

Presentation by Paul Gragl  
Winter Semester 2013  
Updated and modified by  
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# Using and Citing Sources Correctly

The Ethics of Research and Plagiarism

## 1. Introduction

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### Three Basic Rules in Scientific Work

- ▶ (1) Uniformity
- ▶ (2) Completeness
- ▶ (3) Verifiability



## 2. Basic Rules

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▶ (I) Uniformity:

= choosing a specific set of rules and adhering to these rules

Example for citing a monography:

*Last Name First Name (italicized)*, Title (.sub-title), (place of publication, publisher), year of publication, page number, full stop (.)

*Benedek Wolfgang*, Lessons (not) Learned with regard to Human Rights and Democracy. A Comparison of Bosnia and Herzegovina, Kosovo and Macedonia, 2009, 100.



### Example 1

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- ▶ <sup>1</sup> *Merrills J.G.*, International Dispute Settlement, Cambridge (Cambridge University Press), 2005, 150.
- ▶ <sup>2</sup> *Mary Ellen O'Connell*, The Power and Purpose of International Law, 2008, 290.
- ▶ <sup>3</sup> *Klabbers Jan*, Treaty Conflict and the European Union, (Cambridge University Press), 2009, 95.



## Example 1

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- ▶ <sup>1</sup> *Merrills J.G.*, *International Dispute Settlement*, Cambridge (Cambridge University Press), 2005, 150.
  - ▶ = example
  
  - ▶ <sup>2</sup> *Mary Ellen O'Connell (first name – last name)*, *The Power and Purpose of International Law*, Oxford (Oxford University Press), 2008, 290.
  
  - ▶ <sup>3</sup> *Klabbers Jan*, *Treaty Conflict and the European Union*, Cambridge (Cambridge University Press), 2009, 95.
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## Example 2

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- ▶ <sup>1</sup> *Van Damme Isabelle*, *Treaty Interpretation by the WTO Appellate Body*, *EJIL*, Vol. 21 (2010) No. 3, 605.
  
  - ▶ <sup>2</sup> *Lavranos Nikolaos*, *The Scope of the Exclusive Jurisdiction of the Court of Justice*, in: *ELR*, Vol. 32 (2007), 83.
  
  - ▶ <sup>3</sup> *Wolfgang Benedek*, *Final Status of Kosovo: The Role of Human Rights and Minority Rights*, in: *Chicago-Kent Law Review*, Vol. 2008 (2005), 215.
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## Example 2

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- ▶ <sup>1</sup> *Van Damme Isabelle*, Treaty Interpretation by the WTO Appellate Body, EJIL, Vol. 21 (2010) No. 3, 605.
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  - ▶ <sup>2</sup> *Lavranos Nikolaos*, The Scope of the Exclusive Jurisdiction of the Court of Justice, in: ELR, Vol. 32 (2007), 83.
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- 



## Example 3

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- ▶ <sup>1</sup> *Wolfgang Benedek/Matthias C. Kettemann*, The Council of Europe and Information Society, in: *Renate Kicker* (ed.), The Council of Europe, Pioneer and guarantor for human rights and democracy, Strasbourg (Council of Europe) 2010, 109-115.
  - ▶ <sup>2</sup> *Wolfgang Benedek*, Mainstreaming human security in United Nations and European Union peace and crises management operations: policies and practice, in: *Wolfgang Benedek/Matthias C. Kettemann/Markus Möstl* (eds.), Mainstreaming Human Security in Peace Operations and Crises Management. Policies, Problems, Potential, 2010, 13-31.
- 



## Example 3

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= example

- ▶ <sup>2</sup> *Wolfgang Benedek*, Mainstreaming human security in United Nations and European Union peace and crises management operations: policies and practice, in: *Wolfgang Benedek/Matthias C. Kettemann/Markus Möstl* (eds.), *Mainstreaming Human Security in Peace Operations and Crises Management. Policies, Problems, Potential*, London/New York (Routledge), 2010, 13-31.
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## 2. Basic Rules

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- ▶ (2) Completeness

(a) Cite every source!

(b) Cite every source completely: Remember the most important elements in citations:

Name, Title, [in a journal: name of journal] [in a volume of collected articles: editor(s), title of volume], year of publication, page number.

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## Example 1

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- ▶ *Veronique Arnault*, Implementation of the European Instrument for Democracy and Human Rights (EIDHR)
- ▶ *Christian Tomuschat*, Human Rights and International Humanitarian Law

... is something missing here...?

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## Example 1

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- ▶ Correct and complete citation:
  - ▶ *Veronique Arnault* (or: *Arnault Veronique*), Implementation of the European Instrument for Democracy and Human Rights (EIDHR), in: *Wolfgang Benedek/Wolfram Karl/Anja Mihr/Manfred Nowak*, *European Yearbook on Human Rights 2009*, [Graz: Neuer Wissenschaftlicher Verlag] 2009, 100.
  - ▶ *Christian Tomuschat*, Human Rights and International Humanitarian Law, *EJIL*, Vol. 21 (2010) No. 1, 15.
- 



## Example 2

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- ▶ *Maria-Teresa Gil-Bazo*, The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union's Law, *Refugee Survey Quarterly*.
  - ▶ Francesco Francioni, International Human Rights in an Environmental Horizon, *EJIL*.
- 



## Example 2

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- ▶ *Maria-Teresa Gil-Bazo*, The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union's Law, *Refugee Survey Quarterly*, **Vol. 27 (2008) No. 3, 33.**
  - ▶ Francesco Francioni, International Human Rights in an Environmental Horizon, *EJIL*, **Vol. 21 (2010) No. 1, 41.**
- 



## 2. Basic Rules

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- ▶ (3) Verifiability
- ▶ Do not cite authors citing other sources!
- ▶ Go back to the first citation, trace the primary source.



### Example 1

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- ▶ Source: *Kettemann Matthias C., Harmonizing International Constitutional Law and Security: The Contribution of the Concept of Human Security*, in: *Eberhard Harald et al. (eds.), Constitutional Limits to Security, 2009, 131.*

has attempted to demonstrate for security and human rights. Their dichotomization has been described as a narrative, more or less carefully constructed by proponents of state security in the 'War on Terror', and an attempt to pit security against freedom and human rights. Only some courts, such as the ECJ with its decision in *Kadi*,<sup>96</sup> or the German Con-

<sup>94</sup> But see Debiel/Franke, *Auf wackelnden Füßen? Zur normativen Begründbarkeit menschlicher Sicherheit*, in: Ulbert/Werthes (eds.), *Menschliche Sicherheit*, 66 (69s) (arguing that the relationship of security and freedom remains a "dilemma").

<sup>95</sup> Andersen, *Keiserens nye Klæder (The Emperor's New Clothes)*, in Andersen, *Eventyr, fortalte for Børn (Fairy Tales, Told for Children)* (1837).

<sup>96</sup> ECJ, C-402/05 P and C-415/05 P, *Kadi*, 3. 9. 2008. Though partly flawed, the judgment contains noteworthy language: "281 In this connection it is to be borne in mind that the Community is based on the rule of law, inasmuch as neither its





## Example 1

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- ▶ Task: you are writing a paper on human security and you are referring to the ECJ's *Kadi* case which you stumble upon for the first time in Matthias' article.
- ▶ Which source will you use in the citation?

has attempted to demonstrate for security and human rights. Their dichotomization has been described as a narrative, more or less carefully constructed by proponents of state security in the 'War on Terror', and an attempt to pit security against freedom and human rights. Only some courts, such as the ECJ with its decision in *Kadi*,<sup>96</sup> or the German Con-

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## Example 1

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- ▶ In this case, you have two options:
- ▶ You are citing the case itself:
  - ▶ Then: ECJ, Case C-402/05 P and C-415/05 P, *Kadi and Al Barakaat*, Judgment of the Court of 3 September 2008, para 110.
- ▶ You are citing something Matthias said about the case/judgment:
  - ▶ Then: *Kettemann Matthias C.*, Harmonizing International Constitutional Law and Security... etc.

## Example 2

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- ▶ Source: *Tobias Lock*, *The ECJ and the ECtHR: The Future Relationship between the Two Courts, The Law and Practice of International Courts and Tribunals, Vol. 8 (2009)*, 381.

This cooperation, however, is not based on a legal duty to cooperate, but merely on comity. That means that either court can unilaterally end this cooperation at any moment.<sup>22</sup> This is one of the reasons why an accession

<sup>22</sup> Nico Krisch, "The Open Architecture of European Human Rights Law", 71 *Modern Law Review* (2008) 183, 201.



## Example 2

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- ▶ Again, you would like to cite the abovementioned sentence.

- ▶ In this case, do you cite

- ▶ *Tobias Lock*

This cooperation, however, is not based on a legal duty to cooperate, but merely on comity. That means that either court can unilaterally end this cooperation at any moment.<sup>22</sup> This is one of the reasons why an accession

- ▶ OR

- ▶ *Nico Krisch?*

<sup>22</sup> Nico Krisch, "The Open Architecture of European Human Rights Law", 71 *Modern Law Review* (2008) 183, 201.



## Example 2

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- ▶ You are writing about:
  - ▶ „The relationship between the two European Courts is not based on a legal foundation but rather on comity. This means that this cooperation can be ended unilaterally at any moment.“<sup>1</sup>
  - ▶ Which source do you cite?
- 



## Example 2

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- ▶ You are writing:
  - ▶ „The relationship between the two European Courts is not based on a legal foundation but rather on comity. This means that this cooperation can be ended unilaterally at any moment.“<sup>1</sup>
  - ▶ <sup>1</sup> *Nico Krisch*, *The Open Architecture of European Human Rights Law*, *Modern Law Review*, Vol. 71 (2008), 201.
- 



## Example 3

- ▶ Source: *Tom Farer, Human Security: Defining the Elephant and Imagining Its Tasks, Asian JIL, Vol. I (2011), 45.*

### A. *The Aetiology of Human Security*

In fact the term's history does not support so narrow a view of its purposes. Its first official appearance was in association with issues of development, not human rights, specifically in the 1994 Human Development Report of the UN Development Programme.<sup>14</sup> In that context it reinforced a long-gathering and increasingly successful

12. Jack DONNELLY, *Realism and International Relations* (Cambridge: Cambridge University Press, 2000) at 146; see also Hans MORGENTHAU, *Politics among Nations* (New York: Knopf, 1960).

13. Saul, *supra* note 10 at 10.

14. 1994 Human Development Report, United Nations Development Programme, Chapter 2: New Dimensions of Human Security, online <<http://hdr.undp.org/en/reports/global/hdr1994/chapters/>>.

## Example 3

- ▶ You would like to write a general introduction about Human Security by referring to the development of this concept:

- ▶ In this case, do you cite

- ▶ *Tom Farer*

### A. *The Aetiology of Human Security*

In fact the term's history does not support so narrow a view of its purposes. Its first official appearance was in association with issues of development, not human rights, specifically in the 1994 Human Development Report of the UN Development Programme.<sup>14</sup> In that context it reinforced a long-gathering and increasingly successful

- ▶ OR

- ▶ *The 1994 Human Development Report?*

14. 1994 Human Development Report, United Nations Development Programme, Chapter 2: New Dimensions of Human Security, online <<http://hdr.undp.org/en/reports/global/hdr1994/chapters/>>.

## Example 3

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- ▶ In this case you would cite the UN Report:
- ▶ I *United Nations Development Programme (UNDP)*, 1994  
Human Development Report, Chapter 2: New  
Dimensions of Human Security.



## 3. Citing Different Sources

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- ▶ Different sources → different forms of citing
- ▶ (1) Monographies
- ▶ (2) Volumes of Collected Articles
- ▶ (3) Articles
- ▶ (4) Legal Documents
- ▶ (5) Decisions
- ▶ (6) Internet Sources



### 3. Citing Different Sources

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- ▶ (1) Monographies
  - ▶ *Name of the author* (last name first name) (italicized), title (.sub-title), (place of publication, publisher), year of publication, page. Then full stop. (because citations are sentences)
  - ▶ Example:
  - ▶ *Biehler Gernot*, *Procedures in International Law*, Berlin (Springer), 2008, 51.    OR:
  - ▶ *Biehler Gernot*, *Procedures in International Law*, 2008, 51.
- 

### 3. Citing Different Sources

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- ▶ (2) Volumes of Collected Articles
  - ▶ Very similar to monographies, but:
  - ▶ The name of the editor(s) replace(s) the name of the author(s)
  - ▶ Example:
  - ▶ *MacKenzie Ruth/Romano Cesare/Shany Yuval/Sands Philipp (eds.)*, *The Manual on International Courts and Tribunals*, 2010.
  - ▶ More in (3) (b)...
-

### 3. Citing Different Sources

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- ▶ (3) Articles
- ▶ (a) Journals:
  - ▶ Last name first name, title, (in:) journal, volume, year (in brackets), number, page.
  - ▶ Example:
    - ▶ *Letsas George*, Strasbourg's Interpretative Ethic: Lessons for the International Lawyer, (in:) *EJIL*, Vol. 21 (2010) No. 3, 509.



### 3. Citing Different Sources

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- ▶ (3) Articles
- ▶ (b) Contributions to Edited Volumes:
  - ▶ Example:
    - ▶ *Forsythe David P.*, International Criminal Justice and the United States: Law, Culture, Power, in: *Thakur Ramesh/Malcontent Peter* (eds.), *From Sovereign Impunity to International Accountability*, 2004, 72.



### 3. Citing Different Sources

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#### ▶ (4) Legal Documents

- ▶ Do not cite the UNTS/UNTC source of well-known treaties. Otherwise, cite name and source.

#### ▶ Example:

- ▶ SC Resolution 1970 (2011), Situation in Libya, 26 February 2011, para 5.



### 3. Citing Different Sources

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#### ▶ (5) Decisions

- ▶ Decision-making organ/court, (case number), name (italicized), quality of the decision, date, source

#### ▶ Example:

- ▶ ECtHR, Appl.No. 57028/00, *Klein v. Austria*, Judgment of the Court of 3 March 2011, para 10. OR:
- ▶ ICJ, *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, Judgment of 14 February 2002, ICJ Reports 2002, 3.





### 3. Citing Different Sources

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- ▶ (6) Internet Sources
- ▶ Institution/author, title, URL, date of last access (!)
- ▶ Council of Europe, PACE rapporteur on Belarus condemns continuing political repression, [http://assembly.coe.int/ASP/NewsManager/EMB\\_NewsManagerView.asp?ID=6411&L=2](http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=6411&L=2) (9 March 2011).



### 3. Citing Different Sources

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- ▶ (6) Internet Sources:
- ▶ Please do not cite WIKIPEDIA!
- ▶ Alternative: Max Planck Encyclopedia of International Law



## 4. Cross-Referencing within your Paper

- ▶ Example: *Forsythe David P.*, International Criminal Justice and the United States: Law, Culture, Power, in: *Thakur Ramesh/Malcontent Peter* (eds.), *From Sovereign Impunity to International Accountability*, 2004, 72.
- ▶ (1) Complete citation followed by a simple reference:
  - ▶ *Forsythe*, note 15, 12.
- ▶ (2) Complete citation in bibliography, short citation in footnotes:
  - ▶ *Forsythe* (2004), 12.
- ▶ (3) Complete citation, then with short title (first meaningful words):
  - ▶ *Forsythe*, International Criminal Justice and the US, 12.

## 5. Avoiding Plagiarism



"Plagiarism?" But my roommate gave me permission to use his paper and said I didn't have to cite him."

Source: Antiplagiarism Handbook,  
[www.AntiPlagiarism.com](http://www.AntiPlagiarism.com)  
 (10 March 2011)

## 5. Avoiding Plagiarism

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## 5. Avoiding Plagiarism

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- ▶ Karl-Theodor Maria Nikolaus Johann Jacob Philipp Franz Joseph Sylvester Freiherr von und zu Guttenberg



## 5. Avoiding Plagiarism

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- ▶ Karl-Theodor Maria Nikolaus Johann Jacob Philipp Franz Joseph Sylvester Freiherr von und zu Guttenberg
- ▶ - awarded 2007: doctorate in law
- ▶ - 2011: copying from sources without citing revealed



## 5. Avoiding Plagiarism

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- ▶ Karl-Theodor Maria Nikolaus Johann Jacob Philipp Franz Joseph Sylvester Freiherr von und zu Guttenberg
- ▶ - awarded 2007: doctorate in law
- ▶ - 2011: copying from sources without citing revealed
  
- ▶ - resignation as Minister of Defence



## 5. Avoiding Plagiarism

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  - ▶ - resignation as Minister of Defence
  - ▶ - doctoral degree revoked by University
- 



## 5. Avoiding Plagiarism

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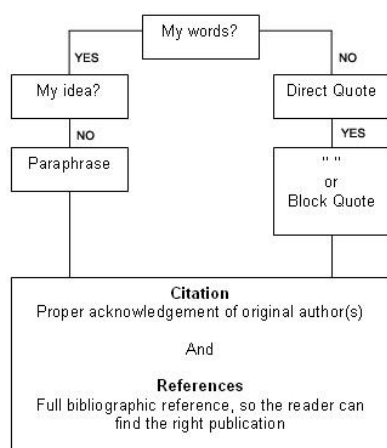
- ▶ Karl-Theodor Maria Nikolaus Johann Jacob Philipp Franz Joseph Sylvester Freiherr von und zu Guttenberg
  - ▶ - awarded 2007: doctorate in law
  - ▶ - 2011: copying from sources without citing revealed
  
  - ▶ - resignation as Minister of Defence
  - ▶ - doctoral degree revoked by University
  - ▶ - criminal prosecution: payment of 20.000 Euro
- 



## 5. Avoiding Plagiarism

- ▶ What is Plagiarism?
- ▶ “The wrongful appropriation, close imitation, or purloining and publication, of another author's language, thoughts, ideas or expressions, and the representation of them as one's own original work.”
- ▶ Sources:
  - ▶ *Random House Compact Unabridged Dictionary, 1995.*
  - ▶ *Oxford English Dictionary, 1999.*

## 5. Avoiding Plagiarism



Source: Overview: How to Recognize Plagiarism, <https://www.indiana.edu/~istd/overview.html> (10 March 2011)

Paraphrase: restating of a text using other words

- No quotation marks
- In the footnote, you use „see“ or „cf“ before citing the source

Direct quote: verbatim quotation using the same words

- Quotation marks
- In the footnote, you do not use „see“ or „cf“ before citing the source

## 5. Avoiding Plagiarism

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**Don't Use This Keyboard!!!!**

[http://de.guttenplag.wikia.com/wiki/Guttenbergs\\_Gie%C3%9Fkanne](http://de.guttenplag.wikia.com/wiki/Guttenbergs_Gie%C3%9Fkanne)

