effect, even at the most prestigious institutions, attending a Japanese university is a four-year vacation.

The expectation that Japanese college freshmen will suddenly become infused with intellectual vigor also reveals a failure to grasp the underlying Japanese assumptions about the cognitive and psychological development of individuals. These assumptions are, in effect, the undercurrents that inform Japanese education from junior high onward; they are at least as powerful as the economic and pedagogical forces noted earlier. Students are not asked to express their opinions in writing because it is assumed that they have no right to an opinion. They are *koohai*, or subordinates, in the complex hierarchy of

Japanese society and must defer to their *senpai*, their seniors, whose authority derives largely from the fact that they are simply older. In Japan, one earns the right to an opinion slowly, literally over decades during which one is constantly reminded of his or her subordinate position (Morrone, July 1996).

As Rohlen explains, Japanese students are asked to develop no more than "diligence in the mastery of facts" because "expressive and critical skills generally emerge later and progress gradually throughout adulthood" (245). The Japanese assume that critical judgment cannot be developed in school but will only appear as one is tested by the realities of the workplace over the course of many years of hard-won experience (267–68). By extension, then, it would be absurd (or, as it were, very "un-Japanese") to ask students to express original views or to question the opinion of recognized authorities. Students are expected to internalize the views of authorities, not to distinguish their own supposedly "original" thinking from the opinions of experts.

Not surprisingly, the Japanese university curriculum does not encourage much independent writing or critical thinking. The lecture method and classes of forty or more students in most subjects, including foreign languages, remain common, and evaluation turns on the mastery of factual information. American professors in business and social science at my university have told me that they devise assignments that cannot be plagiarized—that is, ones that do not require outside documentation. When questioned, they explained that if they did not frame assignments in this way, they could expect much of the submitted writing to be reproduced unchanged from published sources.

In contrast to this pragmatic approach, teachers who try to observe such Western conventions as the authorial ownership of words and ideas find themselves at odds with an academic culture that does not value those conventions very highly. One American colleague, a Harvard-educated sociologist, said that she once tried to explain to a Japanese undergraduate why the student's copying of an article was "inappropriate and did not constitute an original idea or individual research." She reported that "the student showed shame, not because he was 'caught' but because he hadn't realized that his method of doing a research paper was 'flawed.' He acted as if he had done the directions wrong—and this could have reflected badly on me" (Morrone, February 1996). The story illustrates the dilemma Western educators face in the collision of Eastern and Western assumptions about the nature of knowledge and research methodology.

Usually the writing assignments of Japanese undergraduates do not approach Western levels of university discourse until the fourth year, when students may elect to write a "graduation thesis." At that time they receive some instruction and guidance in the conventions of developing a focused argument and supporting it with documented sources. A metaphor that two of my Japanese colleagues independently used to characterize the prescribed Japanese undergraduate writing process was that of a "patchwork." One of

these colleagues, who earned an EdD in the United States, drew on her experience as both a student and an instructor at Japanese universities to describe the way Japanese undergraduates are asked to write: "Students are supposed to show how well they can understand several books and digest them in a report or a paper. They aren't asked for original ideas or opinions. They are simply asked to show a beautiful patchwork." She noted that "as long as you mention all the books in your bibliography, you can present the ideas from the books as if they were yours, especially if your patchwork is beautiful" (Furuya). The acceptable blurring of distinctions between the students' sources and their own writing suggests that knowledge exists to be appropriated, assimilated, and internalized.

The same assimilative process can be seen in the education of young Japanese in the arts, according to Merry White, a Harvard sociologist specializing in Japanese education. Many Japanese students from elementary school through university attain high degrees of proficiency and creativity in the modern fine arts as well as in the older Japanese arts—traditional folk music, dance, painting, flower-arranging, and martial arts. For each, laborious effort in the "precise imitation of the master" is considered the necessary and only way to excellence (80).

As an illustration, a Japanese colleague recalled that in her study of the *shamisen*, a traditional Japanese stringed instrument, her instructor had exhorted the class to "steal" the teacher's technique, using the previously mentioned verb *nusumu* for "taking someone else's personal property." This kind of "stealing" was officially endorsed as the proper way to learn. My colleague said that she tried to "steal," but that it was difficult. All she could do was "imitate." It might require years of practice before one successfully "steals" the technique to the point of attaining *get* ("accomplishment in performance") and becomes a "creative artist" with an "original way" (Kinoshita). Such unexpected reversals of Western expectations about creativity and theft—or, if you will, plagiarism—take us once more "through the looking glass."

Japanese Graduate School and Beyond: In-Groups and Shared Intellectual Property

In another reversal of expectations, a certain amount of plagiarism is "not only acceptable but necessary" at the graduate level of Japanese university work. Japanese graduate students are apprenticed to their master professors in what is essentially a life-long relationship between *koochai* and *sempai*, juniors and seniors. According to one colleague, "In the case of a graduate student-teacher relationship, it is not uncommon for the graduate student to produce work for the professor and put the professor's name on it" (Morrone, February 1996).

Westerners might easily misconstrue such a relationship as exploitive and intellectually dishonest. Viewed from a Japanese perspective, however, it is

neither. Membership and participation in a professor's group are voluntary and depend on a process of reciprocal giving and receiving—whatever one receives, one must give back in some form. Very pragmatically, individuals choose to reciprocate as a way of keeping everyone else happy with them. The master professor, for example, imparts information and guidance—gifts that must be reciprocated—and then doles out duties to his subordinates. As a kind of gratitude, they do their work and put his name on it. But as the ideas presumably originated with the master, ascribing the entire work to him is, in a way, acknowledging the source; it is not really plagiarism on the master's part (Morrone, December 1996).

A key to understanding the dynamism of such a group is the Japanese term, *uchi*. The members of a master professor's group all belong to the same *uchi*, or "inner circle": Their relations are governed by a polar tension found in all societies and identified by the Japanese as *uchi* ("inside") and *soto* ("outside"). Takeo Doi, the renowned Japanese psychiatrist and social commentator, explains that *uchi* refers mainly "to the group to which the individual belongs" and should not be confused with the Western notion of individual privacy. "Little value is attributed to the individual's private realm as distinct from the group. . . . [T]he Western idea of freedom has been slow to take root in Japan" (42).

Nonetheless, *uchi* as represented by a master professor's inner circle is not the repressive, impersonal arrangement that Westerners might imagine. In a way that is typically Japanese, *uchi* arises out of human feeling—most particularly *amae* ("dependent love" or "indulgent love"), which, according to Doi, dominates all aspects of Japanese social life. *Amae*, an idealized sense of "oneness" that is "typically embodied in the parent-child relationship," endows members of such quasi-parental in-groups as a professor's circle with *giri*, or "socially contracted interdependence" (Doi, 37–41). There are no barriers or holding back within the in-group, though *between uchi* and *soto*—between those on the "inside" and those on the "outside"—the barriers can be great indeed. Within the secure *uchi* of a professor's group, however, intellectual property does not have individual ownership. It is shared, much as a family shares its personal property for the general good of all, through an elaborate system of reciprocity for favors bestowed and returned. In such an enclosed paternalistic circle, how can there be plagiarism when one's work is never done completely independently and when ideas effectively belong to everyone and no one?

Broader Cultural Implications of Plagiarism in Japanese Education

One of the great virtues of the Japanese, their prodigious "lust for knowledge" has historically—and paradoxically—laid the Japanese open to charges of intellectual property theft and plagiarism. For centuries, the Japanese have

freely adopted foreign words, writing systems, religions, technology, and social institutions. At times, however, the Japanese proclivity of foreign borrowing goes too far, as in the case of some Japanese professors who effectively plagiarize foreign texts in the process of translating them into Japanese. Despite the generally tolerant view I have taken in this discussion, one could argue that such Japanese academics need to act more responsibly within the global community of scholars and should pay more attention to international copyright law. Nonetheless, even the instances of overzealous "borrowing" hinted at by so many of my informants can be understood in the context of centuries-old practices by which the Japanese have invariably "Japanized" foreign products and ideas, assimilating them into the distinctively Japanese way of doing things.

One can, for example, trace the source of the Japanese entrance examinations to the Confucian civil-service exams of imperial China, devised nearly two thousand years ago to select candidates on the basis of merit rather than social class. Rohlen notes that nearly four hundred years ago, the Japanese selectively imported Confucian thought for the distinctly "moral" purposes of social and educational reform. The Tokugawa rulers sought to organize all of Japanese society in line with the Confucian metaphor of the proper family, "correctly ordered by differences of function and authority, with filial piety the central virtue." Similarly, they hoped to structure education "with the classics as guides and daily conduct in the school as the mirror" (48–49).

Learning in the Confucian schools established in Edo Period Japan was considered properly to be "the process of submitting to and mastering the wisdom of the sages." But the Japanese rejected Confucianism's tradition of theoretical dispute and endorsed instead a single correct way of understanding the Confucian heritage. As Rohlen explains, "Thus, learning was not built on the assumption that knowledge awaits discovery. Truth was known and was contained in the classic tradition. Scholars still discreetly debated their interpretations, but for students there was only right or wrong in learning the meaning and significance of the classics. . . . Independence of thought was not regularly rewarded or encouraged" (49–50).

The Confucian patterns of social and educational institutions established nearly four hundred years ago have persisted into contemporary times. Japanese education at all levels retains not only its debt to the "conserving" tradition of Confucian thought, but also the distinctly Japanese value of deflecting conflict. Knowledge is considered static, something to be mastered through arduous study and preferably memorized, because of the intrinsic moral benefits such discipline imparts. Original thinking should be avoided. As Rohlen observes of modern Japanese education, "What seems unaltered from past to present is the emphasis on a disciplined apprenticeship. . . . The student is trained first to be a patient, persistent worker, a good listener, one preoccupied with details and correctness of form" (269).

Rohlen's review of the centuries-old currents of Japanese education helps to explain why plagiarism does not make much sense to the Japanese as a moral issue. They have been educated to think of morality in ways that are fundamentally different from the common Western view: that is, it is proper to mistrust or discount one's own opinions; it is good and virtuous to study, memorize, and imitate proper models; and it is necessary to defer one's own judgments to the consensus of the group. Given such views of learning and morality—that students should, as a matter of correctness, defer to the opinions and models provided by received wisdom—the tendency to copy freely from published sources seems only natural. When students are taught that there is a single correct answer to be obtained from an authority above and beyond their own judgment, they can be expected to seek it out.

Toward a Far-East Asian Perspective on Plagiarism

A number of native Japanese academics whom I interviewed downplayed the question of whether Japanese students plagiarize. But when it came to foreign students with whom they had worked at one time, the same academics were much quicker to pass judgment. From several, I heard almost identical remarks: "Those Chinese students, now *they* plagiarize!" One might consider the possibility of national denial and projection at work here, but there may also be, as there clearly is among some Western educators, an unreflective sense that "the way we do things is the single proper way. Other cultures are the ones that are out of line." As Ballard and Clanchy argue in "Assessment by Misconception," and as I have suggested earlier in this essay, "different epistemologies are the bedrock of the different cultures, yet they are so taken for granted, each so assumed to be 'universal' that neither the teachers nor the students can recognize that they are standing on different ground" (21).

Ballard and Clanchy describe the cultural conflicts between the faculty at Australian National University (ANU) (who hold Western rhetorical and epistemological expectations) and the "overseas" students, mainly from China and Southeast Asia who comprise twenty percent of the student body. The situation recalls the dilemma of Western teachers at Japanese universities. For the native English-speaking instructors at ANU who are, in effect, representatives of an "extending" rhetorical culture, "the dominant tendency is to urge students toward an ultimately speculative approach to learning, to encourage them to question, to search for new ways of looking at the world around them." By contrast, for the Asian students from a more "conserving" rhetorical culture, "the traditions of scholarship attest to knowledge as wisdom. It is the student's duty to learn this knowledge, to acquire this wisdom as it is handed on by wise and respected teachers" (Ballard and Clanchy 22–24).

The resulting stereotype of the plagiarizing Asian student arises from this conflict of cultures and leads instructors, often not fully aware of cultural differences, to punish students for doing in writing what they have been trained to do in their home countries. Ballard and Clanchy argue for greater awareness and tolerance, so as to avoid "misconceptions based on fundamentally differing cultural approaches to knowledge, education, and the whole enterprise of assessment" (34).

In a similar spirit, G. B. Deckert, a professor at Hong Kong Baptist College, reviews the research that explains Chinese students' "so-called plagiaristic tendencies" as a reflection of "established Chinese literary conventions." Deckert concludes, however, in light of his own experience of teaching Hong Kong college freshmen to write research papers, that "most Chinese students overuse source material through an innocent and ingrained habit of giving back information exactly as they find it. They are proverbial rote memorizers or recyclers" (132-33). Deckert, like Ballard and Clanchy, argues that one must consider the differences in "scholarly traditions"—the Western tradition's tendency to honor a person's "divergent thinking," as opposed to the Chinese tradition's emphasis of "close allegiance to a few acknowledged authorities with resulting convergence of perspective and greater social harmony" (Deckert 132).

The Changing Face in the Distant Mirror

Ballard and Clanchy observe that for several decades Robert Kaplan has drawn the attention of applied linguists to the ways that "different cultures" produce "different rhetorical styles." Yet, as the authors lament, "his seminal insights seldom percolate through to academic colleagues working in other disciplines" (20). Teachers, especially of composition and foreign languages, must do more to inform themselves about the cultural differences between themselves and their students—differences that left unexamined can give rise to charges of "plagiarism" and "intellectual dishonesty," when the disagreements usually arise from different theories of knowledge, patterns of discourse, and cultural values. Teachers must also acknowledge the contradictions within their own cultures that, for example, permit instructors to violate copyright laws by photocopying published material for classroom use while becoming exercised, as Deckert writes, "when ESL students, who represent different ideals and educational experiences and who lack confidence in using English, violate Western standards of scholarship" (132).

Gazing "through *and beyond* the looking glass" can help us avoid culturally insensitive labels—"plagiarism" being one. But teachers might also do well to look squarely into the distant mirror that arises during encounters with students from different cultures and discourse traditions. For in that mirror we

may see, possibly for the first time, our own unexamined biases, inconsistencies, double standards, culturally determined preconceptions, misunderstandings, denials and projections—all reflected back at us with unforgiving clarity. Nevertheless, with effort and commitment, we may also see a changing face, a sign of the inner transformation that an active and growing mind is capable of—the defining quality of a good teacher in any culture.

those limitations are of questionable legality. This public anxiety, in turn, reinforces a view that the law must be as it is perceived by allowing false protection notices to stand without direct legal challenge. Such challenge is likely to come only from those with profit motives and a team of lawyers, from corporate holders of copyright, who will challenge only creations sufficiently popular to be profitable or sufficiently incisive to be embarrassing. Since profitability is incorporated into the criteria for determining fair use, such challenges are more likely to be decided in favor of megaholders, creating precedent for arguing subsequent cases involving fair use—and, eventually personal use. Intertextual innovations like the collage rant become increasingly risky.

We have already prepared the ground for a postmodern generation's artistic and critical work to be declared illegal or to be perceived as such, making into brute fact the warning that copyright extensions of 1976 and later provide the means to use copyright for censorship (Patterson and Lindberg)—that is, to use copyright for suppressing texts troubling to the economic and proprietary status quo. Those texts of the most apparent value, those which gather a following and thus come to the attention of copyright holders, would be most subject to litigation. If such litigation or the threat of it succeeds in suppressing GenX texts at home in a postmodern world, then we have acquiesced in a generation's being represented in the cultural canon only by its less appealing and less incisive texts. We risk losing the collage rant, one of GenX's most creative modes of civic and artistic literacy. The legally permissible cultural legacy we leave to our grandchildren and great-grandchildren will have been stripped by law or by intimidation of its best and brightest, at the least, of some of its most interesting. We have already set the climate of intimidation (Patterson and Lindberg's "in terrorem effect") such that some of the most innovative work might never get beyond its creator's mind and certainly not beyond his or her mailbox—in direct contradiction to the constitutional mandate for copyright.

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