

EDITORIAL GUIDELINES FOR PUBLICATION IN DE JURE

DE JURE (English guidelines)

1 POLICY

Manuscripts in the form of articles, notes, case discussions, book reviews and letters of a legal nature are welcomed by the editorial board.

The submission of a manuscript for publication implies that it's the result of original research by the author and that copyright vests in him or her. The editorial board has to be timely notified if the author wishes to submit a manuscript partially or in its entirety to another publication or if it has been published previously.

Authors are responsible for the linguistic, content and technical editing of their submissions. The editorial board upholds the right to improve and edit submissions on stylistic and presentational grounds.

Submissions are reviewed by members of the editorial board, the editorial advisory committee and knowledgeable arbiters. If a manuscript does not comply with standards set by the editorial board and advisory committee with regard to linguistic, content-based or technical standards, it is sent back to authors for reworking, if possible.

2 GUIDELINES FOR AUTHORS

2.1 Manuscript

Manuscripts have to be typed in double-space. That is the case regarding the text itself, quotes and footnotes. An electronic version can be sent via e-mail or be included on a CD.

2.2 Footnotes

2.2.1 Footnotes start with a capital letter and end with a full stop.

2.2.2 Footnotes are not used in notes, discussions of recent case law or book reviews. All references are integrated (in brackets) in the text itself.

2.2.3 Abbreviations have to be used in footnotes, whenever possible.

2.2.4 Where multiple sources are referred to in one footnote, they have to be separated by semi-colons and preferably chronologically ordered.

2.2.5 Individual footnotes have to be presented flowingly; the text should not be divided into paragraphs.

2.3 Summary

A translated title and a short summary of approximately 300 words in Afrikaans must accompany an article if the article was written in English and vice versa.

2.4 Titles, Headings and Authors

- 2 4 1 Headings of articles and notes must be as short as possible.
- 2 4 2 Lowercase is used in the main headings of articles. Article headings are presented in the following way:

The comparative method in action – aspects of the law of cession (part 1)

Susan Scott
BA LLD
Professor of Private Law, University of South Africa

The Constitutional Court of the Czech Republic: an introduction for South African lawyers

Frans Viljoen
MA LLM LLD
Professor of Legal History, Comparative Law and Legal Philosophy, University of Pretoria

BLur and BCom are abbreviated as shown. Since an LLM or LLD degree, where the author had obtained these qualifications, usually presupposes an LLB degree, reference to an LLB is obsolete. Because an LLM is optional, reference is made to this degree when the author has an LLD degree.

- 2 4 3 Headings of notes are presented in the same way. The names of authors and their institutions are placed right at the bottom of the note and uppercase is used, for example

J L E R O U
X
University of
Pretoria

J E L L I S
Department of Justice

- 2 4 4 Headings of discussions of recent case law are presented as follows:

Metiso v Road Accident Fund 2001 3 SA 1142 (T)

Customary law adoption, the action of dependents and the best interests of the child

Authors and their institutions are listed in the same way as notes (see 2 4 3).

- 2 4 5 The headings of book reviews are presented as follows:

Essential Social Security Law

by
E L STRYDOM, P A K LE ROUX, A A LANDMAN,
M A CHRISTIANSON, O C DUPPER, P MYBURGH,
F S BARKER, C J GARBERS, A C BASSON
Juta Cape Town 2001 304 pages
Price: R198.50

Mixed Jurisdictions Worldwide - the Third Legal Family

editor VERNON VALENTINE PALMER
United Kingdom Cambridge University Press 2001 xvi plus 496 pages
Price: R395.00

Names of authors (of book reviews) and their institutions are presented in the same way as notes (see 2 4 3).

2 5 (Sub)sections and Numbering

2 5 1 Sections and subsections of articles are numbered in the following way:

- 1 Introduction
- 2 Application of Comparative Method to Aspects of Session
 - 2 1 Introduction
 - 2 2 1 Historical Background
 - 2 2 1 1 Roman law position.

2 5 2 Sections and subsections of notes, discussions of recent case law are numbered and presented as follows

- 1 Introduction
- 2 Different Interpretations of the Term "Inherent Job Requirement"
 - 2 1 An Expansive Interpretation

2 5 3 Other hierarchical orders that have no effect on the structure of the text are presented as follows:

- a
- b
 - i
 - ii
- c

Where this hierarchy is not represented by using paragraphing but flowingly, (a), (b), (c), (i), (ii), et cetera, has to be placed within brackets.

2 5 4 The initial letter of all words in subheadings is in uppercase except in the case of articles' main headings and conjunctive words.

2 6 Referring to Case Law, Books, Dissertations, Journals, Newspapers, Legislation and Old Sources

2 6 1 Case Law

- 2 6 1 1 Reference to case law is made as follows: Lindsey City Council v Marshall 1936 2 All ER 1076 (HL); Wessels v Hugo 1985 4 SA 262 (O) 268J-269A. Full stops, colons, and brackets are not used when referring to year and volume numbers. Where dates are strictly speaking not used for identifying purposes, brackets are inserted, for example R v Marais (1888) 6 SC 367; R v Jordan (1956) 40 Cr App R 152 157-158. “NO” “and Others” are obsolete as well as “on”, “on page” before the page number. Subsequent references: Wessels v Hugo supra, the Marais case/decision.
- 2 6 1 2 The English references for pre-1947 cases are used, for example CPD, EDL and TPD and not KPA, ODPa and TPA. Regarding post-1947 case law, reference to the division of the high court is made in the language that the article is written in.

2 6 2 Books, Dissertations and Theses

- 2 6 2 1 Books are referred to in the following way: Van Oven Leerboek van RomeinschPrivaatrecht (1948) 92; Coetzee in Van JaarsveldaoSuid-AfrikaanseHandelsreg 2 (1988) 1223. Subsequent references: Van Oven 96; Coetzee 305.
- 2 6 2 2 Reference to LAWSA is made as follows: Rabie LAWSA (edJoubert) 6 (1981) par 117. Subsequent references: Rabie LAWSA 6 par 118.
- 2 6 2 3 Dissertations and theses are referred to as follows: Viljoen Realisation of Human Rights in Africa through Inter-Governmental Institutions (LLD dissertation 1997 UP) 77. It is not necessary to state whether the dissertation has been published or not. Subsequent references: Viljoen 77.
- 2 6 2 4 If subsequent editions were rewritten in its entirety, the original author’s name can be included as part of the title where the work is generally known by that name De Wet and Van Wyk De Wet and Yeats Die Suid-AfrikaanseKontraktereg en Handelsreg (1978). If a subsequent compiler has not rewritten the work in its entirety, the names of the compiler and original author are cited as co-authors, for example Hunt and Milton South African Criminal Law and Procedure 2 (1997).
- 2 6 2 5 No initials of authors, full stops and commas and “on” and “on page” are used for referring to books, dissertations and theses except if the initials are needed for identification, for example, where co-authors share a surname.
- 2 6 2 6 Editions of books are not mentioned, except if more than one edition were published during a specific year or if the date of publication cannot be ascertained. Where a reference to edition is made, it is done as follows: sixth edition (text); 3rd ed (footnotes). No brackets are used.

2 6 3 Journals

- 2 6 3 1 Articles and notes in journals are referred to as follows: Snyman “Die misdadaadsameswering” 1984 SASK 3; Thomas “The Rental Housing Act” 2000 De Jure 235. In subsequent references the title is omitted.

- 2 6 3 2 When reference is made to a discussion of case law or a book, the name or the book that is discussed is omitted, except if the discussion has been given a title. If not, reference is made to the author, year, name of journal as well as the page number(s).
- 2 6 3 3 Therefore, no initials of authors, full stops and commas and “on” or “on page” are used when referring to articles, notes, case law discussions and book reviews.
- 2 6 3 4 Only the accepted abbreviations of journal names may be used. When referring to foreign journals, the abbreviation must be preceded by the full title of the journal, for example, Baumann “Schuld und Verantwortung” 1962 Juristenzeitung (JZ) 41. Subsequent references: Baumann 1962 JZ 42.
- 2 6 3 5 The volume and number of the journal are omitted, for example, 1971 THRHR 12 and not 1971 (34 1) THRHR 12. Where page numbers do not run consecutively, the number or month in which it is published must be included, for example 1972 1 Codicillus 36 or 36 May Codicillus 36.
- 2 6 3 6 Articles or notes in books, in Festschriften or honorary publications, for example, are referred to as follows: Van Rooyen “Wederregtelikheid en pging” in EM Hamman-Gedenkbundel (edJoubert) (1984) 165. Subsequent references: Van Rooyen EM Hamman-Gedenkbundel 168.
- 2 6 4 Newspapers
- 2 6 4 1 Reference to an article in a newspaper is made as follows: Mail and Guardian (2002-01-15) 12.
- 2 6 4 2 Reference to the Government Gazette or its abbreviation (GG) is made as follows: Government’s notice (within the text) or GN R 1671 in Government Gazette (text) or GG (footnote) 10378 of 1986-08-08.
- 2 6 5 Legislation
- 2 6 5 1 Foreign legislation and its abbreviations are printed in italics.
- 2 6 5 2 An act is referred to as follows: the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. All references to acts are in lowercase. Refrain from using commas or “No”.
- 2 6 5 3 Subsections of acts are referred to as follows: section 2(1)(a)(a) in the text, s 36bis(3)(a) in the footnotes. Articles and paragraphs in, for example, the NBW and the BGB are referred to as section 3 11 20a3 NBW (text); par 20602 BGB (footnote).
- 2 6 6 Old Sources
- 2 6 6 1 Where a set convention stipulates how reference is handled, this method should be used, for example D 9 2 5 3; I 2 1 31; C 10 15; Nov 134 9; De Groot 3 32 7; Voet 47 1 2; Groenewegen De Leg Abr 4 10; Van Leeuwen RHR 2 5 1; Van der Linden Koopmans Handboek 1 7 2; Van der KeesselPraelectiones ad Gr 2 4 38; Van BynkershoekObs Tum 303; PauwObs Tum Nov 128; Schorer ad G 3 27 6; Vinnius ad I 2 1 39.

2 6 6 2 In other instances, an old source must be made precisely identifiable by the reference.

2 7 Quotations and Quotation Marks

2 7 1 Quotes must be used sparingly.

2 7 2 Quotes must be precise, that is, italics, uppercase and punctuation must be duplicated with precision. No changes to quotes are rendered during the editorial process.

2 7 3 If a quote comprises of a sentence in its entirety or if a full sentence is quoted after the use of a colon, the full stop is inserted at the end of the sentence before the closing quotation mark. If the last part of the sentence consists of a quote, the full stop is inserted after the quotation mark. If a comma follows a quote, the comma is inserted after the quotation mark. Examples: The judge states on page 130: “This rule of thumb is a misconception.” The judge therefore refers to the rule as a “rule of thumb”, and continues by saying that any “rule of thumb” should be used with great caution.

2 7 4 Double quotation marks (“...”) should be used, except where a quotation within a quote is made.

2 7 5 Quotations shorter than three printed line are not indented.

2 7 6 Where a sentence or paragraph is not quoted in full, every omitted part, regardless of its length, are indicated by three dots.

2 7 7 Changes and insertions in quotes are indicated by means of block brackets, for example “[I]n...; “there [has to] ...”

2 8 Italics

2 8 1 The following are printed in italics: titles of books, theses, the names of newspapers, magazines, court decisions and foreign legislation.

2 8 2 Words and phrases in other languages are in italics, except if they are quotes or fragments of quotes.

2 8 3 Italics within quotes have to be duplicated.

2 8 4 Used italics to add emphasise sparingly.

2 9 Capitals and Punctuation

2 9 1 Capital letters must be used sparingly. Names and subsequent references to specific legislation are capitalised: constitutional courts, but Constitutional Court (of South Africa); act but the Act (referring to the Land Claims Act).

2 9 2 Lowercase is used in the following circumstances: court, registrar, administrator, minister of the interior, legislator, judge president, bar, law commission, parliament and state.

2 9 3 The same policy applies in contributions written in Afrikaans.

- 2 9 4 Lowercase is used after a semicolon and uppercase after a colon, given that a complete sentence follows.
- 2 9 5 The initial letter of all references to books, theses, scripts, articles, notes and the names of journals, newspapers and legislation is uppercase, except German, where only nouns are uppercase.

2 10 Brackets

- 2 10 1 Footnotes are not used in notes, discussions of case law and book reviews. Text that would otherwise have been assigned to the footnote position is inserted between brackets, for example Snyman (Criminal Law (1986) 259-260); S v Swanepoel (1985 1 SA 576 (A)).
- 2 10 2 If a new sentence or more than one new sentence occurs within brackets, the last full stop must be inserted at the end of the last sentence within the brackets. For example: (See Snyman 126, for a critique of De Wet's viewpoint.)
- 2 10 3 If the text within the brackets is only authority and not a full sentence, a full stop is not inserted before the brackets. The fragment in the bracket starts in lowercase and the full stop is inserted outside of the bracket. For example: This statement is correct (see Van der Westhuizen 624; Joubert 136).

2 11 Abbreviations

- 2 11 1 Abbreviations are not used in the text, except in notes, discussions of case law and book reviews where brackets perform the function of footnotes.
- 2 11 2 If possible, recognised abbreviations ought to be used.
- 2 11 3 Full stops are not used in abbreviations, regardless whether it's a word or phrase that's abbreviated.
- 2 11 4 Where reference is made to page numbers in footnotes and in brackets the abbreviation "p" is not used. The page number follows directly, for example, Joubert 603. In the text itself page is written out in full, for example, On page 306 De Villiers J states.
- 2 11 5 Numbers less than twenty are written out in full (this is also the case concerning positions) for example, **four** applicants but **64** detainees; **second** but **42nd**, but **chapter 4**; **R15**. Ensuing numbers are not abbreviated for example **246-248** and not 246-8; dates are written as follows: yyyy-mm-dd, for example **1984-02-29**.
- 2 11 6 It is acceptable to abbreviate codes within the text after writing it out earlier in the text, for example BGB ;StGB ; NBW ; CC.
- 2 11 7 In contributions written in English, abbreviations like J, CJ and MR are used in the text as well as in the footnotes. It is placed after the judge's name, for example, Innes CJ. In Afrikaans contributions words like regter, waarnemenderegter and appèlregter are written out in full and abbreviated in footnotes.
- 2 11 8 Some of the abbreviations that are used:

| | |
|-------|------------------------|
| AJ | Acting Judge |
| AJA | Acting Judge of Appeal |
| CJ | Chief Justice |
| ch | chapter |
| ed | edition/editor |
| etseq | and the following |
| GG | Government Gazette |
| GN | Government Notice |
| J | Judge |
| JA | Judge of Appeal |
| JP | Judge President |
| n | footnote |
| par | paragraph |
| proc | proclamation |
| reg | regulation |
| s | section(s) |

2 12 General

- 2 12 1 Phrases like “learned”, “well read” and “respectfully” with regard to judges and their decisions are superfluous since respect is assumed.
- 2 12 2 Titles like “professor” and “doctor” are not used when referring to authors of books, theses, articles, notes, case discussions and book reviews.

De Jure has the promotion of legal science and a critical and analytical approach to law as its main objectives and towards this aim publishes original contributions of a high academic standard.

- 2 De Jure is a national and general legal journal to which academics, members of the judiciary and members of the different legal professions may contribute. No preference is given to authors from any particular institution. The decision whether to publish any submission depends on whether it meets the high quality standards of De Jure and whether space is available for publication.
- 3 Contributions in both English and Afrikaans are published and may consist of articles, notes, discussions of recent cases and book reviews. A translated title and a brief summary of approximately 300 words in Afrikaans must accompany an **article** written in English. In the case of Afrikaans articles a similar requirement applies regarding an English title and summary.
- 4 In order to be considered for publication a contribution must be the result of original research by the author(s), meet with all applicable legal principles in respect of publication (such as copyright, etcetera), contribute something sufficiently new to the existing legal literature and conform to the linguistic, technical and stylistic requirements for publications in De Jure. Authors are personally responsible to ensure that their submissions meet all these requirements.
- 5 Submissions are only accepted for consideration on the basis that while the editorial committee makes the final decision on publication, submissions will be subjected to appropriate peer and expert review, as well as review by members of the advisory committee when necessary. The editorial committee further reserves the right to edit all

submissions accepted for publication in terms of the editorial policy, as well as to shorten submissions if necessary.

- 6 Manuscripts may only be submitted in electronic format (utilizing MS Word) through an e-mail to the editor or on an electronic disc delivered to the editor's office. In addition, authors –
 - (a) must supply their relevant contact particulars, especially e-mail address(es) and telephone numbers;
 - (b) guarantee that they are legally entitled to have the full submission published and that it, or a part of it, has not been published elsewhere before;
 - (c) disclose whether it, or a part of it, has been submitted to any other journal for publication; and
 - (d) undertake to give reasonable notice to the editor if the submission is withdrawn for any reason.
- 7 Unless prior arrangements have been made with the editor, an article (including footnotes and the summary) may not exceed 8000 words and other contributions may not exceed 5500 words.
- 8 Technical guidelines to authors are available in this document.