GUIDE TO UNDERTAKING THE RESEARCH PROJECT

The PURPOSE of the RESEARCH PROJECT is to independently undertake a thorough investigation of a topic and present the investigation in written form demonstrating your skills of in depth research, reading, critical thinking and writing.

The NATURE OF THE RESEARCH PROJECT can vary but usually you are critically analysing and reviewing the law with respect to a topic or critiquing a case judgment or piece/proposed piece of legislation and its possible implications. The analytical and critiquing components are very important. Often the research topic may be in the form of a question to be answered in which case, after reviewing the literature and the law, recommendations may be made. At undergraduate level the project usually comprises a literature review and analysis with little or no field work.

You are expected to use a wide range of literature in terms of primary and secondary sources. Many research projects may include a comparison of the law in jurisdictions other than South Africa. This serves to place South Africa in its international context, indicate similarities and differences between jurisdictions and provide direction in terms of the development of the law.

STEPS IN THE PROCESS

Undertaking research is a process. This process involves:

- **identify a topic** for research – choose something that is of interest to you and researchable ie there must be information of some sort available and accessible
- **write a proposal** in order for your research project to be accepted
- **undertake an extensive literature review**
- **analyse** the information and answer your question and/or provide possible solutions/recommendations
- **compose a coherent presentation** of the information with respect to the nature of your topic
- **write up** the project and present it as a professional piece of work
- **reference** fully throughout the assignment and have a list of works cited at the end

1. **Choose a topic** that interests you. Lecturers can make suggestions.

2. **The research PROPOSAL – format and function**
   The purpose of the proposal is to indicate to your supervisor whether the topic is ‘do-able’: the topic of your research, the issues or aspects that you wish to deal with, that the topic is researchable ie enough information exists about it, you have an idea of the literature available and status of the law, and know how and what you are going to do with your topic. Try to choose something that is quite specific in order for the project to be manageable
   - Keep the proposal short: 500-1000 words (approx. 2 – 3 pages)
   - Outline the area you wish to focus on and explain what topics or aspects you want to examine
• Indicate what problem or issue it is you wish to explore and what questions arise
• Overview the current status of the law and the contribution already made by existing scholarship and what further issues are left to be developed by your research (literature review)*. Be aware at this stage of the key debates around the topic
• Identify the research method(s) you wish to adopt (eg review of case law, interdisciplinary work, comparative analysis and so on)
• What your research hopes to achieve ie the sufficiency or otherwise of the existing law, answering the question, proposing recommendations for law reform, highlighting issues that need to be addressed and so on

* Note that at the stage of the proposal you are not expected to have done an exhaustive search for and review of the literature, but have done some basic reading so that you are fairly well informed about the topic and why it should form the content of a research project.

3. Literature review

• Once your proposal is accepted, you will continue the literature search and review that you started at the proposal stage. By the time you complete your project your literature review should be at least double what it was at the time of the proposal.
• It is imperative that you use both primary and secondary sources of information. As case law and statutes are authority, these must be included where they exist. If your topic is South Africa based and there is no case law, draw on law from other jurisdictions.
• It is essential to use academic journal literature in particular with respect to secondary literature. This literature provides analysis, critique and debate in detail and will enhance your understanding of the topic and the law. Academic articles usually reflect thorough research which is referenced so is considered reliable. Books will provide you with background information. The library has a substantial collection of local and foreign material.
• Quite often, there exists a SA Law Reform Commission report on a topic. These are particularly useful for reviewing the current status of the law; identifying problems, providing a comparative picture with foreign jurisdictions and proposing new legislation. The university library treats these publications as books. Many countries have Law Reform Commissions doing similar work. Most have websites.
• Make sure your literature search is right up to date

Locating the literature is only part of the process. You need to read critically and extract that which is relevant for you. Be aware that some literature may present only one side of the argument or consider multiple arguments which you will have to weigh up. Make sure you have tracked down all debates and arguments. Do not presume to know the right meaning or interpretation of concepts and terms; find authoritative appropriate definitions.

The library contains a wide range of primary and secondary sources of legal information in print form. Much information is now also available in electronic format. Be aware that whilst much is available via the World Wide Web, much
academic legal information has to be paid for so may only be available from on
campus. A list of print and electronic sources is provided at the end of this guide.

4. Putting the information together

This is often the hardest part. Once you have read and digested and developed
argument or ideas and understood debates, they have to be put on paper in a
logical and coherent manner. Not all information you gather will be used, you are
selecting for a particular purpose. Your paragraphs or sections must link with
one another, i.e., your project develops an idea from beginning to end.
There is no hard and fast rule about the layout of a research project. As you read
make a note of aspects that will be dealt with, these may form the basis of
chapters or sections. You will probably have at least 5 sections or chapters;
what is given below is only a guide:

- An introduction is useful for indicating to your reader the topic, aspects,
  problems and/or issues that are going to be dealt with, how the project
  will be set out and your conclusion. Often you will be providing some
  background information as regards the topic to provide the context of the
  problem and help the reader understand why this issue or topic is being
given consideration. The introduction should give your reader a complete
and clear picture of the full nature of your project.

- You may next have a chapter or section that deals in depth with the
current status of the law in terms of statute and case law, the debates and
problems etc.

- You may or may not combine the overview of the law with the review of
the literature or have the literature review separate. Here is where you will
summarize the reading you have done around the topic largely from the
secondary sources with reference to primary material.

- If you are doing a comparison of the law in other jurisdictions, it may be
an idea to have this as a separate section unless the topic is such that
you need to deal with local and foreign law together.

- You will then have a section where you provide the answer to your
question; make recommendations; discuss issues arising from your
research and so on. If you are defending a particular position you need to
be convinced yourself and present a well argued and substantiated
position in the light of the information you have presented earlier. You are
expected to add your own ideas and thoughts and analysis.

- Your conclusion serves to provide a synopsis of what your project wanted
to achieve. Imagine that your reader does not have time to read the entire
project but needs a synopsis – this is what your conclusion should aim to
do. Do not spoil a good piece of work with a two line conclusion that is
vague or starts ‘therefore as can be seen…’ Never present new ideas in
a conclusion.
5. Writing up

- the final presentation of your project must look professional. It must be typed. Run a spell check and proof read
- You will need to do various drafts before producing a final version
- Stick to the topic, be careful of irrelevant material
- Use simple straightforward English but be careful of the correct use of language
- Have a title page with your name, student number and project title
- A contents page is a ‘nice to have’ for a substantial piece of work
- Use no more than two font sizes: one for headings and one for the text: size 12 and 14 will do. Use one font only throughout except for case names which are always in italics
- You may want to number sections and paragraphs
- Use 1½ or double spacing with decent margins for your supervisor to write comments
- Do not leave big spaces between paragraphs and headings. If you choose to type headings in bold do not underline as well. Look at any journal article or textbook to obtain layout ideas
- At all times your claims, arguments, facts, discussion etc must be substantiated. Reference via footnotes with separate lists of secondary sources, cases and statutes at the end of the project. Referencing guides are available
- Always write in the third person, do not personalise e.g. ‘it is submitted that’; ‘this writer suggests that’… rather than ‘I think’

WARNINGS!

Acknowledge your sources of information – rather too much (if that’s possible) than too few acknowledgements. The fact that much information on the World Wide Web is free does not mean that you can claim it as your own and not acknowledge it. Plagiarism is a serious offence and not tolerated. Where possible rework text into your own words. If you use text exactly as it appears in a publication always put the text in “ “ and still acknowledge where it came from.

Always save copies of your wordprocessed document in various formats. Computers are notorious for ‘crashing'; printers for not working and disks for not being compatible.

Heed all instructions very carefully.

If you make photocopies or printouts immediately write the full bibliographic details on each or else you will waste a lot of time trying to trace the original source when it comes to writing your list of works cited.

Research takes time as does reading, writing, drafting and wordprocessing. Footnoting requires great care to be accurate. Set realistic work targets. Meet with your supervisor at regular intervals. Provide your supervisor with a draft. Their input is invaluable.
USEFUL SOURCES OF INFORMATION FOR LAW

It is important to note that much academic information is not available freely on the Internet and you will need to use the academic databases subscribed to by the library. These are accessible from the Library’s website, under the databases option.

1. SECONDARY SOURCES

**Dictionaries** – there are a number of dictionaries specifically relating to law as a whole as well as specific areas of law. The following are just examples

- Claassen, RD. *Dictionary of legal words and phrases*. This is a South African work and includes references to cases which dealt with definitions. A copy is available on Short Loan as well as electronically via Butterworths Legal Resources database (via the Library’s website)
- Stroud, F. *Stroud's judicial dictionary of words and phrases*. LR 340 STR
- Fox, JR. *Dictionary of international and comparative law*. LR 341 FOX

**Encyclopedias** – these provide an overview of the law with references to other secondary sources and cases and statutes. Three are general law encyclopedias such as LAWSA as well as many topic specific ones.

- **LAWSA: Law of South Africa** is a multivolume encyclopedia providing an overview of South African law. The information is arranged in the volumes alphabetically by broad topics in law. As with all law sources, there is an index to the entire set. LAWSA is often an indispensable starting point. LAWSA is kept up to date by a monthly publication called *Current Law*.

**Textbooks** – a range of books are available for local and foreign jurisdictions covering a wide range of topics in law. Use the Library’s iLink online catalogue to establish what is available in the Library and where.

**Law Reform Commissions** – most countries have law reform commissions whose function is to review areas of the law and make recommendations. Their reports are useful for comparative information and references to literature. The SA Law Reform Commission reports are available in the library. They also have a website: [http://www.doj.gov.za/salrc/index.htm](http://www.doj.gov.za/salrc/index.htm). A Google search is sufficient to trace commissions of other jurisdictions.

**Journal literature** – the best way of establishing whether articles have been written on a topic and in which journals they appear, is to use consolidated journal indexes. Most indexes are subject specific, such as *Legal Periodicals Full Text* which indicate the contents of a wide range of journals in law. Many indexes only provide the basic (bibliographic) details about articles and it is necessary to establish if the Library has the journal and then make a photocopy. Many electronic indexes now provide the full text articles as well.

- **Sabinet** is a collection of databases/indexes of *South African* information, as most overseas indexes do not include SA publications. **ISAP**(Index to SA Periodicals) and **SA e publications** provide access to the contents of SA
journals in all disciplines, including law. These indexes are electronic. ISAP only provides bibliographic details whilst SA e publications, a small subset of ISAP, provides full text access to articles.

- **LexisNexis, Legal Periodicals Full Text** and **Westlaw** are three databases that provide full text access to UK and USA law journals.
- **Academic Search Premier** on **EbscoHost Research Databases** is an online, multidisciplinary database of journals many of which are full text.

2. PRIMARY SOURCES

**Statutes**
- Statutes and regulations are published in the **Government Gazette** in the first instance. The Library keeps a printed copy of the Gazettes. Access to the electronic version of national and provincial gazettes is available via Sabinet. Ask library staff for login details
- A multi volume printed set of the full text of South African statutes is available on Short Loan. This is the **Butterworths** set. This set presents the latest version of the statutes and is updated quarterly. The statutes are arranged in the set alphabetically by title (areas of law). Volume 1 contains indexes that enable you to trace statutes by name and year and in which title in the set they appear. This set also provides references to regulations. Regulations themselves are published in the Government Gazette. The Law Library keeps the regulation gazettes and Main Library keeps the full gazettes.
- **Jutastat e publications**, available from the Library’s website, provides full text electronic access to all statutes with some more recent associated regulations.
- The Government’s website also provides full text access to acts of parliament and bills since 1994
- Much legislation can be traced via search engines such as Google
- For foreign legislation, the above mentioned databases LexisNexis and Westlaw can be consulted.

**Law Reports**
- The Pmb campus Law Library subscribes to all printed series of South African law reports. The specialist series such as the Criminal Law Reports, Constitutional Law reports and Labour Law Reports are kept in Short Loan
- All law report series are available electronically between **Butterworths Legal Resources** and **Jutastat e publications**. These databases can be accessed from the Library’s website.
- Foreign law reports are available from the above mentioned databases **LexisNexis** and **Westlaw**
- Certain specialist web sites such as the **Constitutional Court** also provide access to the full text and summaries of constitutional cases

Under Subject Links on the Library’s website, choose Law. A list of useful websites is provided for accessing a range of legal information.

Many organisations have websites containing useful documents that are often available full text. A Google search will usually locate sites for you.