



University of KwaZulu-Natal Library

GUIDE TO REFERENCING IN LAW:

List of works cited or bibliography

WHY IS REFERENCING IMPORTANT?

- To acknowledge the sources of information you have used just as authors of books and journal articles list the sources they have used
- It is academic courtesy to acknowledge the work of others – none of us know everything and we rely on the work of others
- Your lecturers/readers need to see from where you obtained your information
- Your lecturers/readers need to see how widely you have read; whether you have used key sources and how up to date your information is
- Your lecturers/readers need to be able to verify the information you have used
- Plagiarism – using someone else’s ideas as if they were your own is unacceptable and a punishable offence.

TERMINOLOGY USED IN THIS GUIDE

Bibliography – a detailed list of all sources of information consulted but not necessarily cited

Citation – a reference to a particular source of information

List of works cited – a detailed list of all sources of information consulted and cited

Source – the published or unpublished literature to which you have referred such a book or a journal article.

LIST OF WORKS CITED / BIBLIOGRAPHY

- A ‘List of works cited’ / Bibliography is usually included in books (not journal articles) and is a requirement for assignments, theses etc. Such a list usually appears at the end of your assignment or a book
- While footnotes indicate where particular information came from at a particular point in text, a list of works cited is a comprehensive list of all sources of information used, with full details about the sources.
- Only secondary sources are listed in a ‘list of works cited’. All secondary sources used must be listed
- The secondary sources are presented in one alphabetical sequence by authors’ surnames
- Fuller details than in footnotes, about the information sources you have used, appear in the ‘list of works cited’, for example publication details are included
- Primary literature such as cases and statutes are listed separately. These are also listed in alphabetical order. Thus a full list of works cited comprises three parts: secondary sources; cases; statutes – separate out foreign primary sources from South African
- Indexes are not included as they are finding tools and not actual sources of information
- Make sure that you use single spacing between the lines of a single reference and it looks neater to indent all lines of a reference after the first line.

This guide indicates the details that must be included about each type of source of information, the order of these details and punctuation conventions.

The most important thing in terms of format is to be consistent and accurate and neat and give as full information as possible so the sources can be easily identified and traced

EXAMPLES OF REFERENCES FOR A 'LIST OF WORKS CITED'

BOOKS

Basic format

Author(s) Title Edition statement City (of publisher) and Name of publisher and Year of publication.

- These details must be written in the above order: it is very important to be consistent
- An author is the person responsible for the item; he or she may not however have written all the content in which case they are called an editor, compiler etc.
- With author's names, always write the surname first
 - Use initials for first names with no spaces in between
 - Where there are one to three authors, write down all of their names (in the order they appear in the book) with commas in-between names
 - Where there are more than three authors, write down the name of the first followed by: ...et al.
 - When no author is obvious, start with the title or use anon short for anonymous
- The title of a book must always be underlined if handwritten or in italics if you are Word processing
 - Every proper word of the title starts with a capital letter
- The edition statement is represented by the abbreviation ed not edition
 - If a book has no edition statement it means it is a first edition so it is not necessary to write in 1st edition; only editions other than the first are indicated
- The name of a *city* not a country is given in the publication details
 - Where more than one city of publication is given, use only the first
- Only one publisher must be given; choose the first if there is more than one
- If any detail is unclear, put what you think it is in square brackets
- Be careful of punctuation; follow the examples below
- For multivolume works indicate the volume/s used
- End every reference with a fullstop.

Book by a single author

Smith, J *The Law of Contract* 3 ed Cape Town: Juta, (1996).

Books by more than three authors

Du Toit, E. ... et al. *Commentary on the Criminal Procedure Act* 2 ed Cape Town: Juta, (1987).

Books in multiple volumes

Claassen, RD (ed) *Dictionary of Legal Words and Phrases* 2 ed Durban: Butterworths, (1997). Vol 4.

Chapter/s in a book where chapters are written by different authors. Details about the chapter precede details about the book. Where there are multiple volumes eg Lawsa, include volume numbers and inclusive pagination for chapter used (or paragraphs in the case of LAWSA).

Flynn, EE 'Jails' in SH Kadish (ed) *Encyclopedia of Crime and Justice* New York: Free Press, (1983). Vol 2, 912-929.

Joubert, P 'Challenges facing the courts today' in D Michaels (ed) *Constitutional and Administrative Law* Durban: Butterworths, (1993) 48–67.

Kerr, AJ 'Lease' in WA Joubert (founding ed) *The Law of South Africa*. Durban: LexisNexis. Vol 14, First reissue (1999) para 164.

Corporate bodies as authors – companies, organizations, institutions

South African Law Commission *Simplification of Criminal Procedure* Pretoria: South African Law Commission (or SALC), (1996).

Reports of government departments – including white papers, etc.

- **Annual report of a government department**
South Africa Department of Justice *Annual Report* Pretoria: Dept. of Justice, (2002).
- **Commissions of inquiry and government committees**
Chairperson of the commission is the author
Katz, MM *Commission of Inquiry into Certain Aspects of the Tax Structure of South Africa: Eighth Interim Report* Pretoria: Government Printer, (1994).
- **White papers**
South Africa Department of Environmental Affairs and Tourism *White Paper: The Development and Promotion of Tourism in South Africa* Pretoria: Government Printer, (1996).

JOURNAL AND NEWSPAPER ARTICLES

Basic format

Surname(s) of author(s) of article and initials; title of article (in single quotation marks); year of publication (in brackets); volume and part number; title of journal (underlined or in italics); page *range* of the article.

- The titles of *journals* may be abbreviated eg AS instead of Annual Survey
- Each word of the *journal* title is capitalised not the article title
- The journal itself is the most important item – if you do not know in which journal an article is published you will not be able to find the article. The details about the *journal* always come last
- The volume number is given before the part number (if there is one) and the part number is in curved brackets
- Name of publisher and city of publication are *never* included in journal references
- With a newspaper article, provide the day and month as well as year

Examples:

Brown, P 'The meaning of culpa' (1996) 89(1) *Oxbridge Law Quarterly* 107-109.

Moyo, SP 'The decline and fall of constitutionalism' (1998) 23 *SAJHR* 456–471.

'Man probed over human trafficking' Natal Witness 27 May 2003, at 3.

LAW COMMISSION PAPERS

South African Law Reform Commission *Sexual Offences: Adult Prostitution*
(Discussion paper 0001/2009, Project 107) Pretoria: SALRC, (2009).

THESES

Goossens, S *Diplomatic Immunity: an Argument for Re-evaluation* (unpublished
LLM thesis, University of KwaZulu-Natal, 2011).

ELECTRONIC SOURCES

CD ROMS, Videos, etc.

Basic format:

Follow the format of references for books, periodicals etc as far as possible and make the following additions:

- Type of format is given at the end of the reference eg CD ROM

Examples:

Oxford English Dictionary on Compact Disk 2 ed Oxford: Oxford University Press,
(1992). CD-ROM.

Is the death penalty justified? Greenpoint, Conn.: Gale, (2000). Video.

ONLINE FULL-TEXT SOURCES

Online books and journal articles from databases

- Where the source is available in print / published form but is accessed online eg a book from Juta or Lexis or a journal article from a database such as Westlaw, Heinonline etc, there is no need to refer to the URL. Follow the rules for printed resources above
- Often volume and page numbers are missing in online journal articles if not in pdf format and often full publisher information is missing with online books
- Exceptions are newspaper articles and documents from other countries such as Law Commission reports which may be difficult to trace without the URL
 - It is sometimes difficult to determine when this rule applies, if in doubt, add in the URL
- Put the URL in italics. URLs are not underlined
- Add the date the site was accessed - since locations of electronic texts can change, each access to an online source must be considered unique so the date of access must be indicated.

Examples

Books – including dictionaries, encyclopedias, chapters in books and reports

Du Toit ... et al. *E Commentary on the Criminal Procedure Act* (Revision Service
48) Juta Publications, (2012).

South African Law Commission *Money Laundering and Related Matters* (Discussion Paper 64, Project 104) Pretoria: South African Law Commission, (1996) available at <http://wwwserver.law.wits.ac.za/salc/report/report.html>, accessed on 4 December 2003.

If the item is specifically produced in online format, definitely add URL

'Jack the Ripper' in *Encyclopedia Britannica Online*. Encyclopedia Britannica, (2002) available at <http://britannica.com//eb/article?eu=44113>, accessed on 17 January 2002.

Government publications and government websites

Department of Justice and Constitutional Development *National Policy Guidelines for Victims of Sexual Offences* available at <http://www.doj.gov.za>, accessed on 2 December 2003.

Mbeki, T *State of the nation address: opening of parliament 14 February 2002* available at <http://www.gov.za/>, accessed on 21 November 2003.

Journal and newspaper articles

Journal articles from formal databases do not have to be treated as online items. For online newspaper articles or journals that are accessed directly via the URL from a search engine and not via a database, include the URL and access date.

Gottschalk, P 'Law firm clients as drivers of law firm change' (2002) 1 *Journal of Information Law and Technology* (or JILT) available at <http://elj.warwick.ac.uk/jilt/02-1/gottschalk.html>, accessed on 18 July 2003.

'Hefer Commission lures ANC factions into the open' *Mail and Guardian Online*, 17 October 2003 available at <http://www.mg.co.za>, accessed on 24 November 2003.

Websites / website documents

- Provide document title then document date if available, after title
- Add the name of the website in italics
- Provide URL and access date

De Vos, P 'Road rage drivers beware' (17 February 2010), *Constitutionally Speaking* available at <http://constitutionallyspeaking.co.za/road-rage-drivers-beware/>, accessed on 31 July 2010.

LAW REPORTS AND STATUTES

- Law reports are listed separately from statutes and the secondary sources. They are listed alphabetically by names of the parties. Include the full citation for each case. South African cases are usually listed separately from foreign cases
- Statutes are also recorded in a separate alphabetical list
- Government Gazette references usually only appear in-text or in the footnotes
- Do not indicate if the law report or statute was obtained electronically

- Only list the actual cases and statutes used, do not list the databases from where the items were obtained.

Examples: Cases

Braudel v Parnell 1998 (2) SA 467 (A)
Ingram v Letsele 1974 (3) SA 24 (C)
S v Tshabalala 2003 (1) SACR 107 (N)

Examples: Statutes

Criminal Procedure Act 51 of 1977

s 1
s 3
s 12

Patents Act 11 of 1984

s 33
s 35

BASIC DIFFERENCES BETWEEN A REFERENCE IN A LIST OF WORKS CITED AND A FOOTNOTE

LIST OF WORKS CITED	FOOTNOTE
Dias, RWM <i>Jurisprudence</i> 5 ed London: Butterworths, (1985).	1. RWM Dias <i>Jurisprudence</i> 5 ed (1985) 36
<ol style="list-style-type: none"> 1. List at the end of the assignment 2. Items in alphabetical order by author's surnames 3. Full bibliographic details 4. Secondary sources only 5. A separate table of cases and statutes 	<ol style="list-style-type: none"> 1. Footnoted items are at the bottom of the page in the order in which they are referred to in the text 2. Footnotes numbered sequentially from 1 3. Briefer details than in a bibliography eg. exclude city and name of publisher 4. Any source of information can be footnoted 6. Shortcut words can be used eg. <i>ibid</i>, <i>op cit</i>, <i>loc cit</i> and <i>supra</i>

PLAGIARISM

Plagiarism “ is turning in or passing off someone else’s work as your own ”.
“ Putting someone else’s work into your own words does not make it yours”.

“In an intellectual community ideas are passed around freely as most intellectual inquiry could not take place without borrowing from the work of others. Responsible, honest writers indicate their debt to others by clearly citing the material they have borrowed”.

1. **Direct plagiarism** – copying word for word what someone else has written without indicating it is a quote and without acknowledging the author. Copying a fellow student’s work and passing it off as your own is plagiarism
2. **Vague or incorrect citation** – a writer needs to indicate very clearly which sentences or paragraphs or pieces of information are from which source. The reference to a piece of information should come immediately after the information has been written.
3. **Mosaic plagiarism** – this is the most common type of plagiarism. The writer does not copy word for word but changes a few words here and there without actually changing the form of a sentence or paragraph so that the writing is very close to the original; and fails to acknowledge the source of the information.

AVOIDING PLAGIARISM

When in doubt....acknowledge ALL the sources of all the information you include

Quote – if you copy exactly what is in the text place the entire quotation must be in double quotation marks/inverted commas (“) and acknowledge the source

Summarising in your own words – it is often preferable to summarise a piece of text or ideas in your own words as this indicates your understanding and ability to write succinctly. Even though you summarise, you must acknowledge the source of the information. Summarising does not make the information yours.

Taken from DePauw University Academic Resource Centre web site:
<http://my.depauw.edu/admin/arc/W-center/plag.asp>

EXAMPLE OF WHAT A FINAL LIST OF WORKS CITED SHOULD LOOK LIKE

Secondary sources

Brown, P 'The meaning of culpa' (1996) 89(1) *Oxbridge Law Quarterly* 107-109.

Claassen, R D (ed.) *Dictionary of Legal Words and Phrases* 2 ed Durban: Butterworths, (1997) 4 v.

De Vos, P 'Road rage drivers beware' (17 February 2010), *Constitutionally Speaking* available at <http://constitutionallyspeaking.co.za/road-rage-drivers-beware/>, accessed on 31 July 2010.

Du Toit, E ...et al. *Commentary on the Criminal Procedure Act* 2 ed Cape Town: Juta, (1987).

Flynn, EE 'Jails' in SH Kadish *Encyclopedia of Crime and Justice* New York: Free Press, (1983). Vol 2.

Joubert, P 'Challenges facing the courts today' in D Michaels (ed). *Constitutional and Administrative Law* Durban: Butterworths, (1993) 48–67.

'Man probed over human trafficking' *Natal Witness* 27 May 2003 at 3.

Peters, L 'Courting disaster: Amendments to the Magistrates Courts' rules' (2009) 107(4) *SALJ* 432-456.

Smith, J *The Law of Contract* 3 ed Cape Town: Juta, (1996).

South Africa Department of Justice *Annual Report* Pretoria: Dept. of Justice, (2002).

Table of cases

Braudel v Parnell 1998 (2) SA 467 (A)

Ingram v Letsele 1974 (3) SA 24 (C)

S v Tshabalala 2003 (1) SACR 107 (N)

Table of statutes

Criminal Procedure Act 51 of 1977

s 1

s 3

s 12

Patents Act 11 of 1984

s 33

s 35