Scientific Integrity

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Chapter 5
Plagiarism and self-plagiarism

5.1 VIOLATION OF THE BASIC RULES OF SCIENCE

Most researchers are well aware of the fact that plagiarism is strictly prohibited in the scientific arena and constitutes a serious violation of the code of conduct. What exactly plagiarism is and when it occurs is less widely understood. Plagiarism as a specific legal concept is not addressed in the Dutch Copyright Act of 1912 (Spoor, Verkade and Visser 2005: 171; Verkade and Spoor 1986: 113). This act only refers to the “total or partial adaptation or imitation in a modified form, which cannot be regarded as a new, original work” (Article 13 of the Dutch Copyright Act). Here, “imitation” refers to many forms of creativity, not just science. The ban on imitation includes literary texts, cartoons, photographs, images, advertising texts and much more. Scientific plagiarism and copyright protection of “creations” are two separate issues, as are intellectual property theft and plagiarism, though many researchers like to refer to plagiarism as “intellectual property theft.” Spoor, Verkade and Visser write: “In practice one also speaks of plagiarism in cases that do not constitute an infringement of copyright, e.g. when one presents someone else’s scientific theory (not susceptible to copyright protection) as one’s own work” (2005: 171). Foreign intellectual property experts such as LaFolette (1992), Nimmer (2008) in the US and Ohly (2013) in Germany share this view. Plagiarism is seen as a violation of the basic rules of science—a serious offense, of course, but far from a violation of property rights.

In his extensive article “The moral imperative against academic plagiarism,” David Nimmer provides an instructive example of a publisher who wanted to publish a new edition of a part of The Path of the Law (1897) by Oliver Wendell Holmes. This work is no longer subject to copyright. However, a law professor who wants to publish the same long passage under his own name
in a journal article is guilty of a serious violation of scientific integrity and risks losing his position (Nimmer 2008: 490). In the Netherlands, the LOWI had to judge a case where a professor used a part of the text by his deceased predecessor without properly referencing the source. In the end, the deceased author’s family chose not to take the case to civil court, so it could not be established whether this was a case of copyright infringement or whether copying would be permitted on the basis of contractual provisions between publishers and authors. Nevertheless, the civil law issues surrounding copyright infringement are separate from the question of scientific integrity (LOWI opinion 2013: 2).

Plagiarism in science is a matter for the academic community itself. Since there is no copyright on scientific laws or theories, it is important to give credit where credit is due. In science, there is a certain prestige that comes with being the first to discover, find or clearly formulate something. Moreover, a scientific law will most likely bear the name of its original designer: Boyle and Lavoisier in chemistry, Mendel and Darwin in biology, Gossen’s laws and Axelrod’s Tit for Tat in economics, Chomsky’s generative grammar, the Thomas theorem in sociology—the list goes on. The person’s name can even become a verb, take “to pasteurize” from Louis Pasteur, for example. Of course, the history of science has shown that new discoveries lead to patent battles. However, intellectual property law dictates that patent law must also remain separate from cases of scientific plagiarism. A company can obtain rights to a patent without any involvement from the original author of the scientific article that formed the basis for the patent. Patents can be licensed, making imitation completely legal, but “imitation” without adequate reference to the source in science remains taboo.

This hasn’t always been the case. In the Middle Ages, monks copied texts from predecessors, who then provided them with comments in the margins (Kristeller 1992: 95-114). In the early Renaissance, scholars like Erasmus, Montaigne and Galileo hid their new ideas in extensive quotations from classical writers from antiquity. This was customary at the time and considered a demonstration of scholarship. As Ari Wesseling clearly explains: “Plagiarism was not a problem in the Middle Ages. The humanists used the work of their predecessors and contemporaries without mentioning the source as well. Erasmus’s works were already being used early on” (Wesseling 2000: 66). It thus seems unfair to accuse Erasmus or Montaigne of plagiarism in retrospect, as Van Kolfschooten does (1996: 22; 2012: ...
30), though Erasmus did include other people’s work and discoveries in his Adages.

The protection against academic plagiarism is, however, relatively recent. The plagiarism of Pierson’s work in 1872, as mentioned in Chapter 3, may have raised a few eyebrows, but perpetrator Von Schwarzkopf was not expelled from the academic community. In 1923, legal historian Bernard Hermesdorf (1923: 411-427) argued in an article on scientific property that scientific inventions should fall under the protection of the Patent Act. He believed that this would stimulate scientists’ creativity, but he still wrestled with the question of whether one could actually hold the right to an idea. Holding the right to a piece of land means that the owner has the exclusive right to use that land, but how can someone have the exclusive right to an idea? Once the idea has been made public, can you really stop other people from using it? To Hermesdorf, a patent on a new medicine was still unthinkable:

“Once that publication has been released, it becomes part of the published public domain. Everyone benefits from it (...). One thinks of the physician who has discovered an important medicine against a disease that, until that point, had been regarded as incurable. He'll write about it in journals, talk about it in lecture halls and meetings. Maybe he'll become a celebrity. Yet, he will not enjoy the protection provided by the Patent Act for his discovery” (Hermesdorf 1923: 418; see also Van den Belt 2010).

Since Hermesdorf’s time, the paths of patents and scientific plagiarism have gone in different directions. Scientists exhibit mutual respect and recognize each other for their ideas and contributions to science. Industrial companies find practical applications for scientific ideas and then protect those applications with patents. The ban on plagiarism in science is primarily intended to protect the reputation of the first to come up with the new ideas, theories and evidence. Anyone who uses these ideas or incorporates them into their own research should mention that person and/or the location where the discovery was made—in other words, give credit where credit is due. This is science’s informal reward system. Plagiarism undermines this reward system, while fabrication and falsification, the other deadly sins of science, undermine the reliability of scientific knowledge.
5.2 TAKING CREDIT FOR OTHER PEOPLE’S WORK

Plagiarism extends beyond the scientific field. It occurs regularly in literature, where authors integrate fragments from other authors’ texts into their own novels, stories or poems. Sometimes this can lead to harsh accusations and disputes. It also occurs in music, the visual arts, journalism and elsewhere. In the Netherlands, there has even been talk of plagiarism on a postage stamp! The photographer who took the photo of the Dutch king was not properly credited for his work.

It is difficult to provide a comprehensive description of authorship and plagiarism. One of the older studies on scientific plagiarism, *Stealing into Print: Fraud, Plagiarism and Misconduct in Scientific Publishing* (LaFolette 1992) argues: “it has been discovered that finding one definition of authorship acceptable to all institutions and all disciplines is not just ‘intellectually difficult’, but impossible” (1992: 91).

A broad definition of plagiarism is given in the *Oxford English Dictionary*:

“The action or practice of plagiarizing: the wrongful appropriation or purloining, and publication as one’s own, of the ideas, or the expression of ideas (literary, artistic, musical, mechanical etc.) of another” (OED, cited by Hexham 2005).

Purloining means “to take dishonestly; to steal, especially under circumstances which involve a breach of trust” (Hexham, idem). While in a metaphorical sense, it may seem logical to associate plagiarism with stealing someone’s property, the question remains: how does one actually “steal” a message or a well-formulated idea intended for a wide audience? Doing so would be an infringement of someone else’s subjective right (if this has been established by copyright, including damage and causality) and cause damage to a fellow scientist’s honor. Plagiarism is a failure to give credit where credit is due—and hence a transgression against one of the basic rules of academia. Article 25 of the Dutch Copyright Act does include the right to be mentioned by name, but this subjective right is not part of the property laws covered under the Copyright Act.

The 2004/2012 Code sent out a clear message to scientific researchers: don’t take credit for other people’s work. This message makes it clear what
one should not do, but it doesn’t offer any insight into what plagiarism is and is not. The 2014 Code provides a bit more clarity:

“Accurate source references provide a clear indication of the intellectual provenance of cited and paraphrased text. This also applies to information gathered from the Internet and from anonymous sources. The texts and research results of others are never reproduced without a reference.”

A number of university regulations on scientific integrity, including those of Utrecht University and the University of Amsterdam, provide a more detailed description. Both mention the use of the Internet, which is understandable given the ease with which online texts can be copied. For students new to academic writing, the genre can sound particularly impressive. They may think they cannot surpass it or summarize it succinctly and simply “forget” to mention where they found it online. Learning is unlearning: novice students need to be taught why and when proper acknowledgment of the source is necessary and why plagiarism is forbidden in science. What plagiarism is and why it is prohibited is not so difficult to explain. Although there are countless formulations, they mostly come down to the following:

“the use of another person’s ideas or expressions in your writing without acknowledging the source; simply put plagiarism is using another person’s words or ideas without appropriate acknowledgment.
In short, to plagiarize is to give the impression that you have written or thought something that you have in fact borrowed from someone else” (Nimmer 2008: 489; Ong 1988: 154).

In other words, plagiarism is presenting someone else’s texts or ideas as your own. However, this definition doesn’t solve all of our problems when we consider that almost every idea people have—in science or otherwise—is from someone else. Thus, the question is which ideas or parts of the text must be attributed to a source? Any word-for-word quotation, paraphrase, well-formulated argument or theory should come with a citation. But is this always the case? That depends.
Plagiarism is not like pornography. A judge presiding over a pornography case can operate under the principle of “I know it when I see it.” Plagiarism is more difficult to establish, depending on the absoluteness with which the basic rules of academia are applied. Should the author of every idea, thought or written expression be mentioned, including the original source and all of the later sources throughout history? Many expressions and texts can be traced back to the Bible and other sacred books, to ancient literary texts (e.g. the Oedipus complex, from the eponymous play by Sophocles) or were first recorded by well-known philosophers (e.g. Descartes’ “I think, therefore I am”) and scholars (Newton, Einstein). How far back must one go in crediting the original author? Should every textbook that uses logical reasoning cite Aristotle’s *Analytica Priora*, the original source of syllogisms of deduction and induction? When using Venn diagrams, must one always refer to the original source when the man behind them is mentioned in the name itself? If every failure to mention all (original) contributors is considered plagiarism, the requirement of academic honesty and giving credit where credit is due becomes very time-consuming, if not impossible. Fortunately, established scientific practices provide reasonable solutions for this.

General knowledge within a discipline does not necessarily require a detailed reference; it is sufficient to indicate the name of the original author of a theory or the person who first obtained certain research results. For example, if I am writing an article on the rise in suicide among immigrants married at a young age and want to refer to Durkheim’s classic sociological theory of anomie, which is still applicable today, it would suffice to write: “As Durkheim observed...”, or if I’d like to be more precise, “As Durkheim demonstrated in his study *Le suicide* (1897)”, etc. However, if I were to copy a literal quote from Durkheim (be it in the original French or in translation), I must be even more precise and also mention the original source in a footnote or reference, as well as the name of the translator.

A quotation is a literal citation from an existing text and must be signaled with quotation marks (also known as “inverted commas”). There is nothing wrong with quoting other people’s texts, as long as one does so properly, including their exact punctuation, etc. It is, however, important to keep an eye on the length of the quotes. Longer quotations, for example of more than one page, require separate justification. All of this seems obvious enough, but we know from practice that plagiarism isn’t always so simple. There are many forms of referencing and many forms of plagiarism. In a journal specifically
devoted to FFP, Brian Martin listed fifteen different forms of plagiarism, based on the broad definition that “plagiarism is presenting other people’s ideas as one’s own” (Martin 2008: 3). In doing so, he makes a distinction between conscious and unconscious, intentional and nonintentional, and permissible and non-permissible plagiarism. One nonintentional form is cryptomnesia, a form of memory bias where one thinks that one has come up with a certain idea or expression oneself, when, in fact, it was actually heard from someone else. It is particularly common among older scholars. For example, I might write about “fatalistic suicide” as if I had come up with the concept myself, while having completely forgotten that I had actually read Durkheim’s book on the subject fifty years ago during my studies (in other words, the source is forgotten but the concept has remained engraved in my memory).

Nonintentional plagiarism also occurs when the author has no intention whatsoever of deceiving the reader, but simply fails to mention the correct source out of ignorance or unfamiliarity with the conventions of referencing. This is often the case with novice authors or students writing their first paper. One student accused of plagiarism in England even filed a lawsuit, claiming that his teachers had never properly explained how, when and why to refer to sources and that no one had ever told him that plagiarism is punishable by law (Nimmer 2008: 491). Nonintentional plagiarism does not constitute a violation of integrity, but it can be difficult to prove that the person did not know that copying information from other texts was wrong (although cutting and pasting from the internet does suggest a certain level of carelessness).

Martin (2008: 3-6) describes several forms of plagiarism that are sometimes considered acceptable, namely:

- **bureaucratic plagiarism**: when a text has been adapted repeatedly, particularly in a bureaucratic context, no one knows exactly who the original author is.

- **ghostwriting**: a ghostwriter is someone who is hired to write a text or is ordered to do so by a superior (e.g. an entrepreneur, director or politician); both parties benefit from the relationship, although strictly speaking this practice will fall under the definition of plagiarism if the client later publishes the text under his or her own name, without mentioning the ghostwriter.
– *editorial ghostwriting*: when the editor of a magazine or book completes an author’s texts with a few lines or with an additional explanation, or corrects erroneous source references the author has made without asking for or receiving credit. Editorial ghostwriting is related to supervisory ghostwriting, that is when an advisor substantially improves a PhD student’s text without being mentioned or acknowledged.

– *honorary authorship* (also known as *gift authorship*): when someone is named as an author or co-author without having made a substantial contribution. Sometimes this is done on the primary author’s initiative in order to increase the publication’s prestige. This practice is sometimes considered acceptable in science and sometimes not (see Chapter 6);

– *self-plagiarism*: presenting one’s own prior work as if it is new work.

Martin’s opinion on the republishing of one’s own work is unclear. He mentions self-plagiarism as one of the forms of plagiarism but does not go into detail about to what extent it may be acceptable. He merely notes that it has become easier to detect self-plagiarism thanks to online databases and plagiarism detection software (e.g. Turnitin). “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” (Martin 2008: 14).

The unacceptable forms of plagiarism are those which involve literal or almost literal copying of a text without adequate reference to the original source, thereby making the text seem like it is one’s own work. This can be in the form of word-for-word plagiarism or paraphrase plagiarism (Martin, 2008: 4). Word-for-word plagiarism is immediately recognizable when one compares the source text with the copied text. Paraphrase plagiarism involves copying certain word sequences and/or structures from an original text and only changing a few words or replacing certain words with synonyms, without mentioning the source. Paraphrasing other people’s texts, as in reproducing someone else’s text in your own words, is in itself perfectly permissible, as long as one refers to the original source at the beginning or at the end of the paraphrase, as I am currently doing with the text by Brian Martin.
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(Martin, 2008: 4). This is very common in scientific texts. Good examples of correct and incorrect paraphrasing can be found in Hexham’s article “The Plague of Plagiarism: Academic Plagiarism defined” (Hexham 2005).

Another form of plagiarism Martin mentions, which is quite common in scientific texts but not mentioned in codes of conduct, is the incorporation of references used in other source texts (e.g. articles or books) without having consulted the text to which reference is made or checked the reference itself. This is often done out of laziness or by authors who state that they don’t have the time to check all their references. This is what Martin calls plagiarism of secondary sources. In other words, the author of the text is relying on the work of someone else. If the copied references are incorrect or refer to the wrong pages and/or the reference is mentioned without being checked—not to mention being read—the error is repeated. This form of improper copying is generally uncovered when one directly copies a reference that contains a blatant error. The question is: How bad is this? In some cases, it is a sign of sloppiness and laziness, combined with a desire to show off how many sources one has supposedly consulted. Thus, it is always better to be transparent about the fact that you are using a quote cited by another author. In this case, a footnote or reference would read: “see Hexham 2005, as quoted by Martin 2008”.

Oddly enough, one form of plagiarism that Martin does not mention is the plagiarism of ideas, in other words, trying to pass someone else’s ideas off as one’s own—for example, ideas presented in a research application or in unpublished work. Presenting other people’s ideas as if they are one’s own, without reference to the original source, is a form of plagiarism. According to Freeland Judson, among others, the plagiarism of ideas is even more disturbing when it comes to the formation of theories, methodical innovations and original approaches. Such plagiarism goes beyond simply failing to give credit where credit is due; it violates the mutual trust between scientists. In contemporary scientific practice, there are two crucial moments that are extremely vulnerable to surreptitious copying of other people’s ideas: the assessment of research applications and the peer review process. Young researchers, in particular, have reported submitting their work for assessment and having it rejected, only to see their plans, or parts of their plans, carried out by other researchers later on (Freeland Judson 2004: 267-293; 313). This is more or less what happened in the Baltimore affair. However, things become a bit murky when new ideas emerge during brainstorming sessions and
it is no longer possible to determine who first came up with them. The same goes for brilliant ideas that come as a result of fruitful conversations between supervisors and PhD students or among colleagues. Unlike “ordinary” plagiarism, the plagiarism of ideas is often difficult to establish or prove. Acknowledgments are usually the best solution. One simply cannot be generous enough when it comes to acknowledging other people’s contribution to the formation of one’s own ideas.

5.3 SCOPE AND FREQUENCY OF PLAGIARISM

What is clear from all of this is that word-for-word plagiarism is a classic example of inadmissible plagiarism. However, the question remains as to when this form of plagiarism is a violation of the code of conduct and whether those found guilty should be tarred and feathered. An accusation of plagiarism is a very serious matter and false accusations can cause irreparable damage to one’s reputation. As the saying goes, “where there’s smoke, there’s fire”, even if the matter hasn’t yet been fully investigated. Although it is clear by now that plagiarism is not permissible in academic research, there are still plenty of questions about the scope and frequency at which it occurs.

Once you’ve seen it, plagiarism is easy to recognize. Some examples of academic plagiarism need no further explanation or discussion—the violation is clear. For example, an entire book that has been published in translation under a different author’s name is a clear example of plagiarism. Or the case of Hungarian President Pál Schmitt, a former Olympic fencer who resigned in 2012 after he was exposed in the media as having plagiarized large parts of his 1992 dissertation on the history of the modern Olympic games: that was obviously plagiarism (in addition to an apparent conflict of interest in the appointment of members of his examination committee). In another case, the German Minister of Defense, Karl-Theodor Freiherr zu Guttenberg, was forced to resign in 2011 when it was discovered that twenty consecutive pages in his 2007 PhD dissertation at the University of Bayreuth were borrowed from texts by other authors without adequate reference to the source. A comparison with Recht, Demokratie, Politik (2003) by Dr. G. Heller revealed that Zu Guttenberg had subtly deceived his readers (Weber-Wulff 2013: 135; Weber-Wulf 2014: passim). Zu Guttenberg did indeed refer to Heller’s work, but the placement of the reference created the impression that the preceding
text was a paraphrase of Heller and that everything thereafter was his own reasoning—while in fact, what follows are several pages of text straight out of Heller’s work. In Germany, this new and ingenious form of plagiarism is called the *Bauernopfer*, or the pawn sacrifice: one sacrifices something in the beginning (i.e. by correctly mentioning the source) with the intention of winning more later—in this case, twenty “stolen” pages (Weber-Wulff, 2013: 135-138).

The University of Bayreuth investigated the case and determined that plagiarism had indeed occurred and revoked the doctoral degree. In the end, the minister resigned. The commotion surrounding scientific plagiarism is often greater than in cases of “ordinary theft”, to which it is often compared, although ordinary theft can cause a lot more damage than a few copied pages. Voltaire (1694-1778) once remarked that “plagiarism, even in its worst form, is, of all petty theft, certainly the least dangerous for society” (quoted by Nimmer 2008: 487). While it is true that the content of the body of scientific knowledge is not affected by plagiarism, it is still a violation of the great symbolic value attached to ownership in our current culture. (Incidentally, this may change with the development of the internet. The culture of absolute ownership in the arts and sciences could become less absolute in the digital age, as Lewis Hyde proposes with his “cultural commons” concept, the shared use of cultural and scientific ideas (Hyde 2010). Although this concept does not exclude references to the original creator of ideas and texts, it does mean that they will probably become part of the realm of “general knowledge” more quickly.)

How absolutely should plagiarism be condemned? This question arises when the scope and frequency of plagiarized texts are relatively low. Publishing twenty pages under one’s own name without mentioning the source is clearly plagiarism. Whether or not the person intended to plagiarize is irrelevant here, because no one who copies such long pieces of text can say that he or she did so unconsciously or “by accident” (LOWI opinion 2008: 1; Van Kolfschooten 2012: 101-102). The same goes for fifteen pages, or five, or one. But when it’s about the copying of a few lines or a few stray sentences, it becomes easier to wonder whether the plagiarism was committed consciously or not. Therefore, the basic rule of giving credit where credit is due must be considered and assessed on a case-by-case basis. Clarity is key: one must consider the form, scope and frequency of the plagiarism in question. Given that plagiarism is such a morally and emotionally charged issue, the
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accusation and conviction must be as concrete as possible: are we talking about a few lines, twenty pages or an entire article? Is it only a one-off offense or a repeated and fixed pattern of inadequate acknowledgment of sources? The vague accusation that “plagiarism has been committed” without indicating the scope and frequency of the offense can cause a lot of smoke, when, in reality, the fire is quite small. In plagiarism cases, it’s important that the punishment be proportionate to the crime.

There may be exonerating reasons or mitigating circumstances under which the plagiarism occurred. Students and novice researchers—or even advanced researchers—might take notes from articles and books they’ve studied and forget to write down the source. Later, when they sit down to write their text, they may think that the copied text is actually their own words. This is careless, of course, but it is unlikely that they intended to deceive others or misrepresent someone else’s work. The fact that the student did not mean to commit plagiarism is definitely worthy of consideration, but the question remains as to whether he or she should still be sanctioned, by, for example, being excluded from the course or the program. When it is discovered that a paper contains a small amount of plagiarized material, it is better not to assess it and to send it back to be rewritten than to immediately turn the student over to the bureaucratic powers that be. Rather than appointing some kind of university police squad to hunt down and sanction anything that resembles plagiarism, it is better to teach students how to take good notes and refer to sources from the start.

There are plenty of manuals on how to properly quote, format source references, and make use of common abbreviations and reading lists (which are generally drawn up for a specific field of study). One good example is the Leidraad voor juridische auteurs (Guide for Legal Authors) (2010; 2013), which, given its thoroughness, can also be used in other scientific fields. As a result of the Singapore Statement on Scientific Integrity (2010), an international guide for all scientific fields, titled Responsible Research Publication: International Standards for Authors, has been available since 2010 (Wager and Kleinert, 2011: 309-316).
5.4 SELF-PLAGIARISM

In early January 2014, Dutch scientists were confronted by two issues that, until then, had received very little attention: self-citation and self-plagiarism. In the NRC Handelsblad of January 7, journalist Frank van Kolfschooten accused the renowned VU Amsterdam economist Peter Nijkamp of frequent self-citation and self-plagiarism, which the journalist characterized as a violation of scientific integrity. In his accusation, Van Kolfschooten referred to the opinion of an ad hoc Committee on Scientific Integrity at the VU Amsterdam, which was set up to investigate a case of alleged plagiarism by one of Nijkamp’s PhD students. In the opinion of this ad hoc CWI, certain “forms of self-citation” were equated with plagiarism (VSNU website, December 20, 2013). The journalist then accused Nijkamp of “plagiarism” consisting of cases of such “self-citation”. In his opinion, “self-plagiarism” counted as full-blown plagiarism. A new academic scandal, known as the “Nijkamp affair”, was born.

This accusation led to a public debate about what self-plagiarism is and whether or not it is allowed in science. There were those who were in favor of banning self-plagiarism and those who were opposed. After all, one cannot “steal from oneself” and plagiarism is, by definition, the stealing of other people’s ideas. Throughout the public debate, the concepts of “plagiarism”, “self-citation”, “self-plagiarism”, “co-authorship” and “intellectual property” were mixed up considerably, which did not make matters clearer for anyone.

Until the NRC article in early 2014, hardly anyone in the scientific community was talking about the issue of self-plagiarism. The 2004/2012 Code did not contain any reference to self-citation or self-plagiarism, nor did most other national or international codes of conduct. This raises the question as to whether a certain type of scientific behavior that is not mentioned in a code of conduct can really be considered a form of misconduct or as a violation of scientific integrity. And although we have numerous good and bad examples of re-using one’s own texts, they do not help us in answering this question.

The ALLEA-ESF Code does mention the issue of self-plagiarism in its “Guidelines for Good Practice Rules” for publication etiquette:

“Publication of the same (or substantial parts of the same) work in different journals is acceptable only with the consent of the
editors of the journals and where proper reference is made to the first publication. In the author’s CV such related articles must be mentioned as one item” (European Code of Conduct for Research Integrity, ESF/All European Academies, ALLEA 2010: 12).

This rule refers to the simultaneous presentation and/or publication of the same text in two different scientific journals, which is often cited as an example of self-plagiarism. A better example comes from education, where it is strictly forbidden to submit the same bachelor’s or master’s thesis or a substantial part thereof unaltered to two different degree programs or to two programs at different universities. This is a sensible and perfectly understandable measure for education. However, different rules apply for research. Publishers and journal editors have a right to not want articles to be published by more than one journal at the same time, but it is up to the contracting parties to establish these terms in the contract. As mentioned in Chapter 4, journal publishers and editors have their own rules, such as “Guidelines on Good Publication Practice” in the ALLEA, and the COPE committee to monitor them. However, these private-law agreements between two parties have nothing to do with the codes of conduct that scientists establish amongst themselves.

It seems odd to speak of self-plagiarism in cases where nothing has been published yet. Some authors have to wait a very long time to find out whether or not their article will be accepted by the journal in question, so it makes sense that they try to increase their chances by submitting to more than one journal. Whether or not this is allowed is determined by the individual publisher and is a matter for private law. The issue of intellectual property rights (copyright, transfer of copyright, remuneration, reproduction rights, copyright protection, etc.) is often confused with the university’s own rules of conduct on plagiarism.

This also raises the question of whether one is allowed to reuse one’s own previously published texts and whether or not this is a violation of scientific integrity. In most cases, this involves using parts of previously published articles and certain formulations that recur in one’s own work. According to the ALLEA Code, self-references are allowed “where proper reference is made”. In other words, as long as one places quotations marks around the quote and follows it with a proper reference, self-citation is perfectly acceptable. Thus, it is silly to regard self-citation with suspicion—citing other sources, even
those written by oneself, is a standard part of scientific practice. What is not acceptable, however, is reusing (i.e. recycling) one’s own scientific texts or texts one has written with others and attempting to use them for other purposes without acknowledging their provenance. Given how easy it is to copy and paste nowadays, there seems to be a greater temptation to reuse one’s own work, and unfortunately, such laziness is often rewarded.

In order to resolve some of the confusion, KNAW set up an advisory committee to decide whether the 2014 Code should include additional rules on self-citation and self-plagiarism. In KNAW’s advisory report, titled Correct Citeren [Citing Correctly], from April 2014, the word “reuse” is presented as an umbrella term, and plagiarism is distinguished from self-quotation and self-citation. Self-citation is defined as “a reference to one’s own publication, according to bibliographical conventions” (KNAW 2014: 4). The term self-plagiarism is avoided, because “one cannot steal or repossess his or her own intellectual property” (idem, my emphasis). Once again, even in this official report, the concepts of “intellectual property” and “plagiarism” are confused. The report is right to distinguish between the reuse of one’s own texts and/or results with proper acknowledgment of the source and the reuse of one’s own texts and/or results without such acknowledgment. Reusing one’s texts with proper citation only becomes a problem when authors reuse their own texts in order to increase the number of publications to their name. According to the report, there is nothing wrong with authors reusing small excerpts from their own texts, but longer excerpts can be more problematic. Without mentioning the original source, re-using one’s own texts is, in essence, misleading “the public, editor and/or publisher about the originality of the text on offer, thereby potentially damaging trust in science” (KNAW 2014: 6). However, also according to the report, these negative effects do not necessarily constitute a violation of integrity, especially when the unreferenced citations are limited to “short passages, texts and ideas in the introduction, theory and methods sections” (KNAW 2014: 7). All in all, KNAW’s conclusions are not exactly groundbreaking. They can be summed up as follows: the Code needs to address the issue of “re-using” one’s own texts, both with and without reference to the original source, and caution should be exercised when assessing past publications on the basis of rules on reuse that were non-existent at the time of publication (KNAW 2014: 9).

From a legal perspective, this second conclusion seems superfluous and questionable. The fact that one cannot be condemned for past conduct on
the basis of rules that did not exist at the time is a long-standing legal principle. Simply stating that “caution should be exercised” is not enough—how can one judge whether or not someone has “exercised caution”? If there is no rule in the 2004/2012 Code prohibiting the reuse of one’s own texts, one cannot hold someone accountable for it retroactively simply because the KNAW committee has taken a new position on the matter. This would be an infringement on the legal certainty of the defendant and a violation of the ban on arbitrariness. Given that self-plagiarism is often equated with more serious forms of plagiarism, retroactive accusations would make it all too easy to damage the reputation of the defendant.

Nevertheless, these commonsense principles of legal certainty did not stop the VU Amsterdam from setting up an ad hoc Committee on Scientific Integrity in 2013 with the purpose of conducting an integrity investigation into Nijkamp’s work following the media’s accusations of self-plagiarism. All of the economist’s work dating back to 1995 (!) was investigated “retroactively” for “plagiarism” and “self-plagiarism”, even though the VU Amsterdam’s regulations on scientific integrity did not contain any provisions on the reuse of one’s own texts. The evaluation was simply based on the new prohibition clause that was going to be added to the 2014 Code, which the Rector Magnificus of the VU Amsterdam had already insisted on himself. The pertinent question in the Nijkamp case is thus whether this investigation, in which so many legal principles and requirements of fair trial were violated, could itself pass a test of administrative integrity?

Naturally, rules can change; however, when they do, they should only apply from the moment they go into effect and have been communicated to all parties involved. Thus, a rule of conduct for publications should only apply to work that has been published since the rule has been in force—not to work that was published before. In the end, the first recommendation stated in the KNAW opinion was accepted quickly without public debate. In the fall of 2014, the VSNU amended the Code and several new rules were added. The section on the reuse of one’s own texts reads as follows:

1.5 “Academic practitioners do not republish their own previously published work or parts thereof as though it constituted a new contribution to the academic literature. When republishing previously published findings, they indicate this with a correct reference to the source or by another means accepted
within the discipline. In many disciplines it is permissible and even customary to reprint short texts from works published with or without coauthors without a source reference when it concerns brief passages of introductory, theoretical or methodological explanation.” (Netherlands Code of Conduct for Scientific Practice 2004/2012/2014).

What this new rule actually says is that the reuse of one’s own words is technically not allowed, but it is tolerated as long as it is limited to “brief passages of introductory, theoretical or methodological explanations”. In this sense, this new rule is an international frontrunner in the further regulation of existing scientific practices, and any committee would be hard-pressed to find a scientist who has never reused any of his or her own work. A German study on plagiarism that appeared after the Zu Guttenberg affair is very clear about this:

“Likewise, one’s own work is quote-free: anyone who reuses passages from his or her own publications does not have to quote him- or herself, since the text is from the same author—it is just not new. There is no such thing as self-plagiarism. This also serves to protect readers who would otherwise be bothered with constant ‘as previously mentioned’ quotations” (Rieble 2013: 47).

What Rieble seems to suggest here is that if we demand that authors constantly cite their own work, their texts will quickly become unreadable. Of course, one should not reuse one’s own texts too often, but sometimes it is inevitable (as in the case described below). And if one does do it, a one-time reference in a footnote or an announcement beforehand seems sufficient, for example, “The following three paragraphs have been borrowed from...”.

It is important to compare the advantages and disadvantages of reusing one’s own work. What is absolutely unacceptable is republishing an entire article again in another journal under a new title—this is comparable to the student who submits the same thesis twice. This would clearly be a case of “self-plagiarism”: one takes an old text, gives it a new title, and makes no mention whatsoever of the previously published version. Equally questionable is the practice of reusing one’s own work under a new title with the sole
aim of increasing the number of published articles and, if possible, obtaining a position, promotion or subsidy.

Fortunately, there are simple solutions to both of these problems. Not only is the author responsible for his or her dubious behavior, editors and reviewers carry a certain responsibility as well. If journal editors pay more attention to whether or not a submission has already been published elsewhere, cases of self-plagiarism can be filtered out. For example, as an editor of a journal, I was given the opportunity to review an article that was identical to a chapter of a recently published book that I was already familiar with. Instead of filing a “self-plagiarism” complaint, the article was simply rejected, and the author was given a warning. Effective? Most certainly. As long as evaluation committees thoroughly read the submitted material (and perhaps run it through plagiarism-detection software), rather than merely looking at the number of publications by the applicant, they will be able to detect any overlap and filter out cases of self-plagiarism. Furthermore, the author can protect him- or herself from self-plagiarism accusations by simply including a short statement of disclosure, such as “As I have written before and published elsewhere...”. After all, it is not unusual for experts to be asked to reformulate their insights on a particular topic for various bodies and publications. In my opinion, this is to be expected of scientists.

One interesting scientific argument in favor of reusing one’s own work is provided by Hexham. He compares “self-plagiarism” to selling a second-hand car as if it were brand new. He puts it this way:

“...self-plagiarism, however, must be carefully distinguished from the recycling of one’s work that to a greater or lesser extent everyone legitimately does (...) Academics are expected to republish revised versions of their Ph.D. thesis. They also often develop different aspects of an argument in several papers that require the repetition of certain key passages. This is not self-plagiarism if the work develops new insights. It is self-plagiarism if the argument, examples, evidence, and conclusions remain the same without the development of new ideas or presentation of additional evidence” (Hexham, 2005: 11; with thanks to M. Hofstede, who pointed this argument out to me).
Sometimes the repetition of key passages is necessary, particularly if one is building on previous work or finds better or more extensive arguments and evidence for previously held positions. Especially in the socio-cultural fields of science, which are more prone to long, complex arguments than concise mathematical formulas, insights are likely to develop over time. Thus, for the sake of consistency, it is often necessary to use exactly the same wording. Finally, it is important to consider the context in which one’s work will be used: reuse as a spin-off from an original idea or reuse in a popular scientific article. Both are, in my opinion, perfectly permissible.

In the above passage, Hexham also points out that many dissertations are often published in revised form, just as many books published by top authors consist of articles that have been previously published and later revised. This is widely considered a sensible scientific practice. In the Netherlands, PhD candidates can use articles they’ve published in scientific journals as part of their PhD dissertation. This practice has been accepted here for years, and over the last twenty years, it has become customary in an increasing number of scientific fields. In a literal sense, this is the reuse of one’s own texts—often in combination with those written together with one’s supervisor. Although this practice is quite commonplace, there are numerous CWIs that still view “self-citation”, “self-plagiarism” or “the reuse of one’s own text” as impermissible—a view that, in my opinion, is as ill-considered as it is debatable.

What strikes me in this discussion about self-plagiarism and the reuse of one’s own work is the preoccupation with originality and new knowledge—as if scientists should be constantly coming up with original ideas. In reality, however, most articles in scientific journals are based on the work of predecessors. Every once in a while, someone comes up with a purely original idea, and the major journals compete to be the first to publish it. In my opinion, however, journals and scientists are not only responsible for spreading new knowledge, they are also responsible for debating, discussing, criticizing and passing existing knowledge on to younger generations. This necessary recycling of existing knowledge takes place in manuals, reviews, standard works, readers and textbooks, and—if all goes well—in scientific journals, where people respond to each other’s contributions. In these discussions, which can lay the foundations for new research, the reuse of earlier works and quotes from well-formulated texts are often unavoidable and even encouraged (with proper referencing, of course). The discussion of existing
knowledge has always been part of education and continues to form the bedrock of scientific knowledge.

Moreover, specialists in a certain field are often asked to repeat or rephrase their ideas, particularly those that have been recognized as interesting, new or important, for a different publication or a wider readership. Most are more than happy to do so and don’t see anything wrong with reusing their own work in such cases. This is standard practice—everyone does it. However, scientists now suddenly have to worry about being accused of violating “integrity rules”. Nobody knows where they stand these days, because it is unclear whether non-compliance with the new provisions in the 2014 Code and the 2018 Code (standard 41) on the reuse of one’s own texts will be regarded as an integrity violation.

Why shouldn’t someone publish his or her own ideas two or three times, even without a reference? One wonders whether banning scientists from doing so is a violation of their scientific freedom or freedom of expression. This fear and the overblown discussion about “self-plagiarism” only emerged after the article on Nijkamp in NRC Handelsblad made the topic big news (January 7, 2014). But who decides what is and is not allowed in science? Journalists or scientists themselves?

The view that researchers should only produce “original” texts is, in my opinion, short-sighted. The dissemination, criticism, and discussion of existing knowledge is also part of good scientific practice, and oftentimes, the reuse of one’s own texts is unavoidable. An expert in the field of intellectual property, Antoon Quaedvlieg, spoke out against what he called the “criminalization” of self-plagiarism in the Nederlands Juristen Blad. He wrote: “Let’s also consider the other side of the story. The near-hysterical frenzy about—often insignificant—partial ‘self-plagiarism’ is driving us towards an exaggerated administrative formalism in science. It results in a ludicrous parade of self-references that have no more than the tiniest bagatelle meaning. (...) The ‘self-plagiarism’ puritans are doing science a disservice” (Quaedvlieg 2014: 853). The lack of appreciation for the value of repeated knowledge and the crackdown on self-plagiarism (which is, as noted, often labeled as full-blown plagiarism) are unfortunate consequences of today’s overly competitive scientific world, in which ambition and ostentation are becoming more difficult to distinguish.
5.5 PLAGIARISM COMPLAINTS: POWER RELATIONS AND REPORTING

Plagiarism is one of the easiest scientific misdemeanors to identify: one simply compares the source text with the copied text. Discovering cases of plagiarism, however, is not always so easy. The most notorious cases tend to involve people who select articles from obscure journals, add a new title and a few non-existent co-authors and then submit them to equally obscure journals for publication (e.g. the Alsabti case; Broad and Wade, 1983: 38-56; Freeland Judson, 2004: 109). Given the fact that the number of scientific journals has exploded (there are now more than 10,000 medical journals in the world and hundreds of thousands of other journals dedicated to various disciplines), it is quite possible to find an interesting text somewhere and republish it under one’s own name. Who gets caught and who doesn’t is generally a matter of chance. New digital search engines (e.g. Medline, Turnitin) are somewhat helpful in this regard (Freeland Judson, 2004: 315-317; Weber-Wulff 2014: 71-112). Nevertheless, a vast number of scientific contributions go completely unnoticed, hidden in the annals of science until someone finds them and examines them for plagiarism.

When submitting a plagiarism complaint, it is also important to consider the relations among those concerned. As Brian Martin pointed out, the outcome of plagiarism cases can vary depending on the respective status level of the plagiarizer and the plagiarized and also on the respective social position of the accuser and the accused (Martin 2008: 6-12). Imagine the PhD student who discovers that her supervisor has taken her text to conferences and presented it under his own name, which is a form of plagiarism of ideas (assuming her text has not been published yet). This puts the student in a difficult position, because such a serious accusation against a superior could permanently damage her future employment opportunities. Conversely, a supervisor or research institute director may discover that his young employees have copied other people’s texts (the supervisor’s, for example) without crediting the source. There is nothing stopping the supervisor from reporting the suspected plagiarism, which could potentially lead to the termination of the young researcher’s employment.

Martin studied both types of cases, which he refers to respectively as the case of the weak perpetrator and the case of the powerful perpetrator. In the case of the weak perpetrator, a subordinate (student, assistant, doctoral can
didate, young researcher) commits plagiarism and the more powerful party (teacher, supervisor, director, renowned professor) discovers and reports it. In the case of the powerful perpetrator, the subordinate discovers plagiarism committed by a superior and reports it. The nature, course and outcome of both cases of plagiarism are quite different, Martin explains. But in most cases, the stronger party comes out ahead, even when there is strong evidence against him/her (Martin 2008: 8).

When someone in a weak position commits plagiarism, it is often out of ignorance. Due to a lack of experience or self-confidence, students may try to patch together a paper from various sources without proper attribution or ask fellow students to write their texts for them. Martin specifically mentions the weak position of foreign students and junior researchers, who may be faced with the challenge of writing in a foreign language in an unfamiliar culture. For them, the temptation to copy from well-written texts—especially at the beginning of their studies—is great. If their plagiarism is discovered, their defense usually consists of: “I didn’t mean to”, “I didn’t realize it wasn’t allowed”, or “it’s just one little passage”. Such cases of unintentional plagiarism can be difficult to assess:

“It is one thing to demonstrate copying with inadequate acknowledgment and another to assess its significance” (Martin 2008: 7).

Forgetting quotation marks but still providing a reference is not the same thing as copying texts from an obscure source and not providing a reference at all, which is often a sign of deliberate deception (Martin 2008: 8). Literally quoting without using quotation marks is unacceptable and certainly foolish, but if a reference to the original author is included, it is still possible to verify the source. However, plagiarism in the purest sense of the word escapes all forms of verification—if no reference whatsoever is provided, the text appears to be the author’s original work. If the intention to cheat cannot be established, an educative response is more useful than immediate punishment. When a student demonstrates dishonest scientific behavior, it is the supervisor’s job to teach the student about ethical scientific practices. It’s as simple as that.

The classic example of plagiarism committed by someone in a powerful position is the professor who appropriates an original idea from a student’s
work and uses it in her own presentations or scientific articles, without properly mentioning the source ("How can a student have such original ideas? I’m more qualified to assess the meaning of these results, aren’t I?"). The defense against this kind of plagiarism is often the same: “I didn’t mean to”, “it was an accident”, “I forgot that I had read it in that student’s paper”, etc. These types of excuses are typical of plagiarism cases. While it is not unusual for the perpetrator in a position of power to claim that the plagiarism was unintentional, if the evidence of plagiarism is undeniable, the situation tends to unfold very differently than in cases where the perpetrator is in a weaker position. First, the one in power tries to keep the whole thing quiet, and if that is not possible, he will blame the assistants—it wasn’t his fault that his assistants failed to provide proper references (Martin, 2008: 10). In the past, that is until about 1970, it was customary for professors to use their assistants’ work without mentioning them as co-authors at all, but nowadays this is not so easily done. Even still, when things go wrong, the error can always be blamed on a subordinate.

In addition, the superior has more direct access to the administrative powers that be, which can ensure that the seriousness of the case is downplayed and that no official measures are taken against him or her. However, there are plenty of measures that can be taken against a subordinate who has filed a complaint. Threats of dismissal or the refusal to renew the subordinate’s contract are often an effective means of putting the matter on hold. The subordinate’s level of dependence is often a good indication of how the case will end. In the majority of cases Martin studied, the party in power usually got away with plagiarism one way or another (Martin 2008: 8).

In light of these power relations, the question arises as to whether those in a weaker position, who have a lot to lose from filing a plagiarism complaint against a superior, should not be able to remain anonymous. There are plenty of arguments in favor of anonymous reporting: a PhD student sees something that he suspects is unacceptable but does not want to face the negative consequences that come with reporting it; a researcher suspects that a close colleague is behaving unethically but does not dare to approach her directly about it (after all, these suspicions may not be correct and their working relationship would be damaged for good). As a third argument, one could mention the fact that it’s easy to demonstrate that the Code of Conduct has been breached in plagiarism cases, thus it doesn’t really matter whether the complainant is known or not. It is also possible to determine
whether plagiarism has been committed without revealing the complainant’s identity.

There are, however, plenty of arguments against anonymous complaints as well. First, there is the fact that the complaint procedure adopted by the VSNU in 2001 explicitly prohibits anonymous complaints. The memorandum which formed the basis for its complaints system states: “The institution must provide for a procedure in which the complainant and accused are heard and rebutted. Anonymous complaints cannot be dealt with; ‘whistle-blowers’ must be properly protected” (KNAB, VSNU, NWO, 2001: 6). Most likely, the underlying reason for this is the belief that an open procedure will prevent gossip and backstabbing at universities and prevent a toxic atmosphere of suspicion and secrecy in the workplace. Accusations of plagiarism can cause tremendous damage to reputations and careers; thus it is important to consider whether there might be improper motives for filing a complaint (jealousy, personal grudges, revenge, harassment). And if the accusations prove to be false, there is no way of holding an anonymous complainant accountable.

However, a better, more transparent solution is available that would allow those in a weaker position to submit a complaint against someone in a superior position without fear of reprisal: a whistle-blower’s procedure, as mentioned in Chapter 4, where the whistle-blower’s identity is revealed to at least one member of the institution’s Executive Board, who can then decide whether the whistle-blower’s identity should continue to be protected. The Board can weigh the complainant’s motives for remaining anonymous, and if the accusations turn out to be false, it can still hold the complainant accountable. The VSNU implemented this whistle-blower procedure in its standard complaint procedure, and it has since been adopted by other universities as well.