



**Doz. Dr. Stefan Weber & Team**  
Plagiats-, Titel- und Gutachtenprüfung

**Dokumentation der Plagiatsfragmente in der Dissertation von Mag. Alma Zadić LL.M. (2017):**

**„Transitional Justice in Former Yugoslavia. The Influence of the ICTY on the development of the rule of law in Bosnia and Herzegovina, Croatia, and Serbia“, Universität Wien**

**Stand: 17.01.2022, Anzahl der verifizierten Plagiatsfragmente: 4**

Die Dissertation befindet sich im Volltext hier: <https://phaidra.univie.ac.at/open/o:1340426>

*(Zur Plagiatssuche haben bislang beitragen: Katharina Renner, Dietmar Mühlböck und Stefan Beig. Dokumentation und Verifikation: Stefan Weber)*



**Plagiierte Autorinnen und Autoren: Stand: 17.01.2022**

- William W. Burke-White
- Oona A. Hathaway

**Plagiierte Quellen: Stand: 17.01.2022**

- William W. Burke-White (2008): „The Domestic Influence of International Criminal Tribunals: The International Criminal Tribunal for the Former Yugoslavia and the Creation of the State Court of Bosnia & Herzegovina“, [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1177&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1177&context=faculty_scholarship)
- Oona A. Hathaway (2002): „Do Human Rights Treaties Make a Difference?“ [https://www.academia.edu/27017819/Do\\_Human\\_Rights\\_Treaties\\_Make\\_a\\_Difference](https://www.academia.edu/27017819/Do_Human_Rights_Treaties_Make_a_Difference)



<b>Unzitierte Quelle</b>	<b>Passage bei Zadić ohne Kenntlichmachung und Zitierung (Verstoß gegen § 51 Abs. 2 Z 31 UG)</b>
<p>The approach finds its intellectual antecedents in the work of Immanuel Kant, in particular his essay Perpetual Peace.<sup>54</sup> In the essay, Kant argues that the first condition of perpetual peace is that “the civil construction of every nation should be republican,”<sup>55</sup> because republican governments (i.e., representative democracies) rely on the consent of the citizens to engage in war and must therefore “consider all its calamities before committing themselves to so risky a game.”<sup>56</sup> Kant’s claim was later taken up by international relations scholars who claimed that although “liberal” states engage in war, they do not engage in war with one another.</p> <p>---</p> <p>54 IMMANUEL KANT, Perpetual Peace, in PERPETUAL PEACE AND OTHER</p>	<p>The liberal theory is built up on the work of Immanuel Kant. In his essay „Perpetual Peace“, Kant argues that „the civil construction in every nation should be republican“.<sup>127</sup> This is because in his view, republican states (i.e. democracies) require the consent of their citizen before going to war, and most citizens would not engage in war as it is costly and risky.<sup>128</sup> This was later taken up by international relations scholars most notably Doyle, who argues that although liberal states engage in war, they do not engage in war with one another.<sup>129</sup></p> <p>---</p> <p>127 Immanuel Kant, Perpetual Peace, in PERPETUAL PEACE AND OTHER ESSAYS ON POLITICS, HISTORY, AND MORALS 107 (Hackett Co., Ted Humphrey trans., 1983) (1795); HATHAWAY &amp; KOH, Supra note 78, at 78.</p>



<p>ESSAYS ON POLITICS, HISTORY, AND MORALS 107 (Ted Humphrey trans., Hackett Publ'g Co. 1983) (1795). 55 Id. at 112. 56 Id. at 113. 57 The central work on this topic is Michael W. Doyle, Kant, Liberal Legacies, and Foreign Affairs, 12 PHIL. &amp; PUB. A FF. 205 (1983) <i>(Hathaway 2002, S. 1952)</i></p>	<p>128 Id. 129 Michael W. Doyle, Kant, Liberal Legacies, and Foreign Affairs, 12 PHILOSOPHY AND PUBLIC AFFAIRS 205 (1983). <i>(S. 28; Kategorie <b>Bauernopfer-Referenz</b>)</i></p>
<p>[...] the ICTY was notoriously slow in reviewing cases, due in large part to staff limitations and competing priorities. <i>(Burke-White 2008, S. 313)</i></p>	<p>The ICTY was notoriously slow in reviewing these cases. [...] This can be attributed to limited staff assigned to review the cases as other priorities more relevant. <i>(S. 47; keine Fußnote)</i></p>
<p>Overall, norm leadership provides for the transfer and exchange of policies and practices among judicial institutions at different levels of governance. <i>(Burke-White 2008, S. 308)</i></p>	<p>Established relationships and judicial networks helped to transfer know-how, exchange policies and practices among judicial institutions at different levels of governance. <i>(S. 189; keine Fußnote)</i></p>
<p>Third, the nature of the jurisdictional relationship between</p>	<p>Third, jurisdictional relationships between domestic and</p>



domestic and international courts is a key factor in explaining the variance in the direction and intensity of an international criminal tribunal's domestic impact.

[...] and norm leadership by international institutions goes far to explain how an international criminal tribunal can affect core domestic governance choices [...].

*(Burke-White 2008, S. 345)*

international courts and actors are can explain the influence of international criminal tribunals on national institutions. [...]

This enables the establishment of transnational networks that can help the international criminal institutions exert norm leadership and influence lawyers, judges or prosecutors to comply with international practice.

*(S. 191; **Fußnote nicht vor Ort**, sondern nur einen Absatz oberhalb)*