Why bother with referencing?

References are provided to avoid plagiarising.

- The first aim of referencing is to show the extent of your reliance on existing literature.
- The second aim of referencing is to enable others to access the same literature.

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When should references be given?

- As a rule you should give references for all your academic and legal sources.
- This includes books, articles, legislation, cases, legal and other websites, newspaper and other popular sources and interviews with people such as judges, magistrates, prosecutors etc.
If you are unsure whether to provide a reference, rather err on the side of caution. The consequences of under-referencing can be far more serious than the boredom that afflicts the reader of an over-referenced text.
References can be placed within the text itself or they can appear outside the text in the form of notes: either footnotes or endnotes.

For LLM and Certificate purposes footnotes are preferred because they are much easier for the reader to follow and they allow one’s writing to flow uninterrupted.

The first reference to a footnote will be a full reference which includes the particular page or paragraph to which you want to refer (‘pinpoint’reference). Subsequent references to the same works will be much shorter as you can simply put in a cross reference to the first reference.
While there are several academically acceptable styles of referencing, the School of Law prefers the SALJ house style.

Some miscellaneous points about this style:

* The SALJ style never uses bold except in headings. For emphasis, rather use italics.
* The SALJ use the ‘z’ form of English spelling: authorize, organization etc.
* Single quotation marks are used, and double ones for a quote within a quote.
* You may of course number your heading, but you should not number your paragraphs as if you were producing an opinions or a contract.
How to reference cases

- The case name and citation should be given in full and exactly as they appear in the relevant law report. However, additional parties (& another, & others) may be left out unless it is necessary to retain them in order to make sense of the discussion.
- For cases not yet reported use the neutral citation, eg Vodacom (Pty) Ltd v Nelson Mandela Bay Municipality [2010] ZAECPEHC 21 (17 June 2010). The date given is always the date of judgment.
- When giving a pinpoint reference for a judgment, either give a paragraph reference (para 3, paras 56-7) or use page numbers with marginal letters: ‘See at 1147H-I and 1149D-E’. Paragraph references are preferred these days, but with older judgments you will have to use page numbers.
- Leave out the ‘at’ with para references: Baloyi para 10.
How to reference legislation

* You can cut down on footnotes by putting the full name of the statute into your text, eg ‘the Promotion of Administrative Justice Act 3 of 2000’ or ‘the Constitution of the Republic of South Africa, 1996’. There is really no need to put the number and date of a statute into a footnote, but you may do so if you prefer.

* When referring to sections or subsections of an Act, you must write out the full word if it is at the beginning of a sentence or at the start of your footnote. Otherwise it is correct, and indeed preferable, to use abbreviations. The main ones are: s (section), subsec (subsection), para and subpara. The plural forms are ss, subsecs, paras, subparas. Other useful abbreviations are art(s) and chap(s). ‘Schedule’ is normally written out in full.

* Use italics to avoid confusion when referring to legislation.
A proclamation is cited as follows: Proc R46 GG 24567 of 31 January 2010.

Regulations are cited by referring to the notice in which they appear, eg the Road Accident Fund regulations in GN 232 GG 24568 of 1 February 2008. A regulation is abbreviated to **reg**, as in reg 5(1) (but not at the start of a sentence, obviously).

Some pieces of delegated legislation should be abbreviated, others not: Government Notice = GN; General Notice = General Notice; Proclamation = Proc Provincial Notice = Provincial Notice; regulation = reg. (For the plural, add an s.)

If unsure whether you are dealing with a proclamation, a government notice or a general notice, consult the list of contents on the back page of the *Government Gazette* in question or check Juta’s annual index to the *Government Gazette*. (By the way, this index is an excellent aid to research: it gives you a full list by subject of all the delegated legislation has been made in a particular year.)
How to reference books


* Book titles should be in title case and italics. Authors’ names should be given as they appear on the title page of the book. For instance, Leon D Brown should appear as Leon D Brown and not as L D Brown or L Brown.

* Co-authors are joined with an ampersand as shown above.

* Only give the edition number (2 ed, 6 ed or whatever) when the book is not a first edition.
How to reference chapters in books or essays in collections


* Cite authors as they cite themselves on the title page of the contribution / title page of the book. (Do not go by the table of contents, which might be different.)

* The title of the chapter / essay should be in sentence case while the title of the book is (as always) in italics and title case.
How to reference journal articles


* Cite authors as they cite themselves on the relevant page of the article.

* The names of well-known South African law journals (such as SALJ) should be abbreviated. Otherwise LJ, LR and other abbreviations may be used, as in Canadian LR, or the name may be written out in full.

* The titles of journal articles and chapters in collections should be in sentence case (not title case).

* Where the journal carries no volume number, the year is not placed in brackets, eg 2006 Acta Juridica 43.
**Internet sources**


**Contributions to LAWSA and CLoSA**


**Newspaper articles**

Some tips on cross-referencing

* The **first time** you refer to a particular source, you must give the full reference. **Subsequent references** refer back to the first reference and are shorter.
* Where you want to refer again to a book, chapter, article or similar work, use **op cit** (meaning ‘the work cited’).
* Where you want to refer again to a case or a piece of legislation, use **supra** (meaning ‘above’).
* Other useful abbreviated terms are **loc cit** (meaning ‘in the same place in the work cited’); **ibid** (short for ‘ibidem’, meaning ‘the same as the footnote immediately above’); **infra** (meaning ‘below’); **cf** (from the verb ‘confero’, meaning compare); **f** (and the following page); **ff** (and the following pages).
* Note that in the SALJ style, italics are not used for these or any other Latin terms.

**Examples:**
* See generally Brown op cit note 8 at 231-9. (Op cit is used for books, articles, chapters, essays, conference papers and the like.)

* **Baloyi** supra note 5 para 12. (Supra is used for cases, legislation and official documents not having an identifiable author.) Other variants are ‘S v Baloyi supra note 5’ and ‘the Baloyi case supra note 5’.
**Important practical tips for footnoting**

NB: All your footnotes should start with a capital letter and end with a full stop.

- Superscript footnote numbers in your text should always be placed **after** any punctuation (commas, full stops, colons and so on).
- Number your footnotes sequentially in your essay.
- Abbreviations (eg, ibid, s, ss, para and so forth) may be used freely in footnotes, but you should never start a footnote with an abbreviation. For instance, to start with ‘s 24’ or ‘S 24’ is incorrect, while ‘Section 24’ is correct.
- As you write, make a list of abbreviations and keep it handy. Use the same abbreviations throughout. Even if you get it wrong, it is always better to get it consistently wrong. For instance, the abbreviation for ‘paragraphs’ used in the SALJ style is ‘para’ and ‘paras’. If you use something else, such as ‘par’ and ‘pars’, then at least use the same incorrect abbreviation throughout the text.
- Your word-processing programme will generally have a cross-referencing function which should automatically renumber your cross-references as you move your footnotes around. However, this is risky if you move your first reference from one footnote to another. Unless you remember to change your cross-references, they could well end up referring to the wrong footnote.
- Because of this, it is a good idea to keep cross-references to the very last. Meanwhile, give temporary, short references to your sources. Once you are sure that your text is final, go back and fill in all your references properly, inserting the first reference in full and the cross-references after that. It is also a good idea to highlight all cross-references, as this makes it easy to check them later on.
- Even in your first draft, however, your temporary references should be sufficiently complete for you to be able to tell later on what you were referring to. A temporary reference simply to ‘Brown at 19’ is dangerous when you are using more than one work written by Brown. In the end you will be unsure what you were referring to and you will have to go back to your sources, wasting a lot of time. A safe way to give a temporary reference would be ‘Brown 1999 SALJ at 19’.
- Once your text has been finalized, sit down with your style guide and go through the footnotes line by line to make sure that they are in the correct format. If you discover a mistake in a footnote, be sure to check the correctness of the same reference in your bibliography.
- When checking the format of your references, pay particular attention to what is in normal (Roman) script and what in **italics**; where **capital letters** are used; where **brackets** are used; the **order** of things – that the author’s name comes before the title of an article, for example, and that the date comes before the volume number and so on; when single (‘) and double (“”) **quotation marks** are used; the correct use of **full stops** and **commas**; and the consistent use of **abbreviations**.
- If you get stuck with the format for a particular kind of reference, look at a recent article from the SALJ. (The ‘Notes’ will not assist you as in-text references are used there instead of footnotes.)
- Do not use **ibid** until you are quite sure you have finalized all your footnotes: if the order of your footnotes changes again, your ‘ibids’ will not make sense.