

How to Write Research Papers

-Guidelines on the preparation of doctorate theses in the fields of law and politics-

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【備考】

この翻訳は、公共政策学教育部博士課程学生が論文執筆する際の参考資料として、本学法学政治学研究科作成「研究論文の作法－法学・政治学分野における博士論文作成に関するガイドライン－」の英訳サンプルとして本教育部が用意したものであり、法学政治学研究科による公式の英訳ではありません。

【NOTES】

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These Guidelines summarize matters of note to aid you in the writing of a doctorate thesis at The University of Tokyo, Graduate School of Law and Politics. Please keep in mind that what is stated here applies to a Master's thesis as well as academic articles in general.

1. What are "Research" and "Thesis"?

"Research" means to seriously consider the accumulation of previous academic efforts and formulate new ideas that are one's own, or add one's new findings, to create new scholarship. In that sense, "research" is significantly different from "learning," where one only memorizes and absorbs knowledge by reading books.

A "thesis" must be distinguished from a "report," which is frequently submitted to acquire credits. What is required in a report differs, of course, depending on the instructor who gives the instructions; in many cases, however, reports that are merely book reports or summaries of literature with a small addition of one's own opinions and impressions are being accepted. Reports are, in a sense, reproductions of what one has studied or a part of what was studied.

A thesis must satisfy several requirements; the details are given below. A document is not considered a thesis unless new findings that are different from those of existing research are logically presented and supported by persuasive arguments and evidence. One must bear in mind this point.

2. Evaluation of a Research Paper

The evaluation of a research paper is mainly carried out with reference to whether the new findings and ideas published in the paper are significant.

There are four important points to be kept in mind when writing a research paper.

1. Based on prior research

It is unethical to attribute contents that have already been published in prior studies

as if they are one's own knowledge and ideas by making ambiguous distinctions between prior research and one's own knowledge and ideas. This undermines the foundation of studies previously conducted and prevents the development of future studies. What is important in a research paper is to present new knowledge that has not been published in previous research. Therefore, the starting point of writing a research paper is sufficiently and critically reviewing prior research. At the same time, however, it is necessary to recognize that one's research is constructed based on the achievements of prior research. In that sense, it is necessary to fully respect prior research.

Writing articles without fully reviewing prior research will be criticized for "negligence." For example, it is intellectually unethical to argue that there is no prior research in the subject without fully reviewing the literature.

2. Originality

The most important element of research is originality. Only repeating what has already been proved in prior research does not produce results that are academically valuable. Research becomes original only when what has not been investigated in prior research is presented or when conclusions different from prior conclusions are reached; such an article contributes to the development of studies.

3. Making a clear distinction between arguments from prior research and one's own arguments

As stated in the preceding paragraph, in one's research paper, it is necessary to indicate arguments and knowledge that are different from those presented in prior research. In doing so, it is important to distinguish clearly, and in a manner that is easy to understand, between one's own arguments and those of other researchers. One must start by distinguishing the words of oneself from the words of other researchers.

Material used from prior research needs to be carefully cited, indicating specifically who conducted the research, when it was conducted, and in which publication it was published. Additionally, direct quotes require quotation marks.

4. Persuasion

Even if the three conditions listed above are satisfied, arguments not supported by sufficient evidence and grounds do not have any academic value. For example, a manuscript of only one's own opinions cannot be considered an academic paper, even if the findings are original. Evidence and grounds here mean such various things as court precedents, reference materials (diaries, memoirs, letters, etc.), newspapers,

magazines, minutes, official documents, results of interviews, and data from opinion polls and experiments. The material might differ somewhat, depending on the field and specialized area of research. Additionally, data from interviews, opinion polls, or experiments are required to be preserved for a long time.

What is important, at the same time, is that arguments in the paper must be developed logically, from the presentation of an issue to the conclusion. If there is a logical jump, confusion, or inconsistencies, one's paper cannot persuade one's readers.

3. Sources and Citations

In research on law or politics, it is important to correctly state and introduce social events (legal and political systems of foreign countries or precedents in Japan, etc.), which are the subjects of the research, by indicating the sources. It is difficult to examine whether a statement of social events underlying new perceptions and ideas is correct and if the analysis based thereon is logical unless precise sources are indicated, the absence of which ultimately takes away from the academic value of the article. In stating and introducing social events and referring to prior research in a research paper, the very least an author must do is to (1) indicate sources properly, and (2) cite those sources correctly.

In the following text, we have provided specific explanations by citing certain examples, mainly in the case of legal studies.

1 . Indicate Sources

1-1. Where the existing systems or prior research are stated or referenced, including laws, precedents, and theories, sources must be indicated. Sources are given in parentheses, for convenience, in the examples below, but generally, in a text, they are indicated in notes, except for very short entries such as an article of a law.

Ex. 1-1-1. In France, the right to earn compensation that is proportionate to working hours is guaranteed by the law to part-time workers, with reference to the compensation for full-time workers at the same grade and with the same duties (Labor Code L. Article 3123-10).

Ex. 1-1-2. The Labor Court of the Federal Republic of Germany clarified in a decision on April 6, 1982, the general principle prohibiting discriminatory treatment between part-timer workers and full-time workers without objective reasons. (BAG vom

6.4.1982 AP Nr.1 zu §1 BetrAVG Gleichbehandlung).

Ex. 1-1-3. Professor Susan Sturm of Columbia University focuses on the present problem of discrimination in employment becoming more complicated, and proposes a “structural approach” to resolve the problem fundamentally and structurally, corresponding to specific situations, by precisely recognizing the nature and structure of the problem (S. Sturm, *Second Generation Employment Discrimination: A Structural Approach*, 101 COL. L. REV. 458–568 (2001)).

For how to search for and cite foreign legal literature, Ichitaro Itadera’s “How to Search For Foreign Legal Literature” (Shinzansha, 2002) and Ichiro Kitamura’s (ed.) “Access Guide to Foreign Laws” (University of Tokyo Press, 2004) are useful resources.

1-2. If several sources are indicated, list them in chronological order.

Ex. 1-2-1. On the difference in wages between regular workers and non-regular workers in Japan, there is an opinion that affirms legal remedy because a significant difference in wages without reasonable cause is against the public order established by Article 14 of the Constitution and Article 3 and Article 4 of the Labor Standards Act (the principle of equal pay for work of equal value) (Yoshiaki Suzuki, “Part Time Employment and Labor Contract/Work Rules,” *Academic Journal, Labor Law No. 64*, p. 27 (1984); Shozo Yamada, “Setting the Viewpoint for Labor Problems and the Legal Theory of Forming Working Conditions,” *Rojun*, No. 1229, p. 23 (1989); Junryo Honda, “Present Conditions of Part-time Workers and Principle of Equal Treatment,” *Osaka University of Economics and Law, Legal Studies Institute Bulletin*, No. 13, p. 132 (1991), etc.).

1-3. When indicating sources of a “commonly accepted theory,” only representative sources should be selected, and when indicating sources of a “majority theory,” more sources should be cited.

Ex. 1-3-1. With respect to whether a labor contract has more favorable provisions than a labor agreement, the commonly accepted theory is that such a labor contract with more favorable provisions is not valid if the intent of the parties of the labor agreement is unknown. (Takashi Araki, “Labor Law,” p. 515 (Yuhikaku, 2009); Kazuo Sugeno, “Labor Law (9th ed.),” p. 598 (Kobundo, 2010)).

Ex. 1-3-2. With respect to the effect of a so-called union–shop agreement, a major theory understands that such agreement is against public order and good morals and is thus invalid, for we must respect the freedom of non-membership of a union for workers who are not members of the union (Civil Code, Article 90) (Satoshi Nishitani, “Individuals and Groups under Labor Law,” p. 124 et seq. (Yuhikaku, 1992); Shinya Ouchi, “Impact of Union-shop Agreement on the Theory of Labor Organizations,” *Kobe Law Journal*, Vol. 49, No. 3, p. 461 (2000); Takashi Suzuki, “Requiem for Union Shop,” *Shimane Law Review*, Vol. 47, No. 2, p. 79 (2003); Masanobu Mitsui, “Union Shop,” *Jurist Extra Number*, “Issues of Labor Law” (3rd ed.) p. 36 (Yuhikaku, 2004), etc.).

1-4. For information and literature on foreign laws, if the contents have already been introduced in Japanese literature or have been translated into Japanese, the Japanese sources must also be included.

Ex. 1-4-1. In Europe, there is a proposal to reorganize social laws into four concentric circles—[1] rights specific to subordinate work, [2] rights common to profitable activities, including self-employed work (occupational safety and health, etc.), [3] rights guaranteed to nonprofit activities (application of occupational accidents compensation to unpaid work, guarantee of pension benefits for the childcare period, etc.), and [4] universal rights guaranteed regardless of working forms (medical security and minimum living security, etc.)—thereby reorganizing these into more dynamic laws suitable to the diverse working lives (life stages) of people (SUPIOT (A.), *Au-delà de l'emploi: Transformations du travail et devenir du droit du travail en Europe*, Paris, Flammarion, 1999, pp. 88, et s). The following Japanese literature introduces this proposal: Yuichiro Mizumachi, “Transformation and Revitalization of Labor Society—History and Theories of French Labor Law System,” p. 228 (Yuhikaku, 2001); Yoichi Shimada, “Memorandum of Labor Contracting Agreement similar to Employment and Labor Law,” in Kenichiro Nishimura, et al. (eds.) “Labor Contract Theories in New Age,” p. 62 (Shinzansha, 2003).

2. Citing Sources

2-1. If such texts as laws, precedents, and theories are directly cited from other literature, the texts shall be put in parentheses and the sources shall be indicated.

Ex. 2-1-1. Precedents on discrimination in employment based on thought and creed state as follows.

“The Constitution guarantees the freedom of thought and creed and equality before the law and, on the other hand, also guarantees exercise of property rights and freedom of operation and any other wide economic activities under Article 22 and Article 29, etc., as fundamental human rights. Therefore, enterprises have the freedom to enter into an agreement as part of such economic activities and in employment of workers for their operations in general, and in general, can freely determine what persons they employ and on what conditions, unless otherwise restricted by the laws. If enterprises refuse employment to a particular person because of the particular thoughts and creed of the person, it cannot naturally be regarded as illegal. As we stated above, the provision of the Constitution, Article 14, does not directly prohibit such acts and the Labor Standards Act, Article 3, prohibits discrimination of working conditions, including wages based on the creed of workers, but this is the restriction on working conditions after employment and not the provision restricting employment itself. It is apparent that refusal of employment based on thought and creed itself cannot be immediately regarded as tort under the Civil Code and we cannot find any grounds for understanding it as against the public order and good morals.” (Mitsubishi Plastics Case, Decision of the Supreme Court, Large Bench, December 12, 1973, Minshu, Vol. 27, No. 11, p. 1536.)

2-2. If a part of cited texts is omitted, the omission symbol (.....) must be added, and if a part of texts and phrases are changed, change parentheses ([]) must be added to make clear the omission and/or change.

Ex. 2-2-1. With respect to discrimination in employment based on thought and creed, precedents state, “enterprises have the freedom to enter into an agreement as part of such economic activities [guaranteed under the Constitution Article 22 and Article 29, etc.], and in the employment of workers for their operations in general, they can freely determine what persons they employ and on what conditions, unless otherwise restricted by the laws. If enterprises refuse employment to a particular person because of the particular thought and creed of the person, it cannot naturally be regarded as illegal. As we stated above, the provision of the Constitution, Article 14, does not directly prohibit such acts..... It is apparent that refusal of employment based on thought and creed itself cannot be regarded

as tort under the Civil Code and we cannot find any grounds for understanding it as against the public order and good morals.” (Mitsubishi Plastics Case, Decision of the Supreme Court, Large Bench, December 12, 1973, *Minshu*, Vol. 27, No. 11, p. 1536.)

2-3. If citing by omitting or changing a part of the text, pay close attention not to change the purpose of the original text.

Ex. 2-3-1. (Bad Example) Precedents state, “enterprises have the freedom to enter into an agreement as part of such economic activities [guaranteed under the Constitution Article 22 and Article 29, etc.], and in employment of workers for their operations..... they can freely determine what persons they employ and on what conditions.” (Mitsubishi Plastics Case, Decision of the Supreme Court, Large Bench, December 12, 1973, *Minshu*, Vol. 27, No. 11, p. 1536).

←(Reason) “...unless otherwise restricted by laws, etc., in general,” was omitted, and the purpose of the original text, that there might be exceptional cases to be determined illegal, was lacking.

2-4. If there are Japanese translations of the information and literature in foreign languages, they must be specified.

Ex. 2-4-1. Steinfeld stated as follows on the situation of workers in the United States in the mid-19th century.

“In the American political economy in the new 19th century, wage workers praised their status as free and autonomous people even when they advocate their poverty as wage slavery. As a result that the legal nature of wage labor has basically changed and that such perception was established as self-government meant the bare self-ownership, wage workers knew that they were independent and simultaneously the ruled, that is, they govern themselves officially, but they are in the political economy privately subordinating to the rules established by the owner of production means.” (R. J. STEINFELD, *THE INVENTION OF FREE LABOR: THE EMPLOYMENT RELATION IN ENGLISH & AMERICAN LAW AND CULTURE, 1350-1870*, at 187 (1991). As a Japanese source translated this part of the book: Yuichiro Mizumachi, “Revitalization of Organizations—History and Theories of the American Labor Law System,” p. 29 (Yuhikaku, 2005)).

To acquire further authentic knowledge on writing a research paper, Atsushi Omura,

Hiroto Dogauchi, Hiroki Morita, and Keizo Yamamoto's "Civil Law Research Handbook" (Yuhikaku, 2000) is a useful resource.

2-5. In political science, especially political history, sources and citations are indicated in a manner similar to history sources (Ex. 2-5-1); in a field inclined toward theory, citation styles used in the field of natural sciences or social sciences in English-speaking countries are also used (Ex. 2-5-2).

Ex. 2-5-1. Since the 1960s, however, with respect to the War of Independence, a tendency to "understand military in social context as a whole" appeared because "armies are nothing but the reflection of the society from which they come." (1)

(1) Don Higginbotham, "American Historians and the Military History of the American Revolution," *AHR*, 70 (1964), 31, 33.

(The above example was cited from the following literature: Makoto Saito, "Study of the History of American Revolution/Freedom and Integration" (University of Tokyo Press, 1992), p. 314, 354. It is specified in the explanatory notes at the top of the book that *AHR* refers to American Historical Review.)

Ex. 2-5-2. The political party system is classified into "two main political party system," "one political party predominant system," and "moderate multi-party system" by the number of political parties composing the system and the pattern of competition (Sartori, 1976).

Reference Literature List:

Sartori, Giovanni. 1976. *Parties and Party Systems: A Framework for Analysis*. Cambridge University Press.

(The above example was cited from the following literature: Sadafumi Kawato, "Election System and Political Party System" (Bokutakusha, 2004), p. 9. This takes the form of inserting the list of reference literature at the end of the book. The list of references is prepared in alphabetical order, or in Japanese alphabetical order, and the year of publication must be stated after the name.

2-6. Citations from the Internet

The Internet can be a source of information on articles in a manner similar to traditional media. Opportunities for accessing personal documents of politicians that are stored in foreign libraries through the Internet have been increasing, and the Internet contributes to more efficient research.

Same as other references, the source (URL) must be specified, but there are some special matters of note.

First, it is important to fully consider whether the website and the information provided on the website are reliable. This applies to all reference materials, but the necessity is higher for Internet sources.

Second, not only the address of the website, but also the date of access must be specified. Websites are frequently renewed and some of them might disappear. It is desirable to print out the part directly referenced or cited, and retain this information in physical form.

4. Copying and Plagiarizing Articles

If the words of others are used without using quotation marks and indicating the source, this act is known as plagiarism. Plagiarism infringes on the intellectual rights of those in universities, the publishing industry, and even society in general and must not be done under any circumstances.

Research outputs are the results of honest efforts of individuals or research groups, and the copyrights of individuals (or groups) are protected by laws. To pretend as if the works of others were written by oneself is considered “stealing” (plagiarism), which is using the results of others as one’s own without permission; this cannot be permitted. Such acts are also a desecration of research.

When one develops arguments that rely on the research results and literature of others, only listing the literature in the reference list does not mean indicating sources. Unless one specifies which part of the literature has been referred to, it is considered plagiarism.

What frequently occurs is plagiarism without malicious intent. This is often used as an excuse. Even if one thinks one has written original ideas, sometimes, it happens that one simply uses the language of the prior research as it is. It is important to review prior research every day with a sense of tension and, at the same time, keeping careful memos and records. Diverting the original view of others in one’s own articles without specifying the sources is considered plagiarism, regardless of the intent being malicious or not. If text has been directly cited and if the source is only listed in the list of references, this is also considered plagiarism.

In the Code of Conduct for scientific research of the University of Tokyo, forgery, alteration, and theft are defined as wrongful acts. (Refer to the following website: <http://www.adm.u-tokyo.ac.jp/res/res4/kihan/index.html>.)

Postscript

These Guidelines were prepared for the purposes of preventing such wrongful acts as plagiarism and theft, because of the scandal around the revocation of doctoral degrees due to wrongful acts, which occurred at the University recently. In the preparation of these Guidelines, similar guidelines and manuals already prepared by departments of the University were used as a reference. We would like to express our gratitude to the following departments:

The University of Tokyo, College of Arts and Sciences, English Department/Liberal Arts Education Development Organization, “Your Own Words? Words of Others?—Techniques of Academic Papers—,” 2009.

The University of Tokyo, College of Arts and Sciences, English Department/Liberal Arts Education Development Organization, “Support of Knowledge/Information Sources—How to indicate Sources and describe Literatures—,” 2009.

The University of Tokyo, Graduate School of Humanities and Sociology/Faculty of Letters, Research Ethics Working Group, “Treasure Words—Knowledge of Writing Articles and Reports,” 2010.

The University of Tokyo, Graduate School of Engineering, “Ethics in Scientific Researches—Guidelines—,” 2010.

The University of Tokyo, Graduate School of Education, “In order to write reliable articles,” 2010.