



University of KwaZulu-Natal Library, Pietermaritzburg

## **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 and whether you have used key sources and how up to date your information is
- Your lecturers/readers need to be able to check on 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**Source** – the published or unpublished literature to which you have referred such a book or a journal article.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 appears at the end of your assignment
- 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
- Indexes are not included as they are finding tools and not actual sources of information
- This guide indicates the details that must be included about each type of source of information, the order of these details and punctuation conventions

## 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; you may find the author referred to as 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 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 or in italics if you are  
Word processing
- 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 1<sup>st</sup> 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

#### 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. *Dictionary of legal words and phrases*. 2 ed. Durban: Butterworths, (1997) 4 v.

#### Chapter/s in a book where chapters are written by different authors. Details about the chapter precede details about the book. Include volumes and pagination/paragraphs of sections used.

Flynn, EE. Jails. In: Kadish, SH. *Encyclopedia of crime and justice*. New York: Free Press, (1983). Vol 2, 926 – 988.

Joubert, P. Challenges facing the courts today. In: Michaels, D. *Constitutional and administrative law*. Durban: Butterworths, (1993) 48 – 67.

### **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 double quotation marks); year of publication (in brackets); volume and part number; title of journal (underlined or in italics); pages

- The titles of *journals* may be abbreviated eg AS instead of Annual Survey
- Each word of the journal title is capitalised
- 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
- Name of publisher and city of publication are *never* included in journal references

### **Examples:**

Brown, P. "The meaning of culpa" (1996) 89 (1) *Oxbridge Law Quarterly* 107- 19.

Man probed over human trafficking. (2003) *Natal Witness* 27 May, p.3

## **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<sup>nd</sup> ed. Oxford: Oxford University Press, (1992). CD-ROM.

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

## ONLINE FULL-TEXT SOURCES

### Basic format

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

- URL (or file address in the case of full-text on-line sources) including the access mode identifier eg http, gopher etc. where applicable
1. For large bibliographic database collections subscribed to by the library such as EBSCOhost, which have extremely long URLs, or URLs that comprise lots of symbols and characters, URLs do not have to be cited. Indicate which specific database you used eg EBSCOhost Research Databases and if necessary the specific database eg EBSCOhost(Academic Search Premier).
  2. For database collections such as Butterworths electronic library; Lexis-Nexis; Westlaw where individual documents do not have URLs, use the URL of site's home page. Indicate which specific database you used.
  3. If you proceed from the home page to a document via a sequence of links which is not obvious, follow the URL with the word Path: and specify the sequence of steps
- The date the site was accessed – since electronic texts can be easily altered, each access to an online source must be considered unique so the date of access must be indicated
  - For e- mail messages, sender and recipient's address along with date and title of communication
  - With many electronic journal articles volume numbers and pagination may be missing

### Examples

#### Books – including dictionaries, encyclopedias and reports

Jack the Ripper . *Encyclopedia Britannica Online*. Encyclopedia Britannica, (2002).  
<http://britannica.com/eb/article?eu=44113> (Accessed: 17 Jan 2002)

South African Law Commission (or SALC). *Money laundering and related matters*. Pretoria: South African Law Commission, (1996)  
<http://wwwserver.law.wits.ac.za/salc/report/report.html>. (Accessed: 4 Dec 2003)

#### Government publications and government websites

Department of Justice and Constitutional Development. *National policy guidelines for victims of sexual offences*. South African Government Online.  
<http://www.doj.gov.za>. (Accessed: 2 Dec 2003)

Mbeki, T. *State of the nation address: opening of parliament 14 February 2002*. South African Government Online. <http://www.gov.za/>. (Accessed: 21 Nov 2003)

## Journal and newspaper articles

### a) direct link to journal/newspaper

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

Hefer Commission lures ANC factions into the open. *Mail and Guardian Online*. 17 Oct. 2003. <http://www.mg.co.za>. (Accessed: 24 Nov 2003)

### b) via a full-text database where there is only a site URL

Clements, RV. "Medicine and public health: the changing role of the expert witness" (2003) 71(81) *Medico-Legal Journal* ( or MLJ). LexisNexis (UK Journals). <http://www.lexis-nexis.com/professional/>. (Accessed: 7 May 2003)

### c) via a database collection with an extremely long URL such as EBSCO

"The death of death row". (2003) 168 ( 5) *Canadian Medical Association Journal* p. 1-2. EBSCOhost (Academic Search Premier).(Accessed: 6 June 2003)

## Electronic publications where there is only a site URL and/or a path may have to be specified to indicate the steps used to get to a particular document

Claassen, RD. *Dictionary of legal words and phrases*. 2<sup>nd</sup> ed. (1997).  
Butterworths Intranet Resources. <http://butterworths.unp.ac.za>. Path: Legal Resources. (Accessed: 21 Nov 2003)

"Arson". (2001) 8(1) *LAWSA* 102. Butterworths Intranet Resources.  
<http://butterworths.unp.ac.za>. Path: Legal Resources. (Accessed: 26 Apr 2003)

## 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. The names of the parties must be in italics or underlined. South African cases are usually listed separately from foreign cases
- Statutes are also recorded in a separate alphabetical list

### Examples: Cases

*Carey v Jones* 1998 2 SA 467 (A)  
*Myers v Brown* 1974 3 SA 24 (C)  
*S v Hlengwa* 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
<p>Dias, RWM <i>Jurisprudence</i>. 5 ed. London: Butterworths, (1985)</p>	<p>1. RWM Dias <i>Jurisprudence</i> 5 ed. (1985) 36</p>
<ol style="list-style-type: none"> <li>1. List at the end of the assignment</li> <li>2. Items in alphabetical order by author's surnames</li> <li>3. Full bibliographic details</li> <li>4. Secondary sources only</li> <li>5. A separate table of cases and statutes</li> </ol>	<ol style="list-style-type: none"> <li>1. Footnoted items are at the bottom of the page in the order in which they are referred to in the text</li> <li>2. Footnotes numbered sequentially from 1</li> <li>3. Briefer details than in a bibliography eg. exclude city and name of publisher</li> <li>4. Any source of information can be footnoted</li> <li>6. Shortcut words can be used eg. <i>ibid</i>, <i>op cit</i>, <i>loc cit</i> and <i>supra</i></li> </ol>