



RHODES UNIVERSITY
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FACULTY OF LAW

THE RESEARCH PROPOSAL

This document is the Faculty-specific supplement to the University's overall *Higher Degrees Guide*, which is available at:

https://www.ru.ac.za/media/rhodesuniversity/content/registrar/documents/forms/HDG_Final_July_2016.pdf

1 Introduction

All LLM and PhD candidates must submit a detailed research proposal, which will initially be scrutinised and approved by their supervisors. Supervisors may require candidates to redraft their proposals until the requisite detail and depth have been achieved. Candidates are then required to submit their research proposals for consideration by the Law Faculty Higher Degrees Committee which will recommend acceptance or otherwise of the proposal to the relevant Faculty Board.

Candidates who intend to conduct surveys as part of their research must familiarise themselves with the University's Ethical Standards Policy and obtain the necessary clearance from the Law Faculty's Ethical Standards Committee. See <http://www.ru.ac.za/research/research/ethics> for the policy and the application form. Details regarding the survey should be provided in the research proposal.

2 Submission date

The due date for submission of proposals for consideration at the first Higher Degrees Committee meeting of the year is around 25 March of each year. Where a candidate does not submit his or her proposal timeously, the Higher Degrees Committee will require the candidate and supervisor to give reasons for the failure to meet the deadline and thereafter it may recommend to Faculty either that the deadline be extended or that the candidate's registration be terminated. Where the deadline is extended, or a student registers later in the year, the proposal must be submitted 4 weeks before the date of subsequent Higher Degrees Committee meetings. Meeting dates are contained in each year's *University Calendar*, which is accessible from the University's website home page.

3 Style

A research proposal should be typed in one-and-a-half spacing on A4 paper, in 12 point font. It should be no longer than twelve pages in length, excluding supporting references and the table of contents. It should be set out and referenced accurately and consistently, ideally according to the Faculty style as set out in this guide.

Some general/preliminary notes on style:

Do:

- produce a professional looking proposal
- write in a way that is easy to read
- use clear headings and sub-headings
- be concise and precise
- use simple language wherever possible
- construct clear arguments
- check your spelling and grammar
- reference your work fully using an acceptable format.

Do not:

- use words when you are not absolutely certain of their meaning
- use difficult words to impress your reader
- use overly simplistic language
- repeat yourself
- digress.

4 Structure and content

4.1 All proposals should be presented with a front page that indicates:

4.1.1 Name of the candidate, student number, e-mail address, telephone number and other contact details.

4.1.2 The degree for which the proposal is being submitted.

4.1.3 The Faculty in which the candidate will be carrying out the research and the subject or specific field in which research is to be carried out. Where there are co-supervisors from two Faculties, the name of the other Department or Faculty involved must be stated.

4.1.4 The title of the thesis or the field of research.

4.1.5 The type of thesis (whether a full thesis or thesis in partial fulfilment of the requirements for the degree).

4.1.6 Full-time or part-time.

4.1.7 The name(s) of the supervisor(s), if known.

4.1.8 Estimated date of completion.

4.2 The proposal must be structured in the manner indicated below. The Higher Degrees Committee scrutinises proposals very carefully, in terms of structure, content and form, so it is in your interests to pay careful attention to what is required.

Section 1: The **provisional title** of the research project, with a brief description of the **field of research**, which should be stated fairly broadly.

A description, in one sentence, of a crisp **research question** which the study intends to explore. This is an important aspect of the proposal: it is helpful for a candidate not only to propose a title, but also to be able to formulate a research question succinctly, so that the focus and precision of the candidate's overall idea for research can be assessed.

Section 2: Description and context of the research. This section provides the general information regarding the research that will be undertaken and should make it clear why there is a problem/topic is worth addressing. It sketches the background and, where appropriate, should provide a brief theoretical framework within which the problem is to be addressed. This section demonstrates that you are familiar with the key literature in the field that traverses the problem, and should contain an integrated, critical assessment of the background to the legal problem you have identified. **The Key Question in this section is: WHY? (Why is there a legal problem worth investigating?)** Note that the goals of the research (what you intend to do in your thesis) should not appear in this section.

Section 3: Goal(s) of the research. This section should outline the subject/area/field to be critically investigated and, where appropriate, set out the specific question(s) to which the candidate hopes to find answers. It should indicate clearly what the research intends to achieve, and its scope. It is important that the goals correspond to the nature of the research task and to the envisaged time frames. The goals section should be brief, and you are welcome to identify your goals in a numbered list or in bullet points. The goals should not be too extensive, or it is likely that the reach of the thesis will become too extensive, unmanageable, or may suggest there is insufficient focus to the work. Generally, the goals should be limited to 4 to 5 at the most. **The Key Question in this section is: WHAT? (What am I intending to achieve with my research?)**

Section 4: Methodology. This section describes the manner in which the research will be undertaken. There will be a research methodology presentation at the postgraduate orientation day, which will give you some information

about what this section should contain. **The Key Question in this section is: HOW? (How are you intending to go about doing your research and compiling your thesis?)**

Section 5: Bibliography and references. Important and relevant sources which support the proposed research and which provide a background to the research should be cited. Such source material referred to in the proposal should be cited in an appropriate and consistent style. The referencing style of the Faculty as set out in the *Survival Guide* is suggested.

Section 6: Provisional table of contents, chapter lengths and time frames. This section details a provisional table of contents for the thesis and is a useful route map to guide the research. It also indicates the extent to which you have researched and thought about the issues. You will not be bound by what you have written down, but it does provide some initial structure for your research. The proposed length of each chapter should be indicated as well as the time frame for its completion.

5 Further reading

Johann Mouton *How to succeed in your Master's and Doctoral Studies* (2001). See also: <http://www.nrf.ac.za/yenza/research/proposal.htm>

SECTION B: LAW FACULTY REFERENCING GUIDE

1 INTRODUCTION

Please note that the approach to academic referencing in the Law Faculty is different from what one finds in other academic disciplines, and may be different to that used by other universities. We request that you do what is necessary to familiarise yourself with what the Rhodes Law Faculty expects. If you are uncertain about what to do, please look at the examples given in this guide, or speak to your supervisor.

NB: The guidelines below should be adopted in drawing up both the proposal and the thesis. Proposals in particular will be carefully scrutinised by the Higher Degrees Committee to ensure that a candidate is on the right track with referencing requirements. However, for the purposes of the thesis itself, candidates are entitled to deviate from some of the standard requirements described below, provided that the method used is: (a) recognised in legal publications, and would not be anomalous; (b) is consistently used throughout the thesis; and (c) is approved by the supervisor. For example, some may prefer single to double quotation marks, or may prefer not to bracket case volume numbers, or may prefer to give case citations at all times, rather than to abbreviate or cross-reference. The key factor is consistency of referencing style. Candidates are encouraged to consult recently-completed LLM and PhD theses, which are contained in the Library, to see what is expected, and to provide guidance.

As far as layout is concerned, please follow the style that is used in this referencing guide. **Please note that the margins are justified**, both in the text and the footnotes.¹

2 REFERENCING IN THE TEXT

2.1 Structural approaches to referencing within an essay

2.1.1 Footnotes

Footnotes are made by placing a number in superscript next to the relevant word in the body of the text, and where applicable, after a full stop or comma, eg ,¹⁰ or.¹⁰ not ¹⁰, or¹⁰. A corresponding number appears at the bottom of the page and the reference is inserted after the number, at the bottom of the page. **Remember: a full stop must appear at the end of each footnote and the footnote must be justified.** *This is the Faculty's preferred referencing method. Postgraduate proposals and theses must comply with this method.*

¹ The only time that a footnote need not be justified is when a long Internet reference is used. Note further that the font size of the footnotes differs from that of the main text.

2.2 Basic issues of style and punctuation

2.2.1 Quotations

Quotation marks are used where you quote the direct words of other authors, and indicate that the passage you have quoted is not your own words. Double quotation marks should be used (“ ”). Single quotation marks should only be used inside a quotation, where the original author has in turn quoted a passage. Quotations should correspond exactly with the original. Any changes or insertions should be indicated by using square brackets []. Quotations that are three lines or longer in length should be separated from the text by being indented, and placed in a separate paragraph. Footnote numbers should come at the end of the quotation, after the quotation marks. For example:

Fagan said the following:

“[I]f a parliamentarian acts without wrongfulness, it cannot therefore be because he acts reasonably, but must be because there is a reason for the courts to refrain from imposing liability upon him, notwithstanding the unreasonableness of his conduct. The reason, as others say, is ‘one of policy’.”¹

Note that the quotation marks in this instance come after the full stop (.”). The quotation marks should be placed before the full stop (”.) only when the quotation forms part of the sentence, eg: The reason, as others say, is “one of policy”.

If some text in a quotation is left out then three dots must be inserted in lieu of the missing text, eg “... because there is a reason ... to refrain from imposing liability...” Note the spacing on either side of the dots, and note also that a full stop is added to the dots at the end. So **don’t** do this: “...because there is a reason...to refrain from imposing liability...”

The following extract from Lynne Truss *Eats, Shoots & Leaves* (2005) 153-155 provides a useful guide to the use of quotation marks and inverted commas:

‘Since where and when to put other punctuation in direct speech is a real bother to some people, here are some basic rules:

When a piece of dialogue is attributed at its end, conclude it with a comma inside the inverted commas:

“You are out of your senses, Lord Fellamar,” gasped Sophia.

When the dialogue is attributed at the start, conclude with a full stop inside the inverted commas:

Lord Fellamar replied, “Love has so totally deprived me of reason that I am scarce accountable for my actions.”

When the dialogue stands on its own, the full stop comes inside the inverted commas:

“Upon my word, my Lord, I neither understand your words nor your behaviour.”

When only a fragment of speech is being quoted, put punctuation outside the inverted commas:

Sophia recognised in Lord Fellamar the “effects of frenzy”, and tried to break away.

When the quotation is a question or exclamation, the terminal marks come inside the inverted commas:

“Am I really to conceive your Lordship to be out of his senses?” cried Sophia.
“Unhand me, sir!” she demanded.

But when the question is posed by the sentence rather than by the speaker, logic demands that the question mark goes outside the inverted commas:

Why didn’t Sophia see at once that his lordship doted on her “to the highest degree of distraction”?

Where the quoted speech is a full sentence requiring a full stop (or other terminal mark) of its own, and coincidentally comes at the end of the containing sentence, the mark inside the inverted commas serves for both:

“Then fetching a deep sigh [...] he ran on for some minutes in a strain which would be little more pleasing to the reader than its was to the lady; and at last concluded with a declaration, “That if he was master of the world, he would lay it at her fee.”

The basic rule is straightforward and logical: when the punctuation relates to the quoted words it goes inside the inverted commas; when it relates to the sentence, it goes outside.’

2.2.2 “Foreign” words and expressions

Words and expressions in Latin, or in any language other than English, should be italicised, eg: *culpa*, *bona fides*, *Grundnorm*, *ikhazi*.

2.2.3 Capitalisation

Proper nouns and titles of books or journals must be correctly capitalised, eg: *The Law of Contract in South Africa*; *Die Onregmatige Daad in die Suid-Afrikaanse Reg*; *Judge President*; *Chief Justice*. Headings may either be capitalised (eg: “Basic Issues of

Style and Punctuation”) or set out, as in this referencing guide, without capitalisation. Choose a method and apply it consistently throughout the essay.

2.2.4 Abbreviations

Standard abbreviations should be used, eg: section (s); sections (ss); subsection (subsec); regulation (reg); regulations (regs); paragraph (para); paragraphs (paras); second edition (2 ed); Judge (J); Acting Judge (AJ); Chief Justice (CJ); chapter (ch); compare (cf); following (ff). Note that full stops are not used, ie **not** para. or A.J.

2.2.5 Page numbers

“Page” “p” or “pp” should not precede page references. In references to cases, Acts, textbooks and journals, consecutive page numbers should be referenced fully, eg: 165-169, **not** 165-9 or 165-69 or pp165-169.

2.3 What to include in a reference

2.3.1 Textbooks

2.3.1.1 When an author’s work is cited for the **first time**, the following information must be supplied in full: Author’s initials and surname *Title of Book* edition (date of publication) page where the information was found. No “at” or “p” or “pp” or “page” is required. For example: AJ Kerr *General Principles of the Law of Contract* 6 ed (2002) 456.²

Note:³

- (a) If a book is in its first edition, one not need to say so – it will be implied.
- (b) Where there are two authors cite both, eg: JC van der Walt and JR Midgley *Principles of Delict* 3 ed (2005) para 46. Do not use “*et al*” (which means “and others”) in such instances, ie do **not** cite this work as “Van der Walt *et al*”.
- (c) Where a work has several co-authors list the **main** author (usually the first author named on the spine) and write *et al* after his/her name.⁴
- (d) Some works are compiled by a general editor, but comprise chapters or volumes written by different authors. The classic example would be the *LAWSA* collection. In such an instance, use the following format: Author’s initials Surname of the particular author consulted “Title of the chapter or

² Note that there are no full stops after the initials, ie AJ Kerr, not A.J. Kerr.

³ Note that the numbering below has changed to (a), (b), etc. Do not continue with numbers beyond four digits: 2.3.1.1 is the limit in this instance.

⁴ The full list of names must be cited in the bibliography.

volume of the book” in editor’s initials editor’s surname (ed) *Title of book/series* Volume of series [if applicable] (year of publication) and the paragraph containing the information. For example: RH Christie “Contract” in WA Joubert (ed) *LAWSA* Vol 5(1) (1994) para 123.

- 2.3.1.2 When one refers to a textbook for the **second, or a subsequent time**, one need to rewrite all the information contained in the first reference. In such instances, write the author’s surname, an **abbreviated title of the work** (remember, it must be italicised!), and the precise page or paragraph at which the information was obtained. For example: Kerr *Contract* 471; Van der Merwe *et al Contract* 345; Christie *LAWSA* Vol 5(1) para 23. Try to avoid using cross referencing styles like *op cit*, *ibid*, or *loc cit*, but for those who feel comfortable with this technique, see the *SALJ* for a template.

2.3.2 *Journal articles*

- 2.3.2.1 When a journal article is referred to for the **first time**, provide the following information: Author’s initials and surname “title of the article” year *Title of journal* page where article starts, followed by the exact page from where the information was obtained. No “p” or “pp” or “page” is required. For example: E Fagan “The Longest Erratum Note in History” (1996) 12 *SAJHR* 79 at 81-83.

Note:

- (a) Journal titles always appear in *italics*.
- (b) Article titles always appear in quotation marks (“ ”); they are **NOT** underlined or italicised.
- (c) Where there is a volume and a year number, the year is placed in brackets, followed by the journal number, eg: (2002) 119 *SALJ* 79. In cases where there is no volume listed on the spine, cite only the year, eg: 1995 *Acta Juridica* 66.
- (d) It is standard practice to abbreviate the names of well-known journals. For example:
SALJ – *South African Law Journal*
THRHR – *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*

SAJHR – South African Journal on Human Rights

TSAR – Tydskrif vir die Suid-Afrikaanse Reg

CILSA – Comparative and International Law Journal of Southern Africa

A more detailed list of abbreviations is reproduced below.⁵

- (e) Some journals are **never** abbreviated, eg the *Acta Juridica* journal, or *Speculum Juris*.
- (f) The word “at” should be inserted between the reference to the initial page of the article and the actual page where the information is found, eg, as in the above example: 79 at 81-83.⁶

2.3.2.2 An abbreviated reference is used when an article is referred to for **a second or subsequent time**. Cite the surname of the author, the date and *abbreviated name of the publication (in italics)*, and the precise page from whence the information was obtained. For example: Fagan 1996 *SAJHR* 84. Again, avoid using *ibid*, *op cit* and *loc cit* unless you feel entirely comfortable with doing so.

Note:

- (a) In this instance there is no need to cite the initial page, nor to use the word “at”.
- (b) Do not use the words “*op cit*” or “*loc cit*”, or similar terms. The word “*ibid*” is used only when reference is made to the exact page in the footnote immediately above.

2.3.3 *Citation of cases*

⁵ See para 4.

⁶ This is the only instance in which the word “at” is inserted, the reason being to avoid confusion by separating the numbers.

- 2.3.3.1 The Faculty's preferred option is the *SALJ* version –1967 (2) SA 456 (N); 1996 (3) All SA 345 (T); [1999] 11 BCLR 777 (D)⁷ – but whichever style is adopted, be consistent throughout the thesis.
- 2.3.3.2 The names of the reports are not italicised, ie BCLR **not** *BCLR*.
- 2.3.3.3 Specific page references should **not** be preceded by an “at”: 1978 (3) SA 234 (A) 237D-G.
- 2.3.3.4 If paragraphs are referred to, simply say “para 34”: 1999 (2) SA 199 (CC) para 34.
- 2.3.3.5 When a case is referred to for the first time **in the text**, give it its full title in *italics* (eg *James v John*). The words “and Another”, or “and Others” in the title of the case should be omitted. The full citation, excluding the title, should then appear in a footnote. For example: The leading case is *Anglo Carpets (Pty) Ltd v Snyman*.⁸
- 2.3.3.6 When a case is referred to for a **second or subsequent** time, simply give the title or abbreviated title of the case, and the precise place from whence the information was obtained. There is no need to use the words “*supra*” or “*op cit*” in such instances. For example: In *Anglo Carpets v Snyman*⁹ Coleman J also said...
- 2.3.3.7 Where a case is not mentioned in the main text, include all the relevant information (case title and case citation) in the footnote. Again, there is no need to use the words “*supra*” or “*op cit*”. For example: A number of authorities support this proposition.¹⁰

⁷ As a general rule of thumb, Butterworths reports (except for the Constitutional Law Reports) have square brackets around the year [1995] and Juta reports have round brackets around the volume. For example: Butterworths Constitutional Law Reports = 2004 (2) BCLR 102 (CC); The All South Africa Law Reports = [2004] 2 All SA 155 (W); Butterworths Labour Law Reports = [2004] 2 BLLR 155 (LAC); Butterworths Arbitration Awards = [2004] 2 BALR 155 (CCMA); Judgments On-line = [2004] JOL 3437 (D); Butterworths Human Rights Cases = [2004] 2 BHRC 155 (Ch); South African Law Reports = 2004 (2) SA 155 (C); South African Constitutional Law Reports = 2004 (2) SACLR 155 (C); South African Labour Law Reports = 2004 (2) SALLR 155 (C); South African Tax Cases = 68 SATC 155.

⁸ 1978 (3) SA 582 (T) 589J.

⁹ 590B. Note that although the case name is italicised in the main text, the footnote number in the main text is not italicised.

¹⁰ See *Jones v Sithole* 2000 (4) SA 234 (SCA) para 25; *Anglo Carpets v Snyman* 590B.

2.3.4 Citation of statutes, bills, law reform commission reports, regulations and Rules of Court

- 2.3.4.1 Acts of Parliament are referred to by their name, number and year. The title of the Act¹¹ must **not** be italicised, eg: Magistrates' Courts Act 32 of 1944 or Criminal Procedure Act 51 of 1977.
- 2.3.4.2 When an Act is mentioned for the **first** time, give it its full title, and cite the number and year in the footnote. For example: According to s 23(b) of the Magistrates' Courts Act,¹² applications must be in writing.... Note that the Constitution is cited as "The Constitution of the Republic of South Africa, 1996".
- 2.3.4.3 For every subsequent reference, simply give the name of the Act, without any further detail. There is no need to refer to the number and year again. References can be confined to the relevant section (s) or sub-section (subsec) under discussion. For example: Later, the Magistrates' Courts Act¹³ also provides that...
- 2.3.4.4 Bills before Parliament which have not yet been passed into law as Acts are referred to in a similar fashion to Acts; ie by name, number and year. The convention is to refer to the Bill in the format of the following example: The Rhodes University (Private) Bill B-09 of 2008.
- 2.4.4.5 Reports of the Law Reform Commission should be cited by number of project, title of project; page. For example: South African Law Reform Commission Project 190: *Report on Gun Control in Rural Areas* 45. If the document is not the final Report, but is a Working Paper or a Discussion Paper, replace "Report" with either "Working Paper" or "Discussion Paper" in the title. No author needs to be named or identified.
- 2.3.4.6 A set of regulations is cited as follows: name of set of regulations, notice type, notice number, *Government Gazette* number and date of the notice's publication. For example: Labour Relations Regulations, GN R1442, *Government Gazette* 25515, 10 October 2003.

¹¹ Note that the word is capitalised: "Act" not "act".

¹² Act 32 of 1944.

¹³ s 31(1).

2.3.4.7 Where Rules of Court are referred to, state the set of rules, the Act under which they were published and the rule number. For example: Rule 7 of the Uniform Rules of Court, Supreme Court Act 59 of 1959.

2.3.5 Referencing information from the Internet

The Internet¹⁴ is a research tool just like a textbook or a journal and **one is expected to reference Internet material**:¹⁵ Author's initials and surname¹⁶ "Title of the article or page" the web-site where the information was found [accessed on a certain date]. For example JY Mokgoro "*Ubuntu* and the Law in South Africa" (1998) 1 *Potchefstroom Electronic Law Journal* <http://www.puk.ac.za/fakulteite/regte/per/issue98v1.html> (accessed 20 November 2006) or P Frankel and R Rose "Is Trade Good or Bad for the Environment?" <http://papers.nber.org/papers/w9201.pdf> (accessed 23 November 2006). Subsequent references need simply refer to Mokgoro "*Ubuntu*" or Frankel and Rose "Is Trade Good or Bad for the Environment?" and the page.

Please note that it is not acceptable to simply refer to the database from which you got your information; eg "MyLexisNexis" or "Hein-on-line". A proper reference to the appropriate source (whether it was a book, journal article, case, statute or regulation) that you found IN that database must be given.

2.3.6 Theses

Provide the author's surname, the *Title of the thesis (in italics)*, and then, in brackets, the type of thesis, the institution, and the date. Thereafter give the page from whence the information came. For example: WH Jansen *The Undisclosed Principal* (LLD thesis, RAU, 1997) 34. In subsequent references, simply say: Jansen *The Undisclosed Principal* 35.

2.3.7 Old authorities (Roman and Roman-Dutch law)

Consult 1985 *THRHR* 125 for the correct citations when old authorities such as Voet, Grotius, Van Leeuwen, Van der Linden are used. The *Digest* is generally referred to by its abbreviated title, plus the specific reference, eg: *D* 4.2.2.

2.3.8 Newspaper articles

Newspaper articles are generally referred to by the title of article, *title of newspaper (in italics)*, date and page number (if available). For example: "Death Penalty Given the Boot" *Sunday Times* 12 April 1995. If the newspaper was sourced from the Internet, this should be reflected. For example: "Death Penalty Given the Boot" *Sunday*

¹⁴ The word is capitalised: "Internet", not "internet".

¹⁵ Most contraventions of the University's plagiarism policy involve Internet sources, so please ensure that both the Faculty Reference Guide and the Faculty Plagiarism Policy are adhered to.

¹⁶ Where the author is not mentioned, refer to the author as "Anonymous".

Times 12 April 1995 <http://www.suntimes.co.za/articles/1241995.html> (accessed 16 July 2005).

3 THE BIBLIOGRAPHY

3.1 Introduction

Both the proposal and the final thesis **must** contain a bibliography. A bibliography is a list of **all** the works consulted for the preparation of the proposal or thesis. Every work consulted must appear in the bibliography – those referred to in the main body of the essay and also any other books consulted, even if not cited in the essay.

3.2 General requirements

The bibliography should contain all the textual sources to which referred in compiling the essay. This means textbooks, treatises and monographs, journal articles, Internet sources and newspaper articles. A separate **Table of Cases** and a **Table of Statutes** should **be included** in the bibliography in the case of a thesis. All works must be listed in **alphabetical order** according to authors' surnames.¹⁷ There is no need to differentiate books, journals, and other references, unless the candidate feels like doing so. One alphabetical list is perfectly acceptable. However, each particular source must be referenced correctly according to the following requirements.

3.2.1 Books

Author's name or initials (depending what is reflected in the book)¹⁸ Author's surname *Full Title (in italics)* edition (year of publication) publisher: place of publication. For example: RW Lee *The Elements of Roman Law* 4 ed (1956) Sweet and Maxwell: London; RH Christie "Contract" in WA Joubert (ed) *LAWSA* Vol 5(1) (1994) Butterworths: Durban.

Multiple authors are cited as they appear in the book, not alphabetically. For example: S van der Merwe, LF van Huyssteen, MFB Reineke, GF Lubbe and JG Lotz *Contract General Principles* 2 ed (2003) Juta: Cape Town.¹⁹ Note that the bibliography style differs from the citation method in the text.²⁰ In the bibliography, all the authors are cited, with their initials, and the publisher and the place of publication are added.

3.2.2 Journal articles

¹⁷ See fn 4.

¹⁸ This differs from the way in which an author is cited in the main text and footnotes.

¹⁹ Note that full stops are not used after initials. One may, however, separate the initials with a space, if one prefers.

²⁰ See para 2.3.1.

Author's initials Author's surname "Full title of the article" year of publication of the journal (in brackets) volume of the journal *Title of the journal [in italics]* starting page number of the article. For example: JR Harker "The *Mandement van Spolie* in Private and Public Law" (1988) 105 *SALJ* 186. Note that the bibliography style differs from the citation method in the text.²¹ In the bibliography, all the authors are cited, with their initials.

3.2.3 *Internet sources, theses, old authorities and newspaper articles*

The same referencing style as that used in the text should be adopted.²² If available, the initials of the author should be inserted in the bibliographical entry, for the sake of consistency with other entries.

4 ABBREVIATIONS

AD	Appellate Division Reports
AN	Administrator's Notice
All SA	The All South African Law Reports
BALR	Butterworths Arbitration Law Reports
BCLR	Butterworths Constitutional Law Reports
BIP	Burrell's Intellectual Property Law Reports
BLLR	Butterworths Labour Law Reports
BN	Board Notice
BP	Burrell's Patent Law Reports
CC	Constitutional Court
CCC	Canadian Criminal Cases
CCMA	Commission for Conciliation, Mediation and Arbitration
CTR	Cape Times Reports (SA)
CILSA	Comparative and International Law Journal of Southern Africa
CL,SA	Current Law

²¹ See para 2.3.2.

²² See paras 2.3.5, 2.3.6, 2.3.7 and 2.3.8.

CP	Court of the Commissioner of Patents
CPD	Cape of Good Hope Provincial Division Reports
De Jure	De Jure
DR	De Rebus
E	Decision of the Eastern Cape Provincial Division
EA	East African Reports
EDC	Eastern Districts Court Reports
EDL	Eastern Districts Local Division Reports (SA)
FC	Decision of the Rhodesian Federal Court
GW	Decision of the Griqualand West Local Division
GenN	General Notice
HC	High Court
HSRC	Human Sciences Research Council
HRCLJ	Human Rights and Constitutional Law Journal of Southern Africa
ILJ	The Industrial Law Journal
IMSSA	Independent Mediation and Arbitration Society of Southern Africa
ITC	Income Tax Cases The South Tax Cases
ITR	Income Tax Reporter
JBL	Juta's Business Law
JJS	Journal for Judicial Science
LAWSA	The Law of South Africa
LAC	Labour Appeal Court
LC	Labour Court
LCC	Land Claims Court
LHR	Lawyers for Human Rights
LRA	Labour Relations Act 28 of 1956/ Labour Relations Act 66 of 1995
MB	Modern Business Law

MN	Municipal Notice
ON	Official Notice
P	Private arbitration
PAB	Publications Appeal Board Reports
PH	Prentice Hall
PN	Provincial Notice
PrN	Premier's Notice
Proc	Proclamation
SA	South Africa Law Reports
SACC/SASK	South African Journal of Criminal Law and Criminology
SACJ	South Africa Journal of Criminal Justice
SACR	South African Criminal Law Reports
SAJHR	South African Journal of Human Rights
SALJ	South African Law Journal
SAPL	South African Public Law
SATC	South African Tax Cases
SC (SA)	Decision of the Supreme Court or Cape Supreme Court Reports
SCA	Supreme Court of Appeal
SECLD	Decision of the South Eastern Cape Local Division
Stell LR	Stellenbosch Law Review
SWA	South West Africa Reports or decision of the South West Africa Supreme Court
TH	Transvaal High Court Reports
TPD	Transvaal Provincial Division Reports
TS	Transvaal Supreme Court Reports
THRHR	Tydskrif vir Hedendaagse Romeins-Hollandse Reg
TJO	The Judicial Officer

TM	The Magistrates
TSAR Law)	Tydskrif vir die Suid-Afrikaanse Reg (Journal of South African
W	Decision of the Witwatersrand Local Division or Weekblad van het Recht (The Netherlands)
WLD	Witwatersrand Local Division Reports
ZHC	Zimbabwe High Court
ZSC	Zimbabwe Supreme Court

PLAGIARISM

The University's policy on plagiarism can be found at

<https://www.ru.ac.za/media/rhodesuniversity/content/institutionalplanning/documents/Plagiarism.pdf>

It is in the interests of ALL postgraduate students to read this policy, and especially the section on plagiarism in postgraduate programmes, carefully.

1 EXTRACTS FROM THE UNIVERSITY POLICY ON PLAGIARISM

1.1 Definition

Plagiarism, in an academic, university context, may be defined as taking and using the ideas, writings, works or inventions of another, from any textual or internet-based source, as if they were one's own. This definition covers a wide range of misdemeanours such as: using the direct words of another without using quotation marks (even if the passage is referenced); the unacknowledged copying of a sentence or two of text; copying more extensive blocks of text; the syndication of a single piece of work by more than one student (unless the assignment task is a legitimate group assignment); the borrowing and using of another person's assignment (with or without their knowledge and permission); stealing an entire essay from another student or from the Internet; or infringing copyright. For the purposes of this policy, the intention, negligence or innocence of the student is not relevant to the finding as to whether plagiarism, as a fact, has occurred. However, the state of mind of the student will be highly significant in determining how to deal with the case as far as taking remedial action or imposing a penalty is concerned.

1.2 Departmental responsibilities

An educational reality is that many of the current generation of students are not familiar with the academic conventions that lecturers expect of the work that students submit for assessment. This includes presentation conventions, referencing conventions and the duty not to plagiarise the works of others.

Departments need to acknowledge the importance of their own role in students' acquisition of academic discourse and are responsible for taking active steps to provide students with an explanation as to why, as well as how, sources may be used and cited in building academic knowledge. It must be recognised that these standards need to be taught to students and that students from all educational backgrounds may need time to become familiar with them. In addition, because the nature of referencing and plagiarism may be context specific, individual Departments are responsible for

ensuring that students fully understand the nature of legitimate academic practice, of what constitutes a illegitimate practice, and the potential consequences of such conduct, in that particular discipline.

In this regard, departments should ensure that:

- The departmental handbook includes general information about the nature of plagiarism, references to the University's policy on plagiarism, and indicates that plagiarism is considered to be a serious academic transgression.
- The departmental handbook informs students as to how material from such sources as books, articles, the Internet and the work of other students, may and may not be used in the preparation of assignments. Departments are encouraged to refer students and staff to the very useful guide to information literacy to be found on the Library website at www.ru.ac.za/library/infolit.
- Such information is referred to in the course material provided to students.
- Dedicated training is undertaken in the formal procedures to be followed in the acknowledgement and citation of the source of material. It is not enough to expect students simply to read and to understand a lengthy and complicated handout or handbook. Such training could occur either in lectures or during the regular tutorial programme or in specialised sessions designed for this purpose.
- Such training should not simply occur at the first year level, but must be reinforced at second and third year level, and also at the postgraduate level. Since students enter Rhodes at all academic levels, it cannot be taken for granted that such students will have received equivalent training, or will have experienced the usual first-year training that most departments offer.
- Students are alerted to the nature of plagiarism, are informed that it constitutes a serious offence, and are informed about the disciplinary procedures that are in place for dealing with suspected cases.
- Where it is appropriate (usually where a student is new to the university, or does not understand plagiarism), cases of plagiarism are dealt with sensitively and by means of counselling and education, rather than simply by imposing sanctions.
- Guidelines as to the extent of the loss of marks and other penalties for plagiarism (where such are appropriate) are published by departments and are made available to the students in the departmental handbook. Such guidelines should be in accordance with the grid in Annexure D of the Senate Policy.
- Students include an appropriate declaration in work that they submit indicating that it is their own work. (For a generic template that may be adapted by departments to suit their specific needs, see Annexure B of the Senate Policy.)

1.3 Disciplinary procedures

The various procedures applicable to dealing with suspected cases of plagiarism are as follows:

There are three graded categories of plagiarism – categories A, B and C. Where a member of staff is unsure (a) whether plagiarism has been committed at all, or (b) into

which category a case of suspected plagiarism might fall, that staff member should consult the Head of Department (or his nominee) for assistance. It must be remembered that many assessors of student work are students themselves, and/or may be inexperienced and unsure of what plagiarism is, and how it should be dealt with.

Category A offences

Category A offences constitute first time, minor infringements, and are usually handled by the staff member who detects the offence. However, in circumstances where the assessor is a student tutor or demonstrator, it may be appropriate for the matter to be dealt with by the lecturer in charge of the course, or the course co-ordinator, to provide the necessary authority. In cases where the student is new to the University, and/or if it is apparent that the student has committed such plagiarism because of a lack of understanding of what is required, the student should usually be counselled by the staff member concerned: the problem should be explained, the correct practice should be encouraged, and the student should be warned of the serious consequences of committing plagiarism again. This practice would reflect the importance of our educative role as far as plagiarism is concerned. In some cases it might be appropriate to ask the student to re-do the work to demonstrate that he or she has learnt from the experience. Additionally, if it is appropriate, a mark penalty could be imposed. If a penalty is imposed, the relevant staff member should indicate the amount of the penalty and the reasons for this penalty on the assignment or assessment form.

If a student wishes to challenge the finding and the penalty for a category A offence, the student is entitled to appeal to the Head of Department, who must refer the matter to the Departmental Plagiarism Committee for a hearing. (For the procedures to be followed at the hearing, see below.) The student should be informed that the Departmental Plagiarism Committee will hear the matter afresh, and is entitled, in the event of finding that plagiarism has been committed, to impose its own penalty, which may be more onerous than that imposed by the lecturer.

Category B offences

Category B offences relate to repeated offences of a minor nature, or to relatively minor offences at a more senior academic level than first year, or to first time, more serious offences, where the offence would not attract a penalty of more than the loss of a DP certificate. Where a member of staff is uncertain as to whether an alleged case of plagiarism constitutes a category A or B offence, this matter should be discussed with the Head of Department, and a decision should be taken that is consistent with previous practice in the department. In large departments, Heads of Department may delegate this role to a senior member of staff.

If a category B offence is detected, the matter must be referred to the Head of Department or nominee, who must refer the matter to a Departmental Plagiarism Committee for a hearing.

Category C offences

These refer to extremely serious offences. Plagiarism in LLM and PhD work will usually fall squarely into this category, although may depend on whether the plagiarism is occurring in an early draft, or in the final draft, or is identified when the thesis has been submitted for examination. All these possibilities are covered in the Senate Policy. See the Senate Policy for details.

2. Examples of Plagiarism

The University's Policy on Plagiarism provides some general examples of forms of plagiarism, which any student may consult for guidance. By the time a law student is registered for a postgraduate degree, the student should be familiar with academic conventions regarding referencing and the avoidance of plagiarism. If a student is still uncertain, however, further examples of what would constitute plagiarism may be found in each year's *Law Faculty Survival Guide*, copies of which are available from the Administrative Office in the Law Faculty.

3. Copying and Pasting: A reminder

Copying and pasting is NOT acceptable. Copying and pasting can occur in one of three ways:

1. The student copies the words of others, without any referencing, to suggest the work is his or her own. This is classic plagiarism, and will be firmly dealt with.
2. The second form of copy and paste occurs where the student (to a greater or lesser degree) has simply cobbled together a whole lot of referenced, but copied passages of others as the content of their work, but has not used quotation marks to indicate what has been copied from another source. This does amount to plagiarism. This sort of conduct is unacceptable because this is (in significant parts, or entirely) not the student's own work, but suggests in a misleading way that it is. A mere reference next to the copied words of others does not entitle a student to copy another person's words. Quotation marks must be used where the direct words of others are used in an essay.
3. The third type of copy and paste is where the work is simply comprised of an excessive number of passages that have been correctly quoted and referenced. This would not amount to plagiarism, but would still not be acceptable, particularly at the postgraduate level. The work must reflect the student's own understanding of the issue, in the student's own words. Please use direct quotes sparingly.