

QUOTATIONS 4

+ information prominent / author prominent

When you cite the work of other authors – either in a quotation or a paraphrase, you have choices about the way that you make use of their work. You may choose to focus on the information which is provided by the author or on the author himself.

Information prominent citations focus on the evidence / information itself rather than the author who gave it. This type of reference allows the focus of the sentence to be on the issues. Details about the author and the source go in the footnotes.

example

- ✓ The reduction of tariff barriers and other barriers to trade are “the two main tools” in achieving this.¹ In addition, it is essential to have “good treatment and supervision of tariff and non-tariff barriers” to enhance the development of WTO members.²
- ✓ Those who make false or misleading claims may be liable criminally under the Trades Descriptions Act if the claim amounts to a trade description which is ‘false to a material degree’.³

This kind of citation is more common in the introductory part of your assignment where you are making **generalisations** about the topic or presenting information which is generally agreed to be true.

Author prominent citations place the author in a prominent position in the sentence. This type of reference is often found when the arguments or findings of different authors are being contrasted.

examples

- ✓ Section 157(1) of the EPA expressly extends any corporate liability for breaches of the Act to any ‘director, manager, secretary or other similar officer of the body corporate’⁴ who consent to or connive in a breach of the Act.
- ✓ The CLRSG believed that this approach “would better achieve wealth generation and competitiveness for the benefit of all”.⁵

¹ Bossche, P. V. D. (2008). *The Law and Policy of the World Trade Organization*. 2nd ed. Cambridge: Cambridge University Press. 86.

² Bagwell, K. & Staiger, R. W. (2011). The WTO as a Mechanism for Securing Market Access Property Rights: Implications for Global Labor and Environmental Issues. *The Journal of Economic Perspectives*. 15 (3), 69

³ Trade Descriptions Act 1968 ss1-3

⁴ EPA 1990 s157(1)

⁵ J. Loughrey, A. Keay & L. Cerioni, “Legal Practitioners, Enlightened Shareholder Value and the Shaping of Corporate Governance”(2008) 8 *Journal of Corporate Law Studies* 79

- ✓ Nourse LJ argued that as long as the company is running and solvent, its interests should “first and foremost be focus on the shareholders”.⁶
- ✓ According to Farrar, it is important to consider “the legitimacy of corporate power, corporate accountability and the criteria by which the corporation is to be governed and by whom”.⁷
- ✓ Lord Goff suggested that in this case an injunction might be justified in extreme cases “where the conduct of the foreign state is such as to deprive it of the respect normally required by comity”.⁸

Many students overuse this form of citation thinking that the ideas of other authors will be an adequate substitute for their own. The end result is that the student’s work reads like a list of what other people think. This shows that the student is not in control of the topic and has not critically analysed the subject. It can also make a writing assignment boring to read.

example

X Bossche has pointed out that one of “the two main tools to achieve such goals is the reduction of tariff barriers and other barriers to trade”.⁹ Bagwell and Staiger have further demonstrated that “good treatment and supervision of tariff and non-tariff barriers is vital for the development of WTO members”.¹⁰

A better way of writing this short paragraph would be to give prominence to the information. This is shown in the first example on the previous page.

✚ **Avoid quoting definitions of points of law.** You should **paraphrase** these definitions and footnote them. Your footnote will show that you have done your research and that you are aware of the point of law.

examples

X It is possible to define treaty shopping as ‘a situation in which a person who is not entitled to the benefits of a tax treaty makes use of an individual or of a legal person in order to obtain those treaty benefits that are not available directly’.¹¹

⁶ Brady [1987] 3 B.C.C. 535 at 552

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⁸ [1999] 1 A.C. 119 at 140.

⁹ Bossche, P. V. D. (2008). *The Law and Policy of the World Trade Organization*. 2nd ed. Cambridge: Cambridge University Press. 86.

¹⁰ Bagwell, K. & Staiger, R. W. (2011). The WTO as a Mechanism for Securing Market Access Property Rights: Implications for Global Labor and Environmental Issues. *The Journal of Economic Perspectives*. 15 (3), 69

¹¹ Weeghel, S. V. *The improper use of tax treaties: with particular reference to the Netherlands and the United States* (London, Kluwer Law International, 1998) at p. 96, 119

- X In terms of passing off, Lord Halsbury has stated in *Reddaway v Benham* that “nobody has any right to represent his goods as the goods of somebody else”.¹²
- X Under Section 3, the patent can be defined as "a document issued under the provisions of this Act t773.5aaent tcvl 64(f)-14opr ne ioveni r ()65(a)13(64dhe)3(si)5(g)-8n"r

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FINAL CHECKLIST for writing quotations

1. **Avoid using quotations excessively.** Your quotations need to support your ideas. They are not to be used as a substitute for your own ideas and analysis. In fact, it depends what you are writing about as not every essay needs many quotations to be effective.
2. Do not **string together quotations** from cases and secondary sources as this tends to produce a broken and incoherent text.
3. Quotations should be **brief and to the point.**
4. If a quotation is not special or original enough, then you should try to **paraphrase** the idea, i.e. write what the author is trying to say **in your own words.**
5. **Quote accurately.**
6. Check that your quotation is **punctuated correctly.**
7. Check that the quotation is **footnoted accurately** with number of page / paragraph / clause.
8. Make sure that your **quotation is integrated into the sentence.**
9. **Use reporting words or phrases** to integrate the quote into your writing.
10. **No more than 10% of your text** should be quotations. If you use too many quotations, you could be down-graded. An essay which consists of cut and paste quotations could be considered plagiarism as it means that the essay is not made up of your words but the words of others. An essay which is written like this usually lacks coherence.