HOUSE STYLE FOR RESEARCH DOCUMENTS AND PUBLICATIONS

I. Introduction

What follows in this document are the stylistic requirements that most commonly require the attention of writers using the SAJHR house style. The SAJHR house style is to be used in all materials and publications developed by and for ISLA. This document is a general guide as it is not possible to cover every possible referencing and stylistic quirk.

II. Definitions

Articles
Articles provide a detailed analysis of the topic under discussion. Articles should not exceed 12,000 words (this number excludes references). All references in articles must be footnoted. An article is accompanied by an abstract of not more than 200 words. The abstract summarises the argument of the article, and should contain appropriate key words.

Notes
Notes are shorter, more focused than articles. Many notes are case notes which analyse a recent judgment (or judgments) of the courts. However, notes can discuss any specific issue of legal interest, and are not constrained to case notes. Notes should be between 3000 and 8000 words long. Notes do not require an abstract. All references in notes must be footnoted.

Book reviews
Book reviews are critical discussions of scholarly books on any topic related to law. These should be between 2000 and 5000 words long. All references in book reviews must be footnoted.

III. Style

(a) Avoid polite legal clichés such as ‘the learned judge’, ‘the learned author’, ‘with respect’, ‘with the greatest respect’, ‘it is submitted’

(b) Judges should be referred to as ‘Smith J’ or ‘Smith JA’ or ‘Smith LJ’

(c) Avoid formulations such as ‘his Lordship’, ‘the honourable’

(d) Avoid awkward avoidances of the use of the first person. So, ‘it is my view’ or ‘I argue’ is preferable to ‘it is the view of the present author’, ‘it is this writer’s argument’, ‘this article will’
(e) Write in the active voice.
(f) 'On' is almost always preferable to 'upon'.

IV. Form
(a) All articles, notes, comments, book reviews and contributions to current Developments in the law must make use of footnotes.
(b) Articles and notes should be divided into sequential sections and subsections in the following manner:

**THIS IS THE TITLE OF THE ARTICLE OR NOTE**

I **THIS IS A LEVEL ONE HEADING (I, II, III etc)**

(a) This is a level two heading

(i) This is a level three heading (i, ii, iii etc)

(aa) This is a level four heading (aa, bb, cc etc)

(c) Abstracts. All article submissions must include a single paragraph abstract.

(d) Notes, comments, book reviews and Current Developments contributions do not require abstracts.

(e) Quotations should be clearly indicated by single quotation marks, with double quotation marks used only for quotes within quotes. Where a quotation is more than about five lines long, it should be indented as a separate paragraph, with a line space above and below, and with no quotation marks or leader dots.

(f) Avoidance of Latinisms. English terms above/below to be used rather than Latin supra/infra, ante/post. Exception: ibid when used in footnotes. Avoid unnecessary Latinisms such as 'in casu'.

(g) Foreign words and phrases. Where Latin phrases and non-English expressions are used, they should not be italicised (underlined). Italics should be used only for case names (passing right through the ‘v’), titles of books and journals and for emphasis.

(h) Abbreviations may be used provided that the name is set out in full, followed by the abbreviation in brackets, at the first usage, eg Council for Conciliation, Mediation and Arbitration (CCMA). The abbreviation can then be used throughout. Latin abbreviations as follows: eg ie cf -- roman, no full points. No full points in abbreviations, thus: SAJHR USA CCMA. Abbreviated plurals do not have an apostrophe before the s. Thus 1970s not 1970’s, MPs not MP’s.

(i) S spellings. Use 's' spellings rather than 'z' spellings, eg recognise, nationalise.

(k) Numbers from one to ten are spelt out in words unless they refer to section or schedule numbers in statutes. Use per cent not % (eg eight per cent or 38 per cent).

(l) Case names: in italics, v (for versus) without full point - eg Brown v White. Usually reference to only one official Law Report is necessary. For South African cases use the South African Law Reports wherever available. Avoid use of 'at'. A reference to a specific page should be made as follows, with the first page of the report always referred to first: Smith v Jones 1989 (4) SA 123 (D), 134A—C. Subsequent references to the same case should be: In footnotes: 1 Ibid 136. [where the case is cited in the immediately preceding footnote] 2 Ibid. [where the case and the page reference is the same as that in the immediately preceding footnote] 3 Note 8 above, 137 or Smith v Jones (note 8 above) 134 or Smith (note 8 above) 134. Paragraph rather than page references should be used wherever possible. This is the case for all South African Constitutional Court decisions and for most Supreme Court of Appeal, Land Claims Court and High Court decisions. The same rules apply to foreign cases. US Bluebook conventions may be used but case names must be italicised both in the text and footnotes and the use of full points must be avoided. Eldridge v British Columbia (1997) 151 DLR (4th) 577, 631 Romer v Evans 116 S Ct 1620, 1627 (1996) Brandenburg v Ohio 395 US 444, 451 (1969) Avoid using abbreviated names of litigants: thus Regents of the University of California not Regents of the Univ. of Cal. The use of brief parenthetical explanations of case holdings and other references is encouraged. Examples:

1 S v Makwanyane 1995 (3) SA 391 (CC) (death penalty a violation of rights to life and human dignity).

2 Wisconsin v Yoder 406 US 205 (1972) (compulsory school attendance for children of Amish religious community a violation of free exercise right).

3 E Mureinik 'A Bridge to Where? Introducing the Interim Bill of Rights' (1994) 10 SAJHR 31 (Bill of Rights seeks to create a culture of government based no longer on authority and coercion but on justification and persuasion).

(m) Books. When citing books give author’s initial and name, full title (italicised), edition, year, page reference. There is no need to give place of
publication and publisher. Page numbers should not be preceded by ‘p’ or ‘pp’. In a footnote, co-authors must be joined by an ampersand (&) rather than ‘and’.

Thus:
For subsequent references to this work in a footnote use: Hoffmann & Zeffertt (note 8 above) 125.

Translations should be indicated thus: 1 K Marx Capital Vol 1 (1867) (trans J Mander, 1976) 121.

(n) Chapters in books: author’s initial and name, full title in quotation marks, initial and name of editor, full title (italicised), year, first page of article, page referred to. Avoid use of ‘at’.

(o) Journal articles: author’s initial and name, full title in quotation marks, year in parenthesis, volume number, abbreviated name of journal (italicised), first page of article, page referred to. Avoid use of ‘at’. Where there is no volume number and the edition is known by the year of publication, the parenthesis may be omitted.
In footnotes subsequent references to the same book, chapter or article should be Ibid 290 (where the article is cited in the immediately preceding footnote), otherwise: 1 Albertyn (note 10 above) 290.

2 Note 10 above, 290.


(r) Statutes. When referring to a statute (including an amending statute for the first time please give its full name, number and year (eg ‘the Mental Health Act 18 of 1973 was amended by the Mental Health Amendment Act 16 of 1985’). Subsequent references are to ‘the Mental Health Act’, or ‘the Act’ or ‘the 1973 Act’ or ‘the 1985 Amendment’. Do not place the number and year of an Act in a footnote. Hansard. Parliamentary debates should be cited as follows: NA Debates col 1472 (29 July 1998). NCOP Debates col 125 (24 February 1999)

(s) Treaties and international instruments. Give ILM reference where available, failing which give UNTS reference or full UN Doc or OAU Doc reference.

Examples:
General Agreement on Tariffs and Trade, 30 Oct 1947, Protocol
Amending the General Agreement to Introduce Part IV on Trade and Development and to Amend Annex I (8 Feb 1965) 572 UNTS 320
These rules should be confined to the more obscure treaties and instruments. For most of the well-known multilateral treaties there is no need to give a bibliographical reference.

Examples: Universal Declaration of Human Rights (1948)
Vienna Convention on Consular Relations (1963)
International Covenant on Civil and Political Rights (1966)

(t) Websites. Include the protocol name and format (http://, etc) in brackets <>.

Examples:
<http://www.law.wits.ac.za/sajhr/sajhr.html>

https://www.concourt.gov.za/courtreports.php?case_id12017 There is no need to record the date the site was last visited.