I ADMINISTRATIVE INFORMATION

1. THE PROCESS

1.1 Ten steps

Step 1: Attend background lectures
The following compulsory lectures are presented:

| LECTURE 1: Administrative processes and how to plan a research project | FRIDAY, 7 FEBRUARY, 12.30-13.20, LAW BUILDING AUDITORIUM |
|---------------------------------------------------------------|
| LECTURE 2: Research proposal | FRIDAY, 14 FEBRUARY 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 3: Broad theoretical approaches | FRIDAY, 21 FEBRUARY 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 4: Generic skills: Citation | FRIDAY, 28 FEBRUARY 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 5: Legal historical research | FRIDAY, 7 MARCH 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 6: Legal pluralism and comparative law | FRIDAY, 14 MARCH 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 7: Generic skills: Language and presentation | FRIDAY, 28 MARCH 12.30-13.20, LAW BUILDING AUDITORIUM |
| LECTURE 8: Individual seminars with study-leaders (see step 4, page 3 of this guide) | MAART-APRIL |
| LECTURE 9: Oral presentation of research proposal (see step 5, page 3 of this guide) | MAY |
| LECTURE 10: Final edit | FRIDAY, 5 SEPTEMBER 12.30-13.20, LAW BUILDING AUDITORIUM |
Step 2: Choose a supervisor on clickUP and then discuss your subject and topic with your supervisor

After the first lecture on 7 February each lecturer who will accept essays in 2014 will be listed on clickUP, together with the fields of law in which each lecturer will accept essays. The maximum number of students that each lecturer will accept will also be indicated on clickUP. Decide under whose supervision you will complete your essay and book a place with that lecturer by clicking on the lecturer’s name. See Procedure (below) for more detail.

Then make an appointment with the supervisor that you have selected and finalise your field of interest and topic in consultation with your supervisor. Ideally you should read widely on the topic before consulting with your supervisor. The topic (title) must not be too vague or extensive in its scope.

Step 3: Register topic and supervisor

As soon as you have finalised your title, fill out an "essay registration form" (available on clickUP) and have your supervisor sign the form. Hand in the form at Faculty Administration. This is for record-keeping purposes. Registration must be done on or before 7 March.

Step 4: Planning seminar

During March/April each lecturer organises a seminar with her/ his group of students. At the seminar, students have to present the following:

- A topic
- A tentative research problem
- Literature review (a list of the most important sources already consulted)

Members of the group discuss these aspects, and offer comments to each student.

Step 5: Submit research proposal and seminar

Students submit a research proposal on 9 May that will count 20% of the final mark. Each lecturer organizes a seminar with her/ his group of students during which the students will have an opportunity to present their research problem, assumptions and research questions as formulated in the research proposal.

Step 6: Further research, writing and submission of draft chapters

Do further research and write the essay. Plan ahead to allow enough time to check grammar, references etc. Submit draft chapters (and ultimately a draft dissertation) to the study-leader involved who will give comments on each draft that should be addressed in the next version. It is important to
note that no written work is written and completed in one go – several drafts of the same chapter should be written and rewritten to get it as complete as possible. (see point 5 under II page 14)

Step 7: Binding
The essay must be bound. No specific form of binding is prescribed, as long as the bound copies are neat and the pages are kept together. Make at least two bound copies. The essay title and the student’s initials and surname must appear on the cover.

Step 8: Submission
Submit one copy to your supervisor, and one copy at the Oliver R Tambo Law Library.

The last date for submission is 10 October. A supervisor may in her discretion allow a short extension (a few days).

NOTE THAT THE PLAGIARISM FORM MUST BE BOUND INTO THE ESSAY/DISSERTATION AND THAT A SECOND PLAGIARISM FORM MUST BE HANDED IN SEPARATELY WHEN YOU SUBMIT THE FINAL ESSAY/DISSERTATION.

Step 9: Report back seminar
The supervisor organises a further seminar (or series of seminars) that takes place after 10 October. At these seminars students deliver a ten minute presentation of their research (eg why the topic was chosen, what the main conclusions are, what you have learnt from the study). Students also answer criticism and questions from supervisors, external examiners and students in the group. (The supervisor may involve another faculty member or other expert in these seminars as external examiner.)

Prior to this seminar, members of each group must examine each of the other essays in that group. Consult the library copy of each of the other students’ essays for this purpose. (Make notes about, or photocopies of, relevant parts of each essay.)

After your seminar has taken place, complete the essay questionnaire and hand it in at the dean’s office on or before 1 November.

Step 10: Evaluation
The supervisor awards a mark (out of 100), made up of

- a mark for the research proposal 10%
- a mark for the oral presentation of the research proposal 10 %
- a mark for the oral presentation and participation in final seminar 10 %
- a mark for the written document (essay) 70 %
The oral presentation should highlight the research problem, assumptions and research questions and focus on the argument and how it was developed throughout the dissertation. Students should be able to answer questions on their own work and ask questions on the work of other students in the group.

The essay is evaluated for its form and content. (The ratio is approximately 20 of the 70 marks for form, and 50 for content).

1.2 **Form**

Students must pay attention to:

- Cover and introductory page
- Table of contents (detailed, accurate)
- Numbering (consistent, same heading levels numbered similarly)
- Footnotes (correctly used, consistency)
- Style (consistency, eg use of italics for case names)
- Language (grammar, appropriate word choice; not pompous or unnecessarily verbose)
- Punctuation
- Bibliography (alphabetical, complete, subdivision for primary sources (legislation, case-law) and secondary sources (books, journal articles etc))

1.3 **Content**

The following should be taken into account:

- Topic (relevance, clarity, precision - not too vague or too expansive)
- Research (comprehensive, most important sources consulted)
- There should be a research problem that is addressed on a conceptual level
- The approach followed/ perspective that informs the research and method should be explained clearly
- Systematic treatment of the topic (clear structure)
- Introduction, argument/content, conclusion - "golden thread"
- Logic and persuasiveness of arguments
- Correct use of authority

50 % is the pass mark.

Any mark between 40 % and 49 % entitles the student to rework the essay, and to resubmit it. This must be done by a date which the supervisor determines, but must be before the middle of January 2015.
Any mark below 40% is an outright fail. In this case, the student must reregister in 2015 and should seriously consider exploring a different topic altogether.

A student who is not satisfied with her/his mark may apply for a remark at Faculty Administration level 1, Law Building.

2. FORMAT

The formal requirements of the essay are as follows:

Length: The content (chapters) of the essay must consist of between 8 000 and 14 000 words (footnotes included). You must indicate the number of words (including footnotes) on the last page of your essay (directly after the conclusion). Up to 5% may be deducted for non-compliance with this rule (that is, exceeding OR not stating the word count).

Font type: Use any font type.

Font size: 12 point for the text, and 10 point for the footnotes.

Spacing: 1 ½ spacing.

Alignment: The text should be justified.

Binding: Any secure format. Not back-to-back binding.

Title page: [Title of essay]
Submitted in partial fulfillment of the requirement for the degree LLB by
.............................. [full name of student, student number of student]
prepared under the supervision of
.............................. [name of supervisor]
at the University of Pretoria
.................... [date]

Cover: [Title of essay]
by
....... [name of student]

On the next page, before the table of contents, a plagiarism form must appear.

A second signed form must also be submitted to your supervisor when you submit the final essay.
3. **PROCEDURE ON CLICKUP**

3.1. By the start of lectures in 2014, each Head of Department emails a list of lecturers who will accept essay and seminar students for that year, to the course administrator for SKY 400.

3.2. The course administrator creates a link on clickUP to allow students to select a supervisor for SKY 400.

3.3. The course administrator creates a group for each of the available lecturers.

3.4. The maximum number of students per lecturer will be calculated by dividing the total number of SKY students with the available lecturers. In the example provided above, the maximum number of students per lecturer has been set at 10.

3.5. A student selects a particular study leader on clickUP.

3.6. Once a student has selected a study leader, the student must make an individual appointment with the respective study leader to finalise the research topic (title).

3.7. After the student has finalised her topic (title), the student must complete an essay registration form (placed on clickUP) and must hand it in at student administration (Mrs Malan) before or on 16 March.

4. **ESSAY QUESTIONNAIRE**

(Available on clickUP) - Hand in at Dean’s office on or before 1November.
II  RESEARCH GUIDELINES

1.  PLANNING A RESEARCH PROJECT

Finalising a project is an **intensive process**. There should be a pre-writing phase, during which students do extensive reading and choose a precise topic. Writing a first draft is only a small part of the process. Once you have a first draft, it should be revised and reworked. Finally, it should be refined (“polished”) to ensure that there are no spelling mistakes or typographical errors, that the style is consistent, and that all references are correct. You will need to prepare a rough “calendar” or “plan” to ensure that you allow enough time for each of these stages. The worst projects are often littered with unnecessary typing errors and inconsistencies of style. These mistakes result from a mad rush to meet the deadline.

1.1  **Plan for:**

- Reading
- Writing of research proposal and chapters (treat the proposal as one chapter)
- Completion

1.2  **Reading strategies**

Where do you start reading?

- Most recent source
- Most comprehensive source
- Most important / authoritative source
- Source that illustrates the issues best
- SA sources before foreign sources
- Legislation vs cases vs commentaries
- Textbooks/ journal article before case law or legislation
- Basic exposition (student texts, LAWSA) before theoretical discussion

Look for sources (could be a case or a foreign source) that give a broad overview of the literature or that already does some of the analysis and mapping for you.

Be very aware of context:

- Timelines: who was first?
- Schools and movements
- Critical ‘redline’ occurrences, e.g. a conference, new legislation, a highly controversial article or decision that opened up/ changed/ killed a debate

Check your reading against other secondary sources, colleagues.
1.3 Wide initial reading
Quick, superficial scan-reading of sources

Aimed at overview of:

- All the issues discussed in literature
- Different views and opinions
- Further sources (footnotes, bibliography)
- Focus (what is important, who is authoritative?)
- Most recent position

What to get out of wide reading:

- Mapping discourse of all literature
- Identifying all the issues in the literature
- Understanding of authorities, views on the issues
- References to additional literature
- Collecting materials and drafting preliminary bibliography

1.4 Close reading
Analyse text with reference to its features (not all text is the same):

- Your pre-understanding of the field (mind maps or notes)
- Overview of the text (table of contents, marginal notes)
- Introduction and preliminaries
- Main body
- Build-up and structure of the argument (Table of Contents, headings)
- Conclusions
- Footnotes and documentation
- Indexes
- Reviews, references in other publications
- Context: later developments, change of view

1.5 Main writing stage
The main writing stage follows on the initial wide reading stage

- Plan for every chapter
- Plan from the back (submission date)
- Plan realistically
- Not all chapters are the same volume or take the same time
- Write to a schedule


- Leave enough time (depending on nature of research project) for revision and finishing off before submitting

Acknowledge sources throughout your essay. Only refer to sources which you have personally consulted. If you rely on an idea or information from a source other than your own thoughts, indicate that fact (usually by way of a footnote). If you do not, you commit plagiarism, the worst of academic sins. Plagiarism is the taking of the products of another person's mind (ideas, information found) and presenting them as your own. Even if you acknowledge a source, but write it over word for word, without using quotation marks, it remains unacceptable. Failure to acknowledge sources properly should lead to an outright fail for this reason alone.

To ensure that you avoid plagiarism, acknowledge:

- Direct use of someone else's words;
- Any paraphrase of someone's else's words;
- Direct use of someone else's idea;
- A source when your own analysis or conclusion builds on that source;
- A source when your idea about a case came from a source other than the case itself.

See http://www.library.up.ac.za/plagiarism/index.htm for more information on what plagiarism entails and how to ensure that you do not commit plagiarism.

Also note that you do not solve the problem by simply quoting, in quotation marks and with full references, extensively from other sources. A research essay or dissertation must largely consist of your own work, which means that it cannot simply be made up of quotations from other people’s work.

2 ORGANISING A RESEARCH PROJECT

2.1 Housekeeping principles

Things to consider and organise:

- Scheduling
- Citation and presentation style
- Sources
- Version data
- Copyright data
- Filing system: file names, text and non-text files, materials
2.2 Scheduling
Draft and keep up:

- Reading schedule (e.g. per week)
- Writing schedule (e.g. per month, week)
- Submission schedule (per chapter until end, leave time for revision)

Discuss with your promoter and update regularly

2.3 Organising sources
Keep bibliography, cases and legislation up to date from the beginning (full and accurate detail)

- Detail that does not go into footnotes, e.g. books, publisher and place
- Initials of authors
- Editions
- Place of publication and publisher
- Correct reference of loose leaf services

Make and save electronic or hard copies of title pages of all sources, with full bibliographic data, from day 1.

2.4 Version data
Something similar should appear on the front of each text document and be updated regularly:

AJ van der Walt: Constitutional Property Law
Chapter 4 – English Law
Draft 1: 08 May 2009
Word Count: 31 005 (80 pages)
Filename: CPL_Chap4_Draft1_8May.doc

3 RESEARCH PROBLEM, ASSUMPTIONS, RESEARCH QUESTIONS, APPROACH

3.1 Research problem
The research problem relates the research topic to the main objectives of the project. Example:

- Questions to answer
- Points to prove
- Aspects to discuss
- Problems to solve
Focus on what it is that you want to do in the project. Phrase each point in terms of something you want to achieve.

Formulate your research problem in one of two ways:
- Short paragraph (3-5 sentences)
- Bullets (3-5)
  - Each sentence or bullet states one aspect of the overall question
  - Start off with the overall question
  - The points are not random, they build on each other and progress or develop the project

**Theory and research problem**

The question to ask yourself:
- Does my research problem as I identified and described it rely on a particular theoretical tradition or approach?
- Does my relying on this theoretical tradition or approach imply that I have to do some (how much?) explicit theoretical work and justification?
- Can I feel comfortable working within that tradition or approach and can I justify doing so?
- Am I comfortable that the tradition or approach I adopt by implication has not been discredited, and that it is not conflicting with other assumptions I rely on?
- How does that theoretical tradition or approach influence my hypotheses and methodology, if at all?

3.2 **Research questions**

Research questions make the research problem explicit in its smaller components.

3.3 **Assumptions**

Assumptions, starting point(s) of the project
- They express what you assume to be the case and what you expect to find in your study
- They are formulated in a specific hypothetical language, usually in the form of: I assume X to be the case; I expect to find that X is the case
- This should indicate what you expect your conclusions to be, also what you need to do to prove them
- When formulating the assumptions, you have to know and understand enough of the material to:
  - Formulate a sensible research problem
  - Describe the research problem in terms of possible research outcomes
  - Make an educated guess at possible conclusions or results
Be able to describe the results that would lead to one rather than another conclusion

Describe what you need to investigate to reach the results you need to answer the question

Describe how you need to proceed with the analysis

- However, you have not done the work yet, so you do not know the answer, you can merely make an educated guess
- Having identified and formulated your assumptions, ask the question:
  - Are they logically in line with the theoretical tradition or approach underlying my research?
  - Are they consistent with each other on the theoretical level?
  - Are they required by / justified in terms of / reflecting the type of questions that my theoretical tradition or approach normally asks or implies?
  - Eg: possessive individualism vs communitarianism/ civic Republicanism/ relational theory; justifying/ enforcing legal positions vs reform and transformation
- Viewed in this perspective, are my hypotheses correctly formulated and structured to reflect the main stages/ steps of my inquiry?

### 3.4 Approach and methodology

- Methodology describes the techniques/ methods you use to work through the materials from the assumptions to the conclusion.
- Approach is the theoretical framework for your study and is related to and informs your methodology.
- How are you going to investigate the problems you have formulated?
- How are you going to collect, analyse and evaluate your material?
- How are you going to test your assumptions?

Typical approaches and methodologies used in legal research:

- Historical
- Comparative
- Constitutional
- Doctrinal
- Sociological
- Economic
- Empirical
- Critical (theoretical)
Where to pay attention to these issues

- Proposal: In the research proposal you should enumerate and describe briefly but very clearly:
  - Research problem
  - Assumptions
  - Research questions
  - Methodology
- The research proposal should also show the link between them and indicate how they feature in the research plan, e.g. where in which chapter
- Essay/ Thesis or dissertation: In the essay/ thesis or dissertation these aspects are again set out, described and justified, briefly in Chapter 1, showing how and where they feature in the research work.
- In the conclusion you can come back to each aspect and show how it featured in the research project and how it fits into the results.

3.5 Literature overview

- Literature overview = discourse mapping
- Purpose: demonstrate your familiarity with and understanding of main sources.
- Two ways of dealing with literature overview:
  - Overview of literature in chapter 1 if that helps to explain the research problem
  - Integrate the literature overview in the explanation of the project; literature overview features throughout

Include references to important literature.

Literature overview must demonstrate:

- There must be an unanswered question or unresolved dispute resulting from the overview
- It must be relevant to spend time / effort / money on investigating it – why?
- Own position = reason for project: what do you want to investigate / argue / show?
The format of the research proposal

<table>
<thead>
<tr>
<th>Name / Student details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor / Promoter</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Research problem</td>
</tr>
<tr>
<td>Assumptions</td>
</tr>
<tr>
<td>Research questions</td>
</tr>
<tr>
<td>Motivation</td>
</tr>
<tr>
<td>- Background</td>
</tr>
<tr>
<td>- Literature review (linked to research questions)</td>
</tr>
<tr>
<td>Approach and method</td>
</tr>
<tr>
<td>Structure/ Chapters</td>
</tr>
<tr>
<td>Planning / Timeline</td>
</tr>
<tr>
<td>Bibliography</td>
</tr>
</tbody>
</table>

4 DRAFTING

4.1 Drafting principles

- No text is written in one go, not even with revision. Academic texts require drafting, which involves going through several rewrites of each chapter.
- Once you think a chapter is really done, consider whether a new draft is required (comments).
- Each text requires editing changes and thorough proofreading, but redrafting is more than just editing.
- It involves rethinking, evaluating and reassessing basic argument, structure, content, logic, presentation.
- Draft one chapter at a time, then clusters, then the whole.
- Never rewrite anything completely. Even when you redraft substantively, rework what you have. New writing means starting from draft 1, which creates new problems.
- When redrafting larger clusters or the whole, remember to go back to individual chapters and amend changes (conclusions, headings).
- Update version data all the time, in the document and in filename.
- Keep separate copies of each draft, distinguished by the version data.
- Distinguish drafts (substantial rewriting or corrections) from just updated versions of same draft (later just light editing).
4.2  *Preceding the first draft*

- You can only start working on a first draft once you have made good progress with reading for that chapter / section.
- The reading indicates how the chapter should look, what it should cover, how the argument should progress, what goes into it.
- The discourse map should help you decide on topics, issues, subsections, headings.
- First formulate the research question for the chapter before drafting.

4.3  *The ‘golden thread’, style and language*

**Golden thread:**

- Structure your thoughts clearly. Use sub-headings in chapters.
- Your topic should ideally contain a question (even only by implication). This question is introduced in the first chapter (introduction) where its relevance is discussed. The chapters that follow should all be clearly linked to the initial question. In other words, each chapter must be linked to the others so that your essay is held together by a central idea or ‘golden thread’. Tie all the ‘threads’ together in a concise, but not too brief, conclusion.

**Style:**

- The first rule of style is *consistency*. We give some guidelines in this manual. You may also consult law journals or textbooks.
- Keep your own *style file*. Make notes of the style you follow to remind you and to ensure that you are consistent.

**Language:**

- Keep your language clear and easily understandable. Do not try to impress your supervisor (or fellow students) with how “academic” you can write (or how “learned” you are). Write short sentences. Avoid formalistic, Latin and archaic words. Trim excess words and write plainly.
- Consult dictionaries and thesauruses (eg Review – Language - Thesaurus on *Microsoft Word*™).

4.4  *First draft*

- Draft easiest / central chapter first, preferably descriptive, domestic law, least contentious.
• Purpose of first draft: get the framework of the argument right and the presentation in shape
• Start minimal (framework) and build from there, expand and weave tighter rather than just writing more
• Draft each chapter like the proposal:
  o Link with main research problem
  o Purpose, research question
  o Assumption
  o Methodology
  o Outline: headings that would reflect flow of argument to answer research question according to hypotheses
  o Schedule / work plan
  o Preliminary bibliography

Issues to reconsider regularly (daily re-read):
• Review, improve language constantly revisit the general plan regularly: logic of argument
• Consider clarity and flow of argument regularly
• Update, correct and improve footnotes and citation
• These issues should be checked regularly, and then once again thoroughly before completing the first draft

Develop skill of editing review without getting into the argument, reading separately for:
• Format and style
• Language
• Citation
• Argument

4.5 Second draft
• Take each chapter through at least two drafts until you consider them more or less satisfactory
• Purpose of second draft: get the substance and presentation perfect, clear, complete
• Moving from first to second (and further) draft means you completed the whole chapter, proofread and corrected it, and then reconsidered it thoroughly from scratch, with major revision, reworking, corrections all done and completed
• Ideally the supervisor should never see the first draft; first draft should be used to get text into reasonably good state before you revise it thoroughly; only then consider submission of second draft
• The second draft is ready for first submission when:
  o Content is complete, all relevant issues discussed, relevant sources considered and discussed
o Structure is clear and logical
o Layout, headings are perfect, clear, consistent
o Discussion is clear, logical, complete
o Language is faultless
o Proofread thoroughly; no typos or presentation errors
o Citation and footnotes are perfect
o Preliminary bibliography etc perfect and up to date

4.6 First submission and further details
- When is the draft (first or second) ready for first submission?
- When you think it is perfect, having checked and rechecked content and presentation
- Read through just the substance (argument) once more, in one go, and see whether your argument flows and is clear
- Ask a colleague to read critically and comment; rework accordingly
- Do one more proofreading and final corrections, changes
- Then submit

4.7 Comments
- After submission the supervisor will have comments and criticisms, suggestions for improvement
- Some criticisms may require immediate correction, others not; distinguish between corrections that need to be done immediately before proceeding to next chapter and corrections that can wait
- You may also have further improvements after rereading with comments
- After submission you work on a new draft
- This may not be necessary immediately; discuss with supervisor

4.8 Revision
- Don’t get bogged down in one chapter; devise a holding system for smaller corrections, changes, additions, new sources at a later stage
- If bigger substantive changes or additions are required, do that right away
- Otherwise, rather proceed to next chapter as soon as possible, do updates and final corrections in one go later

4.9 Advanced drafts: waxing
- Once all substantive chapters have been submitted and corrected:
  o Read and consider all chapters together, except for intro and final, pay special attention to flow of argument
o Read primarily for content
o Teach yourself to do ‘intro + conclusion’ reading
o Go back to individual chapters, make final improvements, fill in gaps, improve flow
o Check style, citation, language once more throughout
o Then draft intro and final chapter, submit and discuss, rewrite them until satisfied
o Then reread and reconsider all chapters together critically in view of intro and conclusions: flow, fit, consistency?
  o Go back to individual chapters and fill in gaps
• Check intro and conclusion of every chapter against first and final chapters
• Check whether the following are stated clearly in chapter 1 and whether they are followed up in the substantive chapters and returned to in the conclusion:
  o Research questions (Did you reach them? How do they in the end relate to your conclusions?)
  o Assumptions (Was your prediction correct? If not, why not?)
  o Methodology (Did your methodology work?)
• Add bibliography, cases, legislation; table of contents, summaries, title page
• At least one final proofread, check for style and consistency, check formalities
• Do last check on spelling of some terms and words with search function (in so far vs insofar, focussed vs focused)

4.10 The final draft
• Check coherence and clarity of argument
• Check consistency of layout and style
• Proofreading and style editing
• Language editing
• Table of Contents: check headings against table of contents
• Bibliography and attachments
• The bibliography rule:
  o Full, clear, consistent, accurate
  o Can anyone find it from your data?
• Word index?
• Presentation: layout, fonts, printing, binding
• Formal requirements: check!
• Preface / acknowledgements: NB not initially in examiners’ copies
• Formal requirements regarding binding, copies for examiners and for final copy
5 CITATION AND PRESENTATION

5.1 Introduction
Apart from the substantive quality of your research and writing, your success or failure in research work is determined also by the technical presentation of your essay/thesis, dissertation or mini-dissertation: that is, the manner in which you arrange and present the different parts, chapters sections and subsections of your text (your topographical style); the manner in which you cite and present sources (citation and bibliographic style); the manner in which you use and present quotations; and consistency in your use of words, phrases, acronyms, abbreviations and punctuation.

These technical aspects of a dissertation or thesis seem unimportant, but they are in fact both substantively and practically very important.

Substantively proper technical care with your text is important, as your topographical style reflects the organisation of your text and determines its ‘readability’ and your citation and bibliographic style to a large extent determines the academic quality of your text by showing the scope of your research, rendering your text a source for further research by others and ensuring that you give thorough and due recognition to all sources relied on.

Practically care with these technical aspects is also obviously important since, unless care is taken with developing a proper and consistent style in all respects from the outset of working on a thesis or dissertation and applying it consistently throughout, the technical preparation of your text will become a major headache and frustration in finalising your work for submission.

With respect to all technical aspects of your work, there is no single correct style. Your university or supervisor might prescribe a particular style, in which case it would be important to familiarise yourself with it and apply it from the outset. If that is not the case you can create your own style, either by following examples from journal style sheets, adapting those to your own needs or fashioning your own style from scratch. Whichever of these options applies to you there are two watchwords to keep in mind. The first is consistency: your style must in all respects be applied consistently, that is, in the same manner throughout. The second is that the style you adopt must make sense in relation to the purpose of each of the different aspect of style – that is, for example, where the purpose of the topographical style is in part to ensure that your text is easily readable, your topographical style must be such that it indeed makes it easy to read the text. In this light it is important to understand what the purpose is of each of the different aspects of style.

Two further general practical hints:
It is sometimes useful to follow journal styles sheets. However, when doing so remember that the motivations driving and determining journal styles are different from those determining the style in an essay, a thesis or dissertation. The primary consideration in journals is to save space – this explains, for example the use of cross-referencing with short-hand citation in the footnotes. This space-saving consideration does not apply at all in a thesis, dissertation or mini-dissertation. This means that you are free to jettison some of the more problematic aspects of specific journal styles that are there simply to save space.

If you choose to follow your own style, you must create a style sheet from the outset of your study in which you note down how you do particular things as you go along. If you don’t do that you will forget what your style in particular instances is during the course of your work, leading to inconsistencies that would have to be corrected later on, at great cost to your sanity. Remember also to keep your style sheet updated as you progress in your study.

Technical presentation broadly relates to five issues: the organisation of the text (sections, headings); the consistent use of words, phrases, abbreviations, acronyms, punctuation etc; the use of quotations; footnotes (referencing/citation); and the bibliography.

Below we provide some detail about each of these issues.

5.2 **Organisation of the text – chapters, sections and headings:**

Your essay, thesis or dissertation will be divided into broad sections, that is, chapters or parts. How you do this substantively depends on the structure of thesis, but the manner of this division and how it is presented must make sense – it must reflect the substantive organisation of your text clearly and it must make the text accessible and easy to read.

A few pointers in this respect:

Within chapters there will also be sub-sections etc – decide on the manner in which you number these and do so consistently.

Most journals/publishers allow only for numbering for three levels of headings. The Constitutional Court Review (CCR), SA Public Law (SAPL) and African Human Rights Law Journal (AHRLJ), for example, do the following: 1.; 1.1; 1.1.1; thereafter no numbering is used, headings are simply italicised.

Make sure to establish a consistent style with respect to simple questions such as whether your headings are in bold or italics, which font size to use for different levels of headings, whether to use a full stop after a section number, whether to leave a line open after the heading etc. As an example, the
Constitutional Court Review and African Human Rights Law Journal use the following style: primary headings (1) in bold 14 pt font; secondary headings (1.1) in bold 12 point font; tertiary headings (1.1.1) in bold 12 point font; thereafter no numbering, 12 pt font, no bold, italics.

It is best to keep the organisation of your text as simple as possible. As a general rule it makes sense not to divide your text such that you require more than three levels of headings. To do so makes the organisation of the text too complicated and affects its accessibility and readability.

Your spacing should also be consistent throughout – that is your spacing between sentences; paragraphs; sections; headings and the sections. Decide on spacing at the outset and stick to it. Here readability is the primary consideration, not saving space as with journals.

5.3 Consistent use of words, phrases, abbreviation, acronyms, punctuation:

There are always words, terms or phrases that one uses often – does one use ‘constitution’ or ‘Constitution’, for example? Decide how you will use these at the outset (make a list as you go along) and follow your chosen style consistently.

Some of these questions are determined for one (for example when to use ‘court’ and when ‘Court’), but others are your choice – the watchwords remain consistency and that it must make sense (that is, in this instance you should be able to explain why you choose a certain way).

With respect to abbreviations (s or sec for section; sch for schedule etc) – as general rule do not use abbreviations in the text (remember, it takes no one any longer to read ‘section’, than ‘sec’ or ‘s’), but you may use them in footnotes – if so, do so consistently (keep a list).

With respect to acronyms – as a general rule avoid acronyms, but if you must use them it is common to provide a list of acronyms at the beginning of thesis. Importantly, even if you do provide such a list at the beginning you should still establish the acronyms anew in every chapter – that is, the first time in any specific chapter that you use a specific term or phrase for which you have an acronym, write it out in full and then provide the acronym in brackets: ‘... in the International Covenant on Economic, Social and Cultural Rights (the ICESCR) ...’. Thereafter you may use only the acronym, until the next chapter.

On punctuation: the rules about punctuation are mostly prescribed and clear (for example, a footnote number in the text is placed after any punctuation; where words appear in brackets in a sentence, the full stop is placed after the closing bracket, except where a complete sentence appears in brackets – then the full stop is placed inside the brackets, etc). Consult journal style sheets for commonly accepted rules – the Stellenbosch Law Review (Stell LR) style guide is good in this respect.
5.4 *Quotations:*

As a basic rule you should keep quotations to the absolute minimum.

There are generally two kinds of quotations, each of which are treated differently: Short quotes that are placed in the text; and longer quotes that are separated from the text due to their length.

Short quotes are separated from rest of the text through the use of quotation marks. You may decide whether you want to use double or single quotation marks, there is no rule about this (unless generally a style is prescribed to you). If the quotation is part of a sentence, then one uses simply quotation marks, for example:

Chaskalson CJ held that ‘there is only one system of law’.

If quote is a sentence in itself, then use a colon with quotation marks, for example:

Chaskalson CJ held the following: ‘Since the enactment of the Constitution there is only one system of law’.

If there is a quote within a quote, then use different quotation marks from those you usually use, for example:

Chaskalson CJ noted that ‘the “one system of law-principle” applies’.

Long quotes (separate): Sometimes a quote is too long to include it in the ordinary text. You then have to find some way in which to separate it from the ordinary text. There are different ways in which to do this:

- **CCR/AHRLJ** – quote in new paragraph; indented (whole quote); 10 pt font; no quotation marks.

- **SAPL** – as above, but 11 pt font.

- **Stell LR** – quote in separate paragraph; same font; indented; with quotation marks.

Journals also differ about when to separate a quotation from ordinary text in this way:

- **CCR/AHRLJ** – whenever the quotation is longer than 30 words.

- **Stell LR** – whenever the quotation is a complete sentence.

Journals also differ about where the footnote number with respect to such quotations should come:
Generally one should avoid making changes to a quotation from the original. If it is unavoidable, this must be done in the following way:

If you cut portions from a quote use ellipses – that is, ... or (...) depending on your punctuation style. For example: ‘There can be no ratification of a contract ... which is prohibited ... by statute.’

If you change or add to a quote, use square brackets. For example: ‘Counsel [for the appellants] argue[d] the point.’

5.5 Footnotes – referencing / citation

Footnotes are used for two purposes – to make points that are only ancillary to the main arguments presented in the text; and for referencing purposes. We deal only with the latter here.

The use of footnotes is where the difference between style in journals and in an essay, thesis or dissertation is at its clearest. Footnote referencing style in journals is primarily intended to save space while being as comprehensive as possible. This is not the case in general research work – there is no reason to save space.

First a general point: It is obvious that footnote numbering starts anew in each main section (ie each chapter) of your text – otherwise you end up with footnote 10 500 in your conclusion!

The general rule with respect to footnote referencing/citation is again style consistency and that it must make sense, but make sense for what purpose? The purpose of referencing is a) to provide all necessary information to enable the reader to follow up on the reference for own further research; b) to give due recognition to the source relied on in the text (that is, the source of the idea, argument, information, perspective, insight that appears in the text). This means that your referencing must be as comprehensive as required for these two purposes.

The specific style of your footnote referencing (the punctuation; the sequence of information etc) is your choice, but at least the following information must be present in references in footnotes to following sources:
Books: Author(s) name(s) (initials and surname), title of book, date of publication (including edition number if 2d or later edition); page number for reference (in footnotes no publisher – this appears in the bibliography) (loose leaf publications – indication of edition as well as revision service).

Chapters in books: Chapter author’s(s’) name(s) (initials and surnames), title of chapter (in quotation marks) book editor’s(s’) name(s), indication that they are editors), book title, date of publication, first page number of chapter, page number for reference.

Journal articles: Author’s(s’) name(s) (initials and surname(s)), title of article (in quotation marks), year of journal volume, volume number of journal, journal title (best not to use acronyms/abbreviations), first page number of article, page number for reference.

Theses: Name of author, title of thesis, description of thesis (ie LLD thesis or PHD thesis or LLM dissertation), name of institution at which completed, date of completion, page number for reference.

Cases: Full citation – if more than one law report series, choose one and stick with it as far as possible.

International instruments: Full title, date.

Legislation: Full title and referencing.

Websites: Name of author, title of piece, website (url), date accessed (if piece is available in print rather refer to that than version on web).

Reports etc: Institution from which it emanates, author’s name (if applicable), report title, date of publication.

Cross-referencing ((note 5 above); (n 3 supra) etc): Unless it is required of you, it is best to avoid cross-referencing altogether. Journals require cross-referencing only because it is an excellent way in which to save space. There is in substance nothing wrong with citing a source in full in a footnote every time you refer to it. At most you can use ‘as above’ or ‘supra’ or ‘ibid/id’ to indicate that a reference in one footnote is to the same source as that referred to in the footnote immediately preceding it.
5.6 Bibliography

The purpose of a bibliography is two-fold, as with footnote citation, that is, to enhance the text as source for further research and to give due recognition to sources.

The difference between footnote citation and the listing of sources in a bibliography is that one can give more complete information in a bibliography than in footnotes.

In footnotes one places references only to those sources that in fact relate to the text. What does one place in a bibliography? There are two approaches in this respect:

- The first is that the bibliography must contain in full all the sources that are in fact cited in the text, and only that (this the more common approach in law).

- The second is that the bibliography must contain all sources relied on in the development of the thesis or dissertation, whether directly cited in the text or not (this is the more common approach in the humanities and social sciences).

You should find out which approach your supervisor or university requires/favours. The latter approach does seem preferable: It is more comprehensive and so renders the thesis more useful for further research than otherwise, and makes sure that source recognition is absolutely complete.

With respect to those sources that are listed in the bibliography, what information is to be provided in the bibliography as distinct from footnote citations?

Books: Add the publisher and place of publication.

Chapters in books: Add publisher and place of publication of book in which the chapter appears.

Journal articles, theses, internet sources, cases, legislation, international instruments, reports: as in footnotes.

When you cite a chapter in an edited collection in your footnotes, both the book and the specific chapter that you cite must appear separately in your bibliography.