

REFERENCING

The most important way to ensure that your work passes the test of academic integrity is to indicate where you found information. This shows that what you are saying is not your own ideas, but you found it or read it somewhere else.

Conversely, anything without a reference is regarded as being a claim that this is your own idea. So, if you make a statement that is not your own idea but without giving a reference, you are committing plagiarism. That is why it is so important to get this right! It is the most technically challenging part of your studies and it is important that you adhere to the rules set out below.

1 Basic rules of referencing in the School of Law

- a) The method of referencing set out below is applicable to ALL documents produced for research work in the School of Law. Deviation from this is only allowed in exceptional circumstances and then the deviation must be consistent throughout the document.
- b) The School of Law does not use the Harvard method of referencing where the source is given in the text, such as (Harrison 2004:360). This is because references are usually long and would interrupt the argument.
- c) The School of Law does not use the method of referring to *ibid*, *id*, *supra*, *infra* and so forth. Nor does it use the method of referring by using [note 13 above] as this makes it almost impossible to keep track of footnotes.
- d) All references must be in footnotes and not in endnotes.
- e) A footnote is always followed by a full stop.
- f) When citing your sources in footnotes, you have two options: (i) You can provide the full reference to the source the first time you refer to that source and then only use the shortened version in the rest of the work or (ii) You can use the shortened version throughout.
- g) Whichever method you use, your work must be supplied with a bibliography in which you give both the shortened and the complete reference to the sources you cited.
- h) The footnote number is always in superscript and follows the full stop and not the other way around.

2 Specific rules for different types of sources

2.1 Books and contributions in books

The basic form of reference to a book is:

Smith C *The law of insolvency* 3rd ed (Butterworths Durban 1988) 3.

The shortened form would be:

Smith *Insolvency* 3.

Note the following:

- a) There are no commas, full stops, colons or semi-colons anywhere.
- b) The surname is given first and then the initial(s). This is followed by the title of the book in italics, then the edition and then the publisher, place of publication and date of publication. The last number is the page of the book you consulted.
- c) As a general rule always use the **latest edition** of a book unless there is a good reason to refer to an older edition.¹
- d) There are different forms used if there is one author or more than one. See the examples below.
- e) Normal capitalisation is used in the titles of books and contributions in books.

Examples:

Below we provide a table with examples of various kinds and permutations of books and contributions in books. **Please note** that while these are in a table here, you cannot of course use a table in your work. It is merely for ease of reference.

1 For example, in legal historical research, the oldest available edition of the work should be consulted.

FULL REFERENCE	SHORTENED VERSION
One author	
Smith C <i>The law of insolvency</i> 3 rd ed (Butterworths Durban 1988) 3.	Smith <i>Insolvency</i> 3.
Two or three authors	
Church J, Schulze C and Strydom H <i>Human rights from a comparative and international law perspective</i> (Unisa Press Pretoria 2007) 237.	Church, Schulze and Strydom <i>Human Rights</i> 237.
More than three authors	
Corbett MM <i>et al The law of succession in South Africa</i> (Juta Cape Town 1980) 225.	Corbett <i>et al Succession</i> 225.
Contribution/chapter in book²	
Pound R "The passing of mainstreetism" in Sythoff AW (ed) <i>XXth Century comparative and conflicts law</i> (Brill Leyden 1961) 3-14.	Pound <i>Mainstreetism</i> 12.
Contribution/chapter in book where the author is also the editor	
Zweigert K "Rechtsvergleichung" in <i>Rechtsvergleichung</i> (Darmstadter Verlagsanstalt Darmstadt 1978) 1-9.	Zweigert in <i>Rechtsvergleichung</i> 6.
Translated books	
Kelsen H <i>General theory of norms</i> (translated from the original German by Hartney M) (Clarendon Press Oxford 1991) 114.	Kelsen <i>Norms</i> 114.
Published contribution at a conference	
Kahn E "Crime" in <i>Criminal law</i> (Papers delivered at the Third Annual Congress of the South African Association of Criminologists 21-26 July 1961 Juta	Kahn "Crime" 224.

2 In the long form the page numbers of the whole contribution is given. In the short version only the page(s) consulted.

Cape Town) 221-228.	
Dissertations and theses	
Kindiki K <i>Humanitarian intervention: the role of intergovernmental organisations</i> (LLD thesis University of Pretoria 2002) 209.	Kindiki <i>Humanitarian intervention</i> 209.
Later editions of a book written by new authors	
Scott TJ and Scott S <i>Wille's Law of mortgage and pledge in South Africa</i> 3 rd ed (Juta Cape Town 1987) 334.	Scott and Scott <i>Wille's Mortgage and pledge</i> 334.

2.2 Journal articles

The basic form of reference to a journal article is:

Stander AL "Die eienaar van die bates van die insolvente boedel" 1996 *THRHR* 388-399

The shortened version is:

Stander 1996 *THRHR* 385.

Note the following:

- a) The **title of the article** is not italicized, is in **lower-case** (except where capital letters must be used) and is followed by the date of the journal.
- b) The **titles of journals** are, wherever possible, **abbreviated**, with an explanatory list of abbreviations supplied. The abbreviation is italicized.
- c) **Newspaper reports** are cited similarly to contributions in law journals except that the exact date of the newspaper is given. For example: Ngqiyaza B "Socio-economic rights must be enforced in South Africa – Pityana" 1997-09-19 *Business Day* 4. The shortened form is: Ngqiyaza 1997-09-19 *Business Day* 4.

2.3 Old authorities

There are very specific ways of referring to old Roman and Roman-Dutch sources. If you are doing this type of specialised research, please consult your promoter on the correct method.

2.4 Internet sources

The basic form of reference to an internet source is:

Mamoepa B "The Act on Higher Education" <http://www.star.hsrc.ac.za/nche.html>
(Date of use: 16 November 1997)

The short version is:

Mamoepa <http://www.star.hsrc.ac.za/nche.html> (Date of use: 16 November 1997)

Note the following:

- a) If the author is not clear or there is no author (such as with institutional websites) the full reference is merely the URL and the date of use. For example: <http://www.nipccreport.org/> (Date of use: 17 September 2015). This will also be the short version.
- b) Legal academic journals that are published on the Internet, such as the *Potchefstroom Electronic Law Journal*, are cited in the same manner as normal journal articles and not as an Internet source.

2.5 Law reports

The full version of a reference to a court case is as follows:

Hoffmann v South African Airways 2001 1 SA 201 (CC) [23].

There is no shortened version for case law, but see the notes below.

Note the following:

- a) If the work makes repeated reference to a case, a shortened form can be used. However, it must be clearly stated that this is the abbreviated form that will be used, for example: *Hoffmann v South African Airways* 2001 1 SA 1 (CC) (hereinafter the *Hoffmann* case).
- b) Specific **sections** of a case are referred to with reference to either the page(s), for example 263H, where it is indicated in the reported volume, or a paragraph(s) of the judgment (as has become customary in judgements). The paragraph is identified by way of square brackets, for example [137].
- c) In all cases the reference to the court will be the one used in the specific law report.
- d) Foreign case law and regional or international case law must be referenced in the manner in which the specific law report states.

2.6 Legislation

The basic form of reference is:

Patents Act 57 of 1978.

There is no shortened form for legislation, but see the notes below.

The correct form of reference to the constitution is:

Constitution of the Republic of South Africa, 1996.³

Note the following:

- a) If the work makes repeated references to an act, a shortened form can be used. However, it must be clearly stated that this is how it will be used. For example: Patents Act 57 of 1978 (hereinafter referred to as the Patents Act).
- b) If the work only deals with one act in some detail, the reference would be: Patents Act 57 of 1978 (hereinafter referred to as the Act).
- c) This is particularly true if the constitution will be dealt with in any depth. For example: Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution).

2.7 *International and regional instruments / documents*

Note the following:

- a) The most important international and regional documents may be found on the official websites of international and regional organisations. The *PULP Guide* also provides Internet websites where international treaties and documents can be accessed.
- b) The *United Nations Documents: Research Guide* on the official website of the United Nations (<http://www.un.org/Depts/dhl/resguide/>) gives an overview of the different types of documents and publications issued by the United Nations and provide guidance to researchers how to work with these documents.
- c) *International Legal Materials (ILM)* is a bimonthly publication of the American Society of International Law and each issue *inter alia* contains the full texts of treaties, judicial and arbitral decisions and documents of international and regional organisations.
- d) There are also some other useful works available that contain the texts of international and/or regional documents, for example: Mtshaulana, PM, Dugard J and Botha N (eds) *Documents on International Law: Handbook for Law Students and Constitutional Lawyers* (Juta Kenwyn 1996); Heyns C and

3 This is required by the Citation of Constitutional Laws Act 5 of 2005.

Killander M (eds) *Compendium of Key Human Rights Documents of the African Union* 2nd ed (PULP Pretoria 2006).

3 Summary

SOURCE	FULL REFERENCE	SHORT VERSION
Books	Rowlands M <i>The philosopher at the end of the universe: philosophy explained through science-fiction films</i> (Ebury Press London 2003)	Rowlands <i>The philosopher at the end of the universe</i> 33
Chapter in book	Cover R "Violence and the word" in Minow M, Ryan M and Sarat A (eds) <i>Narrative, violence and the law: the essays of Robert Cover</i> (University of Michigan Press Ann Arbor 1992) 203-238	Cover "Violence and the word" 204
Articles	Schlag P "Law as the continuation of God by other means" 1997 <i>California Law Review</i> 427-440	Schlag 1997 <i>California LR</i> 434.
Legislation	National Health Act 61 of 2003	None, but see comments in text.
Constitution	Constitution of the Republic of South Africa, 1996	None, but see comments in text.
Case law	<i>Hoffmann v South African Airways</i> 2001 (1) SA 1 (CC)	None, but see comments in text.
Internet	Mamoepa B "The Act on Higher Education" http://www.star.hsrc.ac.za/nche.html (Date of use: 16 November 1997)	Mamoepa http://www.star.hsrc.ac.za/nche.html (Date of use: 16 November 1997)