

Book Review: Basic Concepts in Legal Research Methodology by Adewale Taiwo

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1. Introduction

The word research may mean different things to different people but one thing is common to all- the ‘search for knowledge which invariably leads to learning new skills or improving acquired skill.’¹ In the discipline of law, legal research has to do with unearthing legal principles which are relevant and can be used to solve a particular legal question or problem. It involves the process of systematically investigating facts with the aim of determining the state of the law or legal advancement.²

Conducting a standard and quality legal research can prove to be really burdensome especially since that area of law has not received the necessary attention from academic writers and curriculum drafters. Where a legal researcher is not armed with the necessary tool and oblivious of the principle to follow undertaking such task may be difficult.

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¹ Itunu Kolade-Faseyi, ‘Research and the Legal Profession: An Appraisal’ [2018] (5) (1) *Unimaid Journal of Public Law*, 183.

² Solomon Ekokoi, ‘Towards Effective Legal Writing in Nigeria’ (2017) (12) (1) *Journal of Commonwealth Law and Legal Education*, 2.

The book³ under review which is published in Nigeria with ISBN 978-978-960-218-6 spans two hundred and eleven (211) main pages with xvii preliminary pages. The book exponentially discusses the principles of legal research and importance of mastering the skill. Some of the issues raised are examined below.

2. Central Idea and Summary of the Book

The introduction provides an overview of what is essentially required in undertaking legal research. It discusses pertinent preliminary issues in starting off a research and the sources of law for legal research. In addition, the distinguishing features between the terms ‘dissertation’ and ‘thesis’ were considered in chapter one.

The aim of the book is chiefly to guide post graduate students in their masters or doctoral journey, especially when the journey seems to drag on indefinitely. The author discusses in chapter two several reasons why people embark on postgraduate studies ranging from personal development, career enhancement, to increase employability in competitive job markets, to change location and experience new culture amongst others.⁴ Where enrollment is for the wrong reasons, candidates may get overwhelmed with work load, get frustrated and their efforts end in futility.

The book under review in chapter three stresses the importance of starting off a research with a concise and coherent outline of the intended research in form of a proposal. A well thought out and structured proposal considering originality of the proposed work, its viability as a research project, availability and manageability of materials will definitely receive the approval of selectors.⁵ In addition, the author emphasizes important segments of a standard research proposal like the research topic, introduction, literature review, research problem, aim and objectives, research methodology, limitation of study, chapters outline, bibliography and references. He argues that literature review should feature at an early stage of a proposal, just before the research problem and not at the later part.⁶ With the review of existing literature, the researcher has an inkling of the problem he wishes to investigate or solve and the specific knowledge gap he wishes to bridge with the proposed work.⁷ By adopting this method, discussions before the literature review will not be based on mere speculations or assumptions.

³Adewale Taiwo, Basic *Concepts in Legal Research Methodology* (2nd ed, Princeton & Associates, Ikeja.) 2017.

⁴ *Ibid*, 25.

⁵ *ibid*, 55.

⁶ *Ibid.*, 44.

⁷The converse position to this is the one taken by the Nigerian Association of Law Teachers where Literature review comes just before the end of a proposal. See Nigerian Association of Law Teachers’ Uniform formats for Scholarly Writings and Citation Guides (2015) 8. See <http://www.naltng.org/part-ii-nalt-uniform-citation-guide-style-referencing/> accessed 10 September, 2020.

The discussion in chapter four is on supervisors and the supervision process. The author delves into students' expectations from their supervisors and vice versa. Although he offers tips on how to change supervisor where the student-supervisor relationship is not working well, he however cautions that students seeking such change need to tread cautiously and be diplomatic about their request to avoid animosity which may characterize such request. To him, a change of supervisor should be sought only as a last option.⁸

Chapter five centers on 'Methodological Approach, Research Goals and Research Questions.' The author posits that for researches to be reliable, the method through which a researcher arrives at the research findings as well as what he wants to achieve with his research needs attention.⁹ No doubt, these are fundamental issues in any research because it deals with the 'how' of a research. There is a stimulating discourse on the process of thesis writing in chapter six. Emphasis is placed on the importance of the researcher including his own ideas in his work as well as using the literature of other scholars whose work he engages to illuminate his ideas. Importantly, the author stresses the need for originality in research and the need of writing impersonally with an academic style. According to Taiwo, whenever a thesis is to be graded, reference is usually made to 'unaided work, significant contribution to knowledge and originality.'¹⁰

Chapter seven restates basic principles of research writing with particular emphasis on how to write the concluding chapter. Conclusions are to summarize findings, state recommendations and observations drawn from findings, contribution to knowledge and suggest areas for further research.¹¹ The author reiterates the fact that conclusions tie all points raised in a research work together and identifies items to look out for in having a standard research work.

The book under review in chapter eight underscores the importance of revising and editing the research work before turning in the final copy. According to the author, the researcher should bear the burden of ensuring grammatical or mechanical accuracy of his work and not rely solely on other people's scrutiny.¹² In addition, the author brings to fore the issue of improper referencing and plagiarism as a serious intellectual property theft. According to him, 'it is legally, morally and ethically wrong to use someone's work without acknowledging him. It is academically fraudulent and dishonest to do so. It is a violation of copyright law, as such, a crime...'¹³ In addition to giving tips on how to avoid plagiarism, he enjoins researchers to embark on diligent research work and shun taking credit for ideas

⁸Adewale Taiwo, *op cit.* 78.

⁹ *Ibid.*, 92.

¹⁰ *ibid.*, 109.

¹¹ NALT Uniform Citation Guides (adopted by the Committee of Deans and Directors at Ebonyi State University, on January 16, 2015) cited in Adewale Taiwo, *op cit.*,117.

¹² Adewale Taiwo, *Ibid.*, 119.

¹³ *Ibid.*, 123.

not theirs as they may run afoul of the law with devastating consequences like dismissal, and/or criminal sanction.¹⁴

The author shares great insights on Viva/assessment of thesis in chapter nine. Postgraduate examiners and supervisors no doubt will find those segments helpful in their students' assessment and in their drive to turn out standard research work of good quality. The book therefore apart from being a great asset to postgraduate students, will definitely be beneficial to supervisors, examiners and all stakeholders in legal (research) education.

Apart from the formal aspect of legal research, this book addresses and draws attention to matters outside the academic scope of a doctoral program but which plays major part in determining the success or otherwise of the doctoral sojourn. The author discusses common 'de-motivators' and offers useful tips on how to 'manage self' in chapter ten. He enumerates three (3) likely phases (early, middle and final phase) of doctoral studies and how to deal with or manage the emotions they throw up. In addition, he advised researchers to take sufficient breaks and mental health day so that the drive to have PhD degree will not lead to permanent health damage (PHD).¹⁵

Chapter eleven of the book (which happens to be the last) stands it out from the previous (1st) edition¹⁶ because of the inclusion and discussion of 'Ethical issues in Research.' It examines ethical protection of research participants, moral standards and about twenty ethical principles in the conduct of research such as non-discrimination, objectivity, legality, confidentiality, integrity respect for intellectual property amongst others. It further explains the importance of allowing ethical considerations take center stage of research work; part of which is to garner public support in the research and the encouragement of 'an environment of trust, accountability and mutual respect among researchers.'¹⁷

It is worthy to note the inclusion of six appendixes at the end of the book. In addition, there are several lists of non-sexist languages, linking words and phrases and Nigerian Association of Law Teachers (NALT) style of referencing that researchers can always make reference to in the course of their research work. Prototypes outlining how a standard research proposal should look like and also showing major parts of a thesis are also attached to the book.

3. Observations

The book is a great improvement on the earlier edition. It will definitely serve as a practical guide for researchers and their supervisors because it is written using simple words and non-

¹⁴ See *Bisong v. UNICAL* (2010) LPELR-41246; *Olutola v. University of Ilorin* (2004) 18 NWLR (pt.905) 416.

¹⁵ Adewale Taiwo, *op cit.*, 160.

¹⁶ Adewale Taiwo, A., *Basic Concepts in Legal Research Methodology* (St PAUL'S Publishing House, Ibadan 2011).

¹⁷ Taiwo, A., *op cit* (2nd ed), 167.

technical terms in a way that the readers' can easily understand information passed across and the embers of their research skill is fanned to flame in no time.

It is however noted that most of the texts used by the author are of foreign origin with very few by Nigerian authors. This no doubt goes to buttress the fact that legal research or its methodology is a developing field in Nigeria curriculum- very few universities in Nigeria teach the skill as a course of study. The book therefore breaks the ground of the dearth of scholarly treatise on the methodology of legal research.

Being a legal text, it is disheartening to notice that only two (2) cases¹⁸ are cited across the length and breadth of the reviewed book with only one having any bearing on research. With respect, it is opined that the inclusion of relatable experiences of the aftermath of good or poorly done research work would better enrich the book under review.

At several points in the book, the author discussed plagiarism with the only cited case being that of a university professor. Several cases (both local and foreign) abound where a researcher's degree acquired through the act of plagiarism was revoked.¹⁹ There are instances where plagiarizers are denied admission to the bar,²⁰ summarily dismissed from work, suspended and censured²¹ or criminally sanctioned.²² Citing some of these vivid relatable examples would have fitted perfectly into the context of the discourse. The author however did not bring these to the attention of readers.

4. Conclusion

Basic Concepts in Legal Research Methodology (2nd edition) is a great book. I join Prof Oladejo Olowu in recommending the book to 'students, research institutions, and allied academies that pride themselves in excellent traditions of research and scholarship.'²³ The noticeable shortcomings notwithstanding do not take away the fact that it is an excellent teaching and learning treatise for anyone who is involved in legal research.

¹⁸ *Ugo v. Ugo* (2008) 5NWLR (pt 1079) 1 and *Olutola v. University of Ilorin* (2004) 18 NWLR (pt. 905) 416.

¹⁹ *Faulkner v. University of Tenn.*, No. 01-A-01-9405-CH-00237, 1994 Tenn. App. LEXIS 651, at *2 (Nov. 16, 1994).

²⁰ *In re Zbiegien*, 433 N.W.2d 871 (Minn. 1988).

²¹ *In re Lamberis*, 443 N.E.2d at 550.

²² See generally Billings, R. 'Plagiarism in Academia and Beyond: What Is the Role of the Courts?' (2004) (38) *University of San Francisco Law Review*, 393. See also Amoo, A. '5 times Nigerian lecturers were sanctioned over alleged plagiarism.' <https://educceleb.com/5-times-nigerian-lecturers-sanctioned-plagiarism/> accessed 12 September, 2020.

²³ Adewale Taiwo, *op cit*, (2nd ed,) xv.