

“It was the kind of paper I dread: a draft submitted by a student from China in idiomatic, scholarly English.”

FAILING MY ESL STUDENTS: MY PLAGIARISM EPIPHANY

BY ALISON CRAIG

Alison Craig is the Legal Writing Specialist at Brigham Young University's J. Reuben Clark Law School in Provo, Utah.

Teachable Moments for Teachers ... is a regular feature of Perspectives designed to give teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. It is a companion to the Teachable Moments for Students column that provides quick and accessible answers to questions frequently asked by students and other researchers. Readers are invited to submit their own “teachable moments for teachers” to the editor of the column: Louis J. Sirico Jr., Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085-1682, phone: (610) 519-7071, fax: (610) 519-6282, e-mail: sirico@law.vill.edu.

It was the kind of paper I dread: a draft submitted by a student from China in idiomatic, scholarly English. It was footnoted throughout, but there were no quotation marks in the entire paper. I wouldn't have expected such sophisticated language from a native English-speaking law student; from a non-native speaker, such fluent language was an impossibility. Clearly, the student had plagiarized.

As I prepared to meet with her, I was aware of the huge task before her: to make the paper acceptable by U.S. academic standards. I certainly didn't expect I had anything to learn. After all, I had been teaching writing for 18 years (five of them at the law school), and I had always insisted that my students learn how to document their sources accurately. However, because my parents had taught English in China for three years, I was aware of the Chinese cultural standard that to use someone else's words honors that person. I was even aware of a Western parallel to the Chinese system in our use of literary allusion.

Of course, such an awareness doesn't change our rules about plagiarism, and all our legal writing students receive class instruction on plagiarism, are given a copy of the Legal Writing Institute handout on plagiarism, and are informed of the law school's written policy on plagiarism, with special emphasis on the consequences that accompany plagiarism.

After I read the student's paper—at least enough of it to see that it was not her own work—the student and I met. I explained the law school plagiarism policy to her and told her that the paper would not be acceptable within those guidelines. Then I launched into my standard speech: quotation marks for language from the source, citations only for borrowed information in her own words. Clearly puzzled, she pointed out all of her footnotes.

“Yes,” I replied, “but you also need to use quotation marks.”

“But I used footnotes,” she explained. They were less cumbersome than listing the source in the body of the paper, she told me.

Even though she was misunderstanding my point and focusing on footnotes as opposed to in-text citation, I could tell she was trying to understand, so I persisted. However, all my attempts to explain to her that she had used the exact words of her source without acknowledgment were met with the same response: “I footnoted it.” Our fruitless discussion continued for about 20 minutes.

Finally the light went on—not for her—but for me. It was as if for a moment I stood outside my culture's norms and saw them as a foreigner might see them—and they were more complex than I had realized. What I finally came to understand was that to her there was no difference between using the ideas of another person (which we would footnote) and using the exact words of another person (which we would put in quotation marks and footnote). For the first time I realized that we actually have a two-tiered system of attribution: one system—citations—for summaries and paraphrases; a second system—quotation marks and citations—for direct quotes. No wonder English as a Second Language (ESL) students have

such a hard time understanding how to avoid plagiarism—it's more complicated than we understand!

This student had learned the one tier: to cite everything she borrowed, and she had done it as carefully as she could. What she hadn't understood was the second tier—if she used the exact words of the author, she was obligated to use quotation marks as well. (Nor had she understood the corollary that must seem so strange to a speaker of English as a second language. She needed to translate much of the elegant prose of her source into her own halting English and then expand on it with her own thoughts and insights.)

I remember my “aha” moment when I understood her problem. I don't remember the words I used to explain it to her, but once I grasped our two-tiered system of attribution, I was able to explain that second tier to her simply and easily.

This experience did three things for me: first, it made me look back with new eyes on every ESL student I've ever worked with, especially the exasperating student I encountered several years ago. He'd submitted a draft of his appellate brief with much of his policy section written in fluent academic prose. His legal writing professor told me that she'd already seen that section and had written in the margin, “Are these your own words?” So I chose to be more direct, telling him about the law school policy on plagiarism and warning him that his paper might receive a failing grade.

When we met about his paper, he kept assuring me that his teacher had recommended that the students use certain law review articles in their briefs. Yes, but with attributions and quotation marks, I explained. He was so adamant in his refusal to accept my explanation that I finally invoked my many years of teaching experience as proof that I knew whereof I spoke. After he met with me, he went back to his teacher, trying to get her to contradict my insistence on quotation marks. Both his legal writing professor and I became frustrated by his continued questioning

and speculated that he was trying to play one of us off against the other. Did he have a problem with female authority, we wondered?

This student eventually put in enough citations and quotation marks that his paper didn't fail, but now I wonder how much of his failure to understand was because of our failure. We assumed willful ignorance and willful resistance. What if instead he simply did not understand the complexities of our system? What if we failed him?

The second result of my new understanding is similar to what happens when I learn some new word—suddenly I begin hearing it all around me. I now have a heightened awareness of the complexities of plagiarism, so I have been encountering the topic all around me this summer. For example, I've been reading Mike Rose's *Lives on the Boundary*. In it he describes a Hispanic student who has excelled in her southeast Los Angeles high school but is accused of plagiarism in college. Similar to my student from China, she has listed her sources in her paper and doesn't realize she can't simply copy what they have said.¹ A July 2003 *Time* magazine article describes Thomas Jefferson writing The Declaration of Independence and notes that Jefferson “borrowed freely from the phrasings of others . . . in a manner that today might subject him to questions of plagiarism but back then was considered not only proper but learned.”² More recently, my colleague Lovisa Lyman, who teaches the legal writing course for students in the Master of Laws (LLM) program, told me about a study that found that ESL students don't understand and therefore ignore indirect comments about plagiarism such as “Where did you get this information?”³—just as our ESL student ignored his professor's similar question.

¹ Mike Rose, *Lives on the Boundary: A Moving Account of the Struggles and Achievements of America's Educationally Underprepared*, 179–180 (1989). I have also encountered many undergraduate students who were native English speakers and not underprivileged who have never been required to adhere to a rigorous system of attribution.

² Walter Isaacson, *How They Chose These Words*, *Time* 76, 77 (July 7, 2003).

³ Fiona Hyland & Ken Hyland, *Sugaring the Pill: Praise and Criticism in Written Feedback*, 10 *J. of Second Lang. Writing* 185, 201 (2001).

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The third result of my epiphany is that I plan to make a preemptive strike against plagiarism with our ESL students. Early in fall semester, I will offer a workshop on plagiarism specifically for ESL students. We will discuss the two-tiered system of attribution that our culture demands. We will practice in class—especially that second tier of quotation and attribution and also that corollary requirement that students restate what they find in their own words and add to it with their own ideas. Finally, the students will complete a short exercise in which they demonstrate their ability to quote accurately, paraphrase, and summarize. (I used such an exercise when I taught writing to undergraduates, and I found it more effective than all my talking about the subject. In the exercise, the students learn firsthand how much care they have to take to be accurate, and they receive feedback that shows them where they are avoiding plagiarism and—more importantly—all the places where they are not.)

To my student this spring, thank you for teaching me to see plagiarism with new eyes. To my other ESL students who struggled to understand our complex system, my apologies. I will try not to fail you again.

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