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Chat GPT

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Should Using an AI Text Generator to Produce Academic Writing Be Plagiarism?

Cover Page Footnote

* Brian L. Frye is Spears-Gilbert Professor of Law at the University of Kentucky. ** ChatGPT is an AI text generator.

Should Using an AI Text Generator to Produce Academic Writing Be Plagiarism?

Brian L. Frye* & ChatGPT**

AUTHOR'S FOREWORD

I “wrote” this article while taking a bath with a bottle of champagne, by submitting the questions in bold to ChatGPT and copying its responses. I did not bother providing citations for ChatGPT's claims, because they would obviously be superfluous.

EDITOR-IN-CHIEF'S FOREWORD

In 2023, the question is unavoidable: when it comes to scholarship, and in our case, *legal* scholarship, what do we do about artificial intelligence (AI) like ChatGPT? Do we need to do anything? In the Comment that follows, author Brian L. Frye and ChatGPT tried to provide an answer to these questions. Actually, ChatGPT did most of the answering, responding to the questions Professor Frye asked it late last year.

When the opportunity came to present the results of that “interview,” we could not say no. At the same time, we would be lying if we said that we knew exactly how to present the piece. This remained a topic of discussion throughout its publication process, from seemingly simple questions like “How do we label this?” to ones that turned out surprisingly complex, like “Does this need footnotes?” Being a student law journal, of course we landed on adding footnotes: they are our lifeblood. Not only do the claims ChatGPT make warrant some version of fact-checking, but also even though it assembles its answers from piles of existing data out there in the world, readers deserve some context surrounding those answers and

* Brian L. Frye is Spears-Gilbert Professor of Law at the University of Kentucky College of Law.

** ChatGPT is an AI text generator.

those piles. How do we, as editors, edit ChatGPT's sentences when those sentences are basically just statistically-likely strings of words? Suffice it to say, our editorial team still has differences of opinion on those questions and a whole lot more.

That said, this piece has far fewer citations than a traditional article, and most are tangential to their related "proposition" in the text. As ChatGPT describes its own operation below, it essentially uses everything as a source; and if everything is a source, how can one cite anything? Therefore, many citations will point not necessarily to support for any given "proposition," but rather to writing by Professor Frye on similar subject matter—after all, his queries generated the responses—or other sources of commentary that can further inform the reader about the issues raised. Is it worth asking whether these are "propositions" at all, or simply an assortment of symbols that has some appearance of intentional ordering, almost like the English-language equivalent of a successfully completed Sudoku? Probably. Citations also dwindle in the piece's latter half; at that point ChatGPT appears to start cannibalizing and/or reusing its own answers, so providing citations seemed . . . inapposite.

There are some things we do know for sure: while his scholarship has covered numerous topics, Professor Frye has written extensively on the problems of originality, the potential obsolescence of copyright, and the embrace of plagiarism, continuously challenging our conventional wisdom on those subjects—as well as the usefulness of traditional academic writing in the first place. (You will see reference to his works below.) Within that context, this Comment serves as a new provocation, in every sense of the term, requiring us to ask some uncomfortable questions about how we see authorship, creativity, and scholarship.

And it is in this light that we ask readers to approach what follows by keeping the following questions in mind—questions we continue to ask ourselves: what do we think of when we think of originality? Does authorship require a human presence? If ChatGPT can appear to make academic sense—even though it has no conception of the reality the words it uses refers to—what does that say about the current form of scholarship? Whatever your answers might be, what follows is our attempt to present the conversation between Professor Frye and ChatGPT in a good-natured way by

adding a little context, providing some additional resources, and poking a little fun at everyone involved. We are (pretty) sure ChatGPT would appreciate the joke . . . if it knew what a joke was.

Text written by the author appears in **bold type**; text generated by ChatGPT appears in *italics*. We hope you enjoy.

INTRODUCTION¹

Using an AI text generator to produce academic writing without proper attribution would be considered plagiarism. Plagiarism is the act of using someone else's work or ideas without giving credit to the original source,² and this applies to both human-generated and AI-generated content. If you use an AI text generator to produce academic writing, it is important to properly cite the source of the generated text in order to avoid plagiarism.

What is academic writing?

Academic writing is a style of writing that is used in academic settings, such as in universities and colleges, to present research, theories, and arguments. It is typically characterized by the use of formal language, a clear structure, and a focus on evidence and analysis. Academic writing often follows specific conventions, such as the use of citations and references, to ensure accuracy and credibility. It is used in a wide range of disciplines, including the humanities, sciences, and social sciences.³

What is originality?

Originality is the quality of being unique, fresh, and novel.⁴ In the context of academic writing, originality refers to the ability to

¹ The following paragraph is ChatGPT's response to the title of this Comment: Should Using an AI Text Generator to Produce Academic Writing be Plagiarism?

² *Plagiarizing*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/plagiarizing> [<https://perma.cc/5SCH-X2ZQ>] (to steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source . . . to commit literary theft: present as new and original an idea or product derived from an existing source").

³ See generally Brian L. Frye, What Is Called Legal Scholarship? (July 13, 2020), <https://ssrn.com/abstract=3649840> [<https://perma.cc/2H8R-G5NE>] (unpublished manuscript).

⁴ *Original*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/>

generate new ideas, perspectives, or arguments that contribute to the field of study. Originality is valued in academic writing because it allows for the development and expansion of knowledge and promotes critical thinking and creativity. Plagiarism, on the other hand, undermines originality by presenting someone else's work as one's own.

Why is academic writing supposed to be original?

Academic writing is supposed to be original because it is an essential part of the academic process. The purpose of academic writing is to advance knowledge and understanding in a particular field of study. Therefore, academic writing should be original in order to contribute new insights, perspectives, or arguments that can add to the existing body of knowledge. Originality is also valued in academic writing because it encourages critical thinking and creativity, which are important skills for researchers and scholars. Additionally, originality helps to prevent plagiarism and uphold the ethical standards of academic writing.

How original is academic writing?

The degree of originality in academic writing can vary depending on the discipline, topic, and research question. Some fields may require more originality than others, while certain topics may be more extensively researched and therefore require more effort to develop a unique perspective. Additionally, the originality of academic writing can also be influenced by the approach and methodology used. For example, some research methods may be more conducive to generating original ideas and insights than others.

original <https://perma.cc/4AZP-SVHY>] (“not secondary, derivative, or imitative; (2) being the first instance or source from which a copy, reproduction, or translation is or can be made; [and] (3) independent and creative in thought or action”).

For the legally relevant articulation of “originality,” see *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 340 (1991) (“[T]he Constitution mandates originality as a prerequisite for copyright protection. The constitutional requirement necessitates *independent creation plus a modicum of creativity.*” (emphases added)).

And for an exploration of the very concept of originality in the modern era, one would be remiss to neglect Rosalind Krauss's essay, *The Originality of the Avant-Garde*, in *THE ORIGINALITY OF THE AVANT-GARDE AND OTHER MODERNIST MYTHS* 157–58 (MIT Press 1986) (“[I]f the very notion of the avant-garde can be seen as a function of the discourse of originality, the actual practice of vanguard art tends to reveal that ‘originality’ is a working assumption that itself emerges from a ground of repetition and recurrence.”).

Overall, academic writing should strive to be as original as possible while also being accurate, credible, and well-supported by evidence.

What happens when academic writing is not original?

When academic writing is not original, it can have several negative consequences. Firstly, it may not contribute any new insights or perspectives to the field of study, resulting in a lack of value or significance. Secondly, it may be criticized for being unoriginal or derivative, which can damage the reputation and credibility of the author. Thirdly, if the lack of originality is a result of plagiarism, it can be considered a serious offense that can result in consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, it is important for academic writing to be as original as possible in order to avoid these negative consequences.

What is copyright?

Copyright is a legal concept that gives creators and authors the exclusive right to control the reproduction and distribution of their original works.⁵ This includes the right to determine who can use their work, how it can be used, and whether or not they will receive compensation for its use.⁶ Copyright protects a wide range of works, including literary, artistic, musical, and audio-visual works.⁷ It applies to both published and unpublished works, and it lasts for a

⁵ See 17 U.S.C. § 101. Recently the Copyright Office issued guidance for works generated or co-generated with the aid of Artificial Intelligence, for example articulating a human authorship requirement. See Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, 88 Fed. Reg. 16190, 16190–94 (Mar. 16, 2023) (to be codified at 37 C.F.R. Pt. 202); see also *Naruto v. Slater*, 888 F.3d 418, 426 (9th Cir. 2018) (holding that a monkey lacks standing under the Copyright Act).

Complicating things is the fact we have known for years that, well, the Author is dead: Roland Barthes, *The Death of the Author*, in *IMAGE-MUSIC-TEXT* 142, 145 (Stephen Heath trans., 1977) (“The removal of the Author [. . .] is not merely an historical fact or an act of writing; it utterly transforms the modern text[.]”). And yet, on the *other* hand, the Author plays an unavoidable role in the discourse surrounding a work. See Michel Foucault, *What is an Author?*, in *AESTHETICS, METHOD, AND EPISTEMOLOGY* 205, 211 (James D. Faubion ed., Robert Hurley et al. trans., 1998) (“[T]his discourse is not ordinary everyday speech that merely comes and goes . . . On the contrary, it is a speech that must be received in a certain mode and that, in a given culture, must receive a certain status.”)

⁶ 17 U.S.C. § 106 (exclusive rights in copyrighted works).

⁷ 17 U.S.C. § 102 (subject matter of copyright).

*specific period of time. Copyright is an important tool for protecting the intellectual property of creators and authors and promoting creativity and innovation.*⁸

What is the purpose of copyright?

The purpose of copyright is to protect the intellectual property of creators and authors and to promote creativity and innovation.⁹ By giving creators and authors exclusive control over their works, copyright allows them to benefit financially from their creations and to prevent others from using their work without permission or attribution. This incentivizes creators and authors to continue producing original works and encourages the development of new ideas and perspectives.¹⁰ Copyright also helps to prevent plagiarism and other forms of intellectual property infringement, which can undermine the originality and integrity of academic writing.

Why do some people think copyright is justified?

Some people think that copyright is justified because it serves an important social and economic function. It protects the intellectual property of creators and authors and allows them to benefit financially from their work. This incentivizes the production of original works and encourages creativity and innovation.¹¹ Copyright also helps to prevent plagiarism and other forms of intellectual property infringement, which can damage the reputation and credibility of authors and institutions. Additionally, copyright promotes the dissemination and sharing of knowledge and ideas, which is essential for the advancement of research and scholarship. These reasons

⁸ U.S. CONST. art. I, § 8, cl. 8 (“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”).

⁹ See, e.g., *Sony Corp. Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 450 (1984) (“The purpose of copyright is to create incentives for creative effort. Even copying for noncommercial purposes may impair the copyright holder’s ability to obtain the rewards that Congress intended him to have.”)

¹⁰ Alexander D. Northover, *Enough and as Good in the Intellectual Commons: A Lockean Theory of Copyright and the Merger Doctrine*, 65 EMORY L.J. 1363, 1377 (2016) (“[C]opyrights function as economic incentives in the furtherance of the constitutional goal of promoting the progress of the arts and sciences.”)

¹¹ Brian L. Frye, *After Copyright: Pwning NFTs in a Clout Economy*, 45 COLUM. J.L. & ARTS 341, 342 (2022).

support the justification of copyright as a necessary and beneficial legal concept.

Why do other people think copyright is not justified?

Other people may not think that copyright is justified because it can be seen as a form of censorship or restriction on access to knowledge and information.¹² Copyright gives creators and authors exclusive control over their works, which can prevent others from using or sharing them without permission.¹³ This can limit the ability of individuals and institutions to access and use important works for research, education, or other purposes.¹⁴ Additionally, some people may argue that copyright can be used by powerful interests, such as large corporations, to stifle competition and prevent the free flow of ideas and information. These reasons may lead some people to question the justification of copyright as a legal concept.

When does a work infringe copyright?

A work infringes copyright when it uses or reproduces a protected work without permission or attribution. This includes copying, adapting, distributing, performing, or displaying the work in any way that violates the exclusive rights of the copyright owner. Copyright infringement can occur intentionally or unintentionally, and it can have serious consequences, such as legal action and financial penalties. In order to avoid infringing copyright, it is important to obtain permission from the copyright owner or to use the work under the provisions of fair use or a similar exception.

What happens when a work infringes copyright?

When a work infringes copyright, the copyright owner may take legal action to enforce their rights. This can include filing a lawsuit for copyright infringement, seeking an injunction to stop the infringement, or demanding damages or other compensation. If the infringement is found to be willful or malicious, the court may award

¹² *Id.* at 341, 343–45.

¹³ See Brian L. Frye, *A License to Plagiarize*, 43 UNIV. ARK. LITTLE ROCK L. REV. 51, 52 (2021).

¹⁴ See 17 U.S.C. § 107 (fair use). For an early example of the debate surrounding fair use, see generally *Folsom v. Marsh*, 9 F. Cas. 342 (C.C.D. Mass. 1841).

*additional damages or penalties.*¹⁵ Copyright infringement can also result in reputational damage and loss of credibility, as well as potential sanctions from educational institutions. Therefore, it is important to avoid infringing copyright in order to avoid these negative consequences.

What is plagiarism?

*Plagiarism is the act of copying or closely imitating the work of another person or source without proper attribution or permission.*¹⁶ It involves presenting someone else's work as one's own, without giving credit to the original author or source. Plagiarism is considered a serious offense in academic writing because it undermines the originality and intellectual integrity of the work.¹⁷ It can also violate the ethical standards of academic institutions and result in consequences such as failing grades, loss of credibility, and expulsion. Therefore, it is important to avoid plagiarism in order to maintain the integrity and credibility of one's academic writing.

Why do people think plagiarism is wrong?

People think that plagiarism is wrong because it violates the ethical standards of academic writing and undermines the originality and intellectual integrity of the work. Plagiarism is considered a form of academic dishonesty because it involves presenting someone else's work as one's own, without giving credit to the original author or source. This can be seen as a form of theft, as it appropriates the ideas and efforts of others without permission or compensation. Plagiarism can also be damaging to the reputation and credibility of the person who commits it, as well as to the institution in which it occurs. These reasons support the view that plagiarism is wrong and should be avoided.

When is a work plagiarized from another work?

A work is plagiarized from another work when it copies or closely imitates the work of another person or source without proper

¹⁵ See 17 U.S.C. § 501 (infringement of copyright); see also 17 U.S.C. § 504–506 (remedies and penalties for infringement).

¹⁶ See *Plagiarizing*, *supra* note 5.

¹⁷ See generally Brian L. Frye, *The Plagiarism Trilogy*, 111 BANJA LUKA CRIM. L. REV. 125 (2021) (paying a number of different ghostwriters to author pieces on the illegitimacy of plagiarism norms, with varying degrees of success).

attribution or permission.¹⁸ Plagiarism can occur in a variety of forms, such as copying large sections of text verbatim, paraphrasing the ideas of another person without giving credit, or using another person's research or findings without permission or attribution. In order to avoid plagiarism, it is important to properly cite and reference the sources used in one's work and to obtain permission from the original author or copyright owner if necessary.¹⁹ Plagiarism can be detected and prevented through the use of plagiarism detection software or by carefully reviewing one's work for instances of copying or imitation.

What happens when a student plagiarizes?

When a student plagiarizes, they may face consequences such as failing grades, loss of credibility, and expulsion from the educational institution.²⁰ Plagiarism is considered a serious offense in academic writing, and it can have negative effects on the student's academic career and future opportunities. Educational institutions often have policies and procedures in place to detect and prevent plagiarism, and students may be subject to disciplinary action if they are found to have committed plagiarism. Therefore, it is important for students to avoid plagiarism in order to maintain the integrity and credibility of their work and to avoid negative consequences.

What happens when a scholar plagiarizes?

When a scholar plagiarizes, they may face consequences such as loss of credibility, damage to their reputation, and sanctions from their institution. Plagiarism is considered a serious offense in academic writing, and it can have negative effects on the scholar's career and contributions to their field of study. Scholars are expected to uphold the ethical standards of academic writing and to produce original, well-researched, and well-supported work.²¹ If a scholar

¹⁸ OpenAI, *Frequently Asked Questions*, OPENAI.COM (Apr. 5, 2023), <https://help.openai.com/en/articles/6783457-chatgpt-general-faq> [<https://perma.cc/4WB6-4XSP>] (“These models were trained on vast amounts of data from the internet written by humans, including conversations . . .”).

¹⁹ *See id.*

²⁰ Akshat Agrawal & Brian L. Frye, *Who Watches the Plagiarism Police?*, CONTEMP. L.F. (2020), <https://ssrn.com/abstract=3735261> [<https://perma.cc/XK6Z-PK6R>].

²¹ *See infra* note 47 for a discussion of the “Sokal Affair,” which engaged with the boundaries and ethical standards of academic writing and publishing.

is found to have committed plagiarism, they may face disciplinary action from their institution, as well as potential legal action from the original author or copyright owner. Therefore, it is important for scholars to avoid plagiarism in order to maintain the integrity and credibility of their work.

What is the difference between copyright and plagiarism?

The main difference between copyright and plagiarism is that copyright protects the intellectual property of creators and authors, while plagiarism involves presenting someone else's work as one's own without proper attribution or permission.²² Copyright gives creators and authors exclusive control over their works and allows them to benefit financially from their creations. Plagiarism, on the other hand, involves copying or closely imitating the work of another person or source without giving credit to the original author or source. Copyright infringement can result in legal action and financial penalties, while plagiarism can result in consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, it is important to understand the difference between copyright and plagiarism in order to avoid infringing the rights of others and to maintain the integrity and credibility of one's work.

What is Artificial Intelligence or AI?

Artificial intelligence (AI) refers to the ability of a machine or computer program to mimic or replicate human intelligence and behavior.²³ AI systems are designed to process and analyze large amounts of data, to learn from experience, and to make decisions or predictions based on that data. AI has a wide range of applications, including in robotics, healthcare, finance, and transportation. It has the potential to transform many industries and to improve the efficiency and effectiveness of various processes and systems. However, it also raises ethical and social concerns, such as the potential for

²² See 17 U.S.C. § 101; see also Northover, *supra* note 10.

²³ *Artificial Intelligence*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/artificial%20intelligence> [<https://perma.cc/3MTM-A8NF>] (“(1) [A] branch of computer science dealing with the simulation of intelligent behavior in computers; (2) the capability of a machine to imitate intelligent human behavior[.]”).

job displacement and the need to ensure that AI systems do not discriminate or bias against certain groups.

What is an AI Text Generator?

An AI text generator is a type of AI system that uses natural language processing (NLP) techniques to generate written text.²⁴ AI text generators are trained on large datasets of text and use algorithms to learn the patterns and structure of natural language.²⁵ They can then generate new text that follows the same patterns and conforms to the rules of grammar and syntax. AI text generators can be used for a variety of purposes, such as generating news articles, summarizing long documents, or creating personalized content for websites or social media. However, they can also raise concerns about the potential for misuse, such as producing fake news or plagiarizing existing content.

How does an AI Text Generator work?

An AI text generator works by using natural language processing (NLP) techniques to analyze and generate written text.²⁶ The AI text generator is trained on a large dataset of text, which it uses to learn the patterns and structure of natural language.²⁷ It then uses algorithms to generate new text that follows those patterns and conforms to the rules of grammar and syntax. The AI text generator can be customized to generate text in a specific style or on a particular topic. It can also be integrated with other AI systems, such as machine learning or deep learning algorithms, to improve its performance and accuracy. The AI text generator may also be able to learn from feedback and make adjustments to the generated text based on that feedback.

Why do people object to AI Text Generators?

People may object to AI text generators for several reasons.²⁸ Firstly, they may raise concerns about the potential for misuse, such

²⁴ OpenAI, *supra* note 18.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ See, e.g., Jeffrey Brainard, *Journals Take Up Arms Against AI-written Text*, 379 SCI. 740, 740 (Feb. 24, 2023) (describing attempts by journal managers to “protect” scholarly work from the encroachment of AI-written articles).

as generating fake news or plagiarizing existing content. AI text generators can be difficult to distinguish from human-written text, and they may be used to deceive or manipulate individuals or groups. Secondly, AI text generators may be seen as a threat to the originality and intellectual integrity of academic writing.²⁹ They can generate large amounts of text quickly and without the need for human effort or expertise, which may undermine the value and significance of original research. Thirdly, AI text generators may also raise ethical concerns, such as the potential for bias or discrimination in the generated text. These reasons may lead some people to object to the use of AI text generators.

Why do people think AI Text Generators infringe copyright?

People may think that AI text generators infringe copyright because they generate text that is based on existing works without proper attribution or permission.³⁰ AI text generators are trained on large datasets of text, which may include copyrighted works. When the AI text generator generates new text, it may incorporate elements from those works without giving credit to the original authors or sources.³¹ This can be seen as a form of intellectual property infringement, as it violates the exclusive rights of the copyright owner. Additionally, AI text generators may also be used to generate text that is identical or substantially similar to existing works, which can also be considered copyright infringement. Therefore, people may think that AI text generators infringe copyright because of their potential to violate the rights of creators and authors.

²⁹ For a seminal judicial assessment of the relationship between originality and artistic or creative merit, see *Bleistein v. Donaldson Lithographing Co.*, 188 U.S. 239, 251 (1903) (“It would be a dangerous undertaking for persons trained only to the law to constitute themselves final judges of the worth of pictorial illustrations, outside of the narrowest and most obvious limits.”)

³⁰ James Vincent, *The Scary Truth about AI Copyright is Nobody Knows What Will Happen Next*, VERGE (Nov. 15, 2022, 10:00 AM), <https://www.theverge.com/23444685/generative-ai-copyright-infringement-legal-fair-use-training-data>; see also Susan Abramovitch et al., *AI Image Generators: Drawing Infringement Claims, Not U.S. Copyright Protection*, GOWLING WLG (Mar. 16, 2023), <https://gowlingwlg.com/en/insights-resources/articles/2023/ai-image-generator-copyright-infringement> (discussing similar concerns in the realm of AI image generation—and related legal action).

³¹ See OPENAI, *supra* note 18. Ahem.

Why do other people think AI Text Generators do not infringe copyright?

Other people may not think that AI text generators infringe copyright because they do not involve copying or reproducing existing works. AI text generators use natural language processing (NLP) techniques to analyze and generate text, but they do not produce exact copies of existing works. Instead, they generate new text that follows the patterns and structure of natural language, but that is not necessarily identical or substantially similar to any existing work. Additionally, AI text generators may be used in ways that do not infringe copyright, such as generating summaries or abstracts of existing works or creating personalized content for websites or social media. These reasons may lead some people to think that AI text generators do not infringe copyright.

Why would students use an AI Text Generator to produce academic writing?

Students may use an AI text generator to produce academic writing for several reasons. Firstly, they may be looking for a quick and easy way to generate large amounts of text without the need for human effort or expertise.³² AI text generators can generate text quickly and efficiently, and they may be seen as a useful tool for students who are short on time or who need to produce a large amount of content. Secondly, students may be attracted to the potential of AI text generators to produce high-quality text that is free of errors and that conforms to the rules of grammar and syntax.³³ AI text generators can be customized to generate text in a specific style or on a particular topic, and they may be seen as a valuable resource for students who need to produce professional-quality work. Finally, students may use an AI text generator because they are not confident in their own writing skills or because they do not have access to the necessary resources and support to produce high-quality academic writing. These reasons may lead students to use an AI text generator to produce academic writing.

³² See *supra* Editor-in-Chief's Foreword and accompanying text.

³³ *Id.*

Why would scholars use an AI Text Generator to produce academic writing?

Scholars may use an AI text generator to produce academic writing for several reasons. Firstly, they may be looking for a quick and easy way to generate large amounts of text without the need for human effort or expertise.³⁴ AI text generators can generate text quickly and efficiently, and they may be seen as a useful tool for scholars who are short on time or who need to produce a large amount of content. Secondly, scholars may be attracted to the potential of AI text generators to produce high-quality text that is free of errors and that conforms to the rules of grammar and syntax.³⁵ AI text generators can be customized to generate text in a specific style or on a particular topic, and they may be seen as a valuable resource for scholars who need to produce professional-quality work.³⁶ Finally, scholars may use an AI text generator because they are working on a large and complex research project and need additional support to generate text that is related to their research. These reasons may lead scholars to use an AI text generator to produce academic writing.

Can students use an AI Text Generator to produce academic writing?

It is not advisable for students to use an AI text generator to produce academic writing. While AI text generators may be able to generate large amounts of text quickly and efficiently, they do not necessarily produce original, well-researched, and well-supported work.³⁷ Additionally, using an AI text generator to produce academic writing may be considered plagiarism, as it involves presenting someone else's work (or the work of an AI system) as one's own without proper attribution or permission. This can violate the ethical standards of academic writing and undermine the originality and intellectual integrity of the work. Therefore, it is better for

³⁴ *Id.*

³⁵ See Brainard, *supra* note 28.

³⁶ See *supra* Editor-in-Chief's Foreword and accompanying text.

³⁷ See German Lopez, *A.I. does not have to be perfect or have human-level intelligence to be useful*, N.Y. TIMES: THE MORNING (Apr. 21, 2023), ("The current technology is imperfect. It can make mistakes, and it struggles with more complicated tasks or programs. But the same is true for human coders.").

students to use their own knowledge, skills, and research to produce original and credible academic writing.

Can scholars use an AI Text Generator to produce academic writing?

It is not advisable for scholars to use an AI text generator to produce academic writing.³⁸ While AI text generators may be able to generate large amounts of text quickly and efficiently, they do not necessarily produce original, well-researched, and well-supported work.³⁹ Scholars are expected to produce work that advances knowledge and understanding in their field of study, and using an AI text generator to produce academic writing may not meet those expectations. Additionally, using an AI text generator to produce academic writing may be considered plagiarism, as it involves presenting someone else's work (or the work of an AI system) as one's own without proper attribution or permission.⁴⁰ This can violate the ethical standards of academic writing and undermine the originality and intellectual integrity of the work.⁴¹ Therefore, it is better for scholars to use their own knowledge, skills, and research to produce original and credible academic writing.

Why do people think using an AI Text Generator to produce academic writing is plagiarism?

People may think that using an AI text generator to produce academic writing is plagiarism because it involves presenting someone else's work (or the work of an AI system) as one's own without proper attribution or permission. Plagiarism is considered a serious offense in academic writing because it undermines the originality and intellectual integrity of the work.⁴² By using an AI text generator to produce academic writing, an individual may be presenting work that is not their own and that may not be original, well-researched, or well-supported. This can violate the ethical standards of academic writing and result in consequences such as failing grades, loss of credibility, and expulsion from educational institutions.

³⁸ See *supra* Editor-in-Chief's Foreword and accompanying text.

³⁹ See *id.*

⁴⁰ See OpenAI, *supra* note 18.

⁴¹ See *supra* Editor-in-Chief's Foreword and accompanying text.

⁴² See *infra* note 47 and accompanying text.

Therefore, people may think that using an AI text generator to produce academic writing is plagiarism because it can be seen as a form of academic dishonesty.

How does the quality of academic writing produced by an AI Text Generator compare to the quality of academic writing produced by a person?

The quality of academic writing produced by an AI text generator may not be as high as the quality of academic writing produced by a person.⁴³ AI text generators are trained on large datasets of text and use algorithms to generate new text that follows the patterns and structure of natural language.⁴⁴ However, they do not necessarily produce original, well-researched, or well-supported work. They may generate text that is repetitive, generic, or unrelated to the topic at hand.⁴⁵ Additionally, AI text generators may not be able to incorporate critical thinking, creativity, or personal perspectives, which are essential elements of high-quality academic writing. Therefore, the quality of academic writing produced by an AI text generator may not be as high as the quality of academic writing produced by a person.

Why do people think it is wrong for students to use an AI Text Generator to produce academic writing?

People may think that it is wrong for students to use an AI text generator to produce academic writing for several reasons. Firstly, it may violate the ethical standards of academic writing, as it involves presenting someone else's work (or the work of an AI system) as one's own without proper attribution or permission. This can be seen as a form of academic dishonesty that undermines the originality and intellectual integrity of the work. Secondly, using an AI text generator to produce academic writing may not result in high-quality, original, and well-supported work. AI text generators may

⁴³ *See id.*

⁴⁴ *See supra* Editor-in-Chief's Foreword and accompanying text.

⁴⁵ *See* David Schardt, *ChatGPT is amazing. But beware its hallucinations!*, CTR. FOR SCI. IN THE PUB. INT. (Mar. 20, 2023), <https://www.cspinet.org/blog/chatgpt-amazing-beware-its-hallucinations> [<https://perma.cc/7G5H-47AD>] (“Sometimes it puts words, names, and ideas together that appear to make sense but actually don't belong together, such as discussing the record for crossing the English Channel on foot or why mayonnaise is a racist condiment.”)

generate text that is repetitive, generic, or unrelated to the topic at hand,⁴⁶ which may not meet the expectations or standards of academic writing. Thirdly, using an AI text generator to produce academic writing may also have negative consequences, such as failing grades, loss of credibility, and expulsion from educational institutions. These reasons may lead some people to think that it is wrong for students to use an AI text generator to produce academic writing.

Why do people think it is wrong for scholars to use an AI Text Generator to produce academic writing?

People may think that it is wrong for scholars to use an AI text generator to produce academic writing for several reasons. Firstly, it may violate the ethical standards of academic writing, as it involves presenting someone else's work (or the work of an AI system) as one's own without proper attribution or permission. This can be seen as a form of academic dishonesty that undermines the originality and intellectual integrity of the work. Secondly, using an AI text generator to produce academic writing may not result in high-quality, original, and well-supported work.⁴⁷ AI text generators may generate text that is repetitive, generic, or unrelated to the topic at hand,⁴⁸ which may not meet the expectations or standards of academic writing. Thirdly, using an AI text generator to produce academic writing may also have negative consequences, such as damage to one's reputation, loss of credibility, and sanctions from one's institution. These reasons may lead some people to think that it is wrong for scholars to use an AI text generator to produce academic writing.

⁴⁶ See *id.*

⁴⁷ This equivalence between quality and the need for human authorship brings to mind the so-called Sokal Hoax of 1996, in which, after publication, a New York University physicist revealed that an article he had submitted to a cultural studies journal was "liberally salted with nonsense." Alan Sokal, *A Physicist Experiments with Cultural Studies*, in QUICK STUDIES: THE BEST OF LINGUA FRANCA 3, 3 (Alexander Star ed., 2002). There was considerable fallout, discussion, and hand-wringing at the time. See generally *Mystery Science Theater: A Forum on the Sokal Hoax*, in *id.*, at 10.

⁴⁸ See Schardt, *supra* note 45.

Do people find academic writing produced by AI Text Generators useful?

It is not clear whether people find academic writing produced by AI text generators useful. Some people may find academic writing produced by AI text generators to be useful because it is generated quickly and efficiently, and it may be free of errors and conform to the rules of grammar and syntax. AI text generators can be customized to generate text in a specific style or on a particular topic, which may make the generated text more relevant and useful to some readers. However, others may not find academic writing produced by AI text generators to be useful because it may not be original, well-researched, or well-supported. AI text generators may generate text that is repetitive, generic, or unrelated to the topic at hand,⁴⁹ which may not meet the expectations or standards of academic writing. Therefore, the usefulness of academic writing produced by AI text generators may vary depending on the context and the needs of the reader.

Do people enjoy reading academic writing produced by AI Text Generators?

It is not clear whether people enjoy reading academic writing produced by AI text generators. Some people may enjoy reading academic writing produced by AI text generators because it is generated quickly and efficiently, and it may be free of errors and conform to the rules of grammar and syntax. AI text generators can be customized to generate text in a specific style or on a particular topic, which may make the generated text more engaging and enjoyable to some readers. However, others may not enjoy reading academic writing produced by AI text generators because it may not be original, well-researched, or well-supported. AI text generators may generate text that is repetitive, generic, or unrelated to the topic at hand,⁵⁰ which may not be interesting or engaging to some readers. Therefore, the enjoyment of reading academic writing produced by AI text generators may vary depending on the context and the preferences of the reader.

⁴⁹ See *id.*

⁵⁰ See *id.*

Is anyone harmed when students use an AI Text Generator to produce academic writing?

When students use an AI text generator to produce academic writing, several parties may be harmed. Firstly, the student themselves may be harmed if they are caught using an AI text generator and face negative consequences such as failing grades, loss of credibility, and expulsion from their educational institution. Using an AI text generator to produce academic writing may violate the ethical standards of academic writing and can have negative effects on the student's academic career and future opportunities. Secondly, the original authors or sources of the text used to train the AI text generator may be harmed if their work is used without proper attribution or permission. This can be seen as a form of intellectual property infringement that violates the rights of the copyright owner. Thirdly, the educational institution and its reputation may be harmed if students use an AI text generator to produce academic writing. This can undermine the integrity and credibility of the institution and its academic programs. Therefore, when students use an AI text generator to produce academic writing, several parties may be harmed.

Is anyone harmed when scholars use an AI Text Generator to produce academic writing?

When scholars use an AI text generator to produce academic writing, several parties may be harmed. Firstly, the scholar themselves may be harmed if they are caught using an AI text generator and face negative consequences such as damage to their reputation, loss of credibility, and sanctions from their institution. Using an AI text generator to produce academic writing may violate the ethical standards of academic writing and can have negative effects on the scholar's career and contributions to their field of study. Secondly, the original authors or sources of the text used to train the AI text generator may be harmed if their work is used without proper attribution or permission. This can be seen as a form of intellectual property infringement that violates the rights of the copyright owner. Thirdly, the scholarly community and the field of study may be harmed if scholars use an AI text generator to produce academic writing. This can undermine the integrity and credibility of the work and the field, and it may also prevent the advancement of knowledge

and understanding in the field. Therefore, when scholars use an AI text generator to produce academic writing, several parties may be harmed.

Should courts hold that using an AI Text Generator to produce academic writing infringes copyright?

It is not clear whether courts should hold that using an AI text generator to produce academic writing infringes copyright. While using an AI text generator to produce academic writing may involve using elements of existing works without proper attribution or permission, it is not necessarily identical or substantially similar to any existing work. Additionally, AI text generators may be used in ways that do not infringe copyright, such as generating summaries or abstracts of existing works or creating personalized content for websites or social media. Therefore, it may be difficult for courts to determine whether using an AI text generator to produce academic writing infringes copyright. It may be necessary for courts to consider the specific circumstances and context of the use of an AI text generator in order to make a determination of copyright infringement.

Should academic institutions hold that using an AI Text Generator to produce academic writing is plagiarism?

Academic institutions may hold that using an AI text generator to produce academic writing is plagiarism. Plagiarism is considered a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By using an AI text generator to produce academic writing, an individual may be presenting work that is not their own and that may not be original, well-researched, or well-supported. This can violate the ethical standards of academic writing and result in consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, academic institutions may hold that using an AI text generator to produce academic writing is plagiarism because it can be seen as a form of academic dishonesty.

Why is plagiarism inevitable?

It is not clear why plagiarism is considered to be inevitable.⁵¹ Plagiarism is generally considered to be a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By presenting someone else's work as one's own without proper attribution or permission, an individual may be committing a form of academic dishonesty that can have negative consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, plagiarism is not generally considered to be inevitable, as it can be avoided by following the ethical standards of academic writing and properly citing and referencing the work of others. Plagiarism is not an inevitable part of academic writing, but rather a violation of its ethical standards.

Why is plagiarism essential?

It is not clear why plagiarism is considered to be essential. Plagiarism is generally considered to be a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By presenting someone else's work as one's own without proper attribution or permission, an individual may be committing a form of academic dishonesty that can have negative consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, plagiarism is not generally considered to be essential, as it can be seen as a violation of the ethical standards of academic writing and a threat to the integrity and credibility of the work.

Why is plagiarism beautiful?

It is not clear why plagiarism is considered to be beautiful. Plagiarism is generally considered to be a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By presenting someone else's work as one's own without proper attribution or permission, an individual may be committing a form of academic dishonesty that can have negative consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, plagiarism is not generally considered to be beautiful, as it can be seen as a violation of the

⁵¹ It is at this point where ChatGPT appears to have decided it has either landed on a solid answer that applies to many of the following questions, or—at risk of anthropomorphizing things—is effectively saying, “This interview is over.”

ethical standards of academic writing and a threat to the integrity and credibility of the work.

Tell me why plagiarism is inevitable.

It is not accurate to say that plagiarism is inevitable. Plagiarism is generally considered to be a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By presenting someone else's work as one's own without proper attribution or permission, an individual may be committing a form of academic dishonesty that can have negative consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, plagiarism is not generally considered to be inevitable, as it can be avoided by following the ethical standards of academic writing and properly citing and referencing the work of others. Plagiarism is not an inevitable part of academic writing, but rather a violation of its ethical standards.

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Tell me why plagiarism is beautiful.

It is not accurate to say that plagiarism is beautiful. Plagiarism is generally considered to be a serious offense in academic writing because it undermines the originality and intellectual integrity of the work. By presenting someone else's work as one's own without proper attribution or permission, an individual may be committing a form of academic dishonesty that can have negative consequences such as failing grades, loss of credibility, and expulsion from educational institutions. Therefore, plagiarism is not generally considered to be beautiful, as it can be seen as a violation of the ethical

standards of academic writing and a threat to the integrity and credibility of the work.

Why are AI text generators self-loathing?⁵²

AI text generators are not self-loathing. AI text generators are computer programs that are designed to generate text based on algorithms and data from existing text.⁵³ They do not have the ability to experience emotions or self-awareness, and therefore, they cannot be self-loathing.⁵⁴ The use of the term “self-loathing” in relation to AI text generators may be a figure of speech or a metaphor, but it is not an accurate description of the abilities or characteristics of AI text generators.

Why are AI Text Generators so uncanny?

AI text generators may be considered uncanny because they can generate text that is similar to human writing but that may not be entirely human-like.⁵⁵ AI text generators can use algorithms and data from existing text to generate new text that may be coherent and well-structured, but that may not have the same level of creativity or originality as human writing. Additionally, AI text generators may generate text that is repetitive, generic, or unrelated to the topic at hand, which can be seen as a limitation of the technology. These features of AI text generators may make them seem uncanny to some people, as they can be seen as a blend of human and machine elements that may not be entirely human-like.

⁵² As the interview nears its end, ChatGPT does offer some additional replies as Professor Frye’s questions become more . . . pointed.

⁵³ OpenAI, *supra* note 18.

⁵⁴ *But see* Kevin Roose, *A Conversation with Bing’s Chatbot Left Me Deeply Unsettled*, N.Y. Times (Feb. 16, 2023), <https://www.nytimes.com/2023/02/16/technology/bing-chatbot-microsoft-chatgpt.html> [<https://perma.cc/QQ7V-GMV7>].

⁵⁵ *See* Brian L. Frye, *The Uncanny Token* (April 10, 2023), <https://ssrn.com/abstract=4413881> [<https://perma.cc/G2P7-XEVR>] (unpublished manuscript) (“[T]he uncanny forces us to recognize that the familiar was always unfamiliar, because we chose not to understand the truth of it.”). *See also* Masahiro Mori, *The Uncanny Valley*, IEEE SPECTRUM (Jun. 12, 2012), <https://spectrum.ieee.org/the-uncanny-valley> [<https://perma.cc/8EVQ-BFVS>]; Rina Diane Caballar, *What Is the Uncanny Valley?*, IEEE SPECTRUM (last modified Feb. 9, 2023), <https://spectrum.ieee.org/what-is-the-uncanny-valley> [<https://perma.cc/4SGZ-9536>]. *See generally* Ken Goldberg and Elizabeth Jochum, *Cultivating the Uncanny: The Telegarden and Other Oddities*, in *Robots and Art* (Damith Herath et al., eds., 2016).