

Empirical Legal Research and Scholarship in Nigeria: Issues, Challenges and Prospects

DOI: <https://doi.org/10.31920/2753-3123/2024/v3n2a5>

Chukwunweike A. Ogbuabor PhD, LLM, LLB (Nig.) BL,

Department of Jurisprudence & Legal Theory, Faculty of Law,

University of Nigeria, Enugu Campus, Enugu, Nigeria.

chukwunweike.ogbuabor@unn.edu.ng; +23408033379239.

C. C. Obi-Ochiabutor PhD., LLM, LLB, (Nig) BL.,

Lecturer, Department of Private, Faculty of Law, University of Nigeria, Enugu

Campus, Enugu, Nigeria,

clara.obi-ochiabutor@unn.edu.ng; +2348039386308.

S. I. Nwatu PhD., LLM, LLB, (Nig) BL.,

Senior Lecturer, Department of Private, Faculty of Law,

University of Nigeria, Enugu Campus, Enugu, Nigeria,

samuel.nwatu@unn.edu.ng; +2348038772912.

C. N. Iyidobi, LL.B (Hons), LL.M (Nig) B.L.,

Department of Commercial & Corporate Law, Faculty of Law,

University of Nigeria Enugu Campus, Enugu, Nigeria,

callistus.iyidobi@unn.edu.ng; +2349034252583.

E. L. Okiche PhD., LLM, LLB, (Nig) BL.,

Lecturer, Department of Jurisprudence & Legal Theory, Faculty of Law, University

of Nigeria, Enugu Campus, Enugu, Nigeria, ebele.okiche@unn.edu.ng,

+2348035518399.

D. U. Ajah, LLM, LLB, (Nig) BL.,

*Lecturer, Department of Jurisprudence & Legal Theory, Faculty of Law,
University of Nigeria, Enugu Campus, Enugu, Nigeria,
damian.ajah@unn.edu.ng; +2348033394716.*

B. L. Igwe, LLB (Hons) BL,

*Department of Legal Studies, Institute of Management and Technology (IMT)
Enugu, nnekaigwe976@gmail.com, +2348067157008.*

***Corresponding Author: Chukwunweike A Ogbuabor PhD, LLM, LLB
(Nig.) BL, Department of Jurisprudence & Legal Theory, Faculty of Law,
University of Nigeria, Enugu Campus, Enugu, Nigeria.
chukwunweike.ogbuabor@unn.edu.ng , +23408033379239.***

Abstract

Methodology remains a problematic aspect of legal research and scholarship, especially in developing countries. The sciences are readily adapted to the empirical method. It is doubtful whether the same can be said of law and legal research and scholarship, particularly in Nigeria. The doctrinal method appears to be the home of legal research in Nigeria. Comparatively, fewer published legal research outputs are based on empirical studies than doctrinal studies. Therefore, this paper uses the administrative records analysis to explore the main issues, challenges, and prospects of empirical legal research in Nigeria. This paper believes that if law is to fulfil its role as an instrument of social engineering, then it is time to give as much attention to the doctrinal approach as to empirical legal research in Nigeria.

Keywords: *Empirical Legal Research, Empirical Research, Legal Scholarship, Legal Research Methodology, Empirical Legal Scholarship in Nigeria*

1. INTRODUCTION

Research is the livewire of scholarship. Legal scholarship is not an exception. There are essentially two research methodologies: the doctrinal research method and the empirical research method. The doctrinal method relies on theoretical enquiry based on desktop research, while the empirical method relies on field data collection, observation, and analysis. Doctrinal research is mainly concerned with the arts and

humanities, while empirical research has long been associated with the sciences and pseudo-sciences.

In America and Europe, empirical legal research has taken root. Legal realism pioneered empirical legal research by introducing empirical methods into the legal sciences, laying the foundation for their acceptance.¹ In developing countries, such as Nigeria, the reverse is the case. In Nigeria, the teaching and study of law have little or nothing to do with empirical analysis. In Nigeria, doctrinal research methods have found a place in the field of law. The few empirical legal researches we see in this country are essentially works of non-governmental organisations such as Alemika and Chukwuma's *Juvenile Justice in Nigeria: Philosophy and Practice*² and Alemika et al.'s *Rights of the Child in Nigeria*.³ In the academic circle, save perhaps for some works coming from the Nigerian Institute of Advanced Legal Studies, such as Ajomo and Okagbue's *Human Rights and Administration of Criminal Justice in Nigeria*⁴ and Adeyemi's *Administration of Justice in Nigeria: Sentencing*,⁵ empirical research is yet to take root in Nigeria. Gasiokwu has pointed out, and we agree with him, that legal research is mainly doctrinal in most developing countries, including Nigeria.⁶ According to him, there is this feeling of apathy towards non-doctrinal legal research, which requires data collection through empirical techniques. Therefore, he asserts that non-doctrinal research has yet to enter the realm of legal studies, especially in developing states like Nigeria. For him, one finds a sort of built resistance to empirical research.⁷

Against this background, this paper investigates the issues, challenges, and prospects of empirical legal research in Nigeria, with the aim of determining the viability or otherwise of empirical legal research and scholarship in Nigeria. In doing this, the paper is structured into five

¹ AG Korai, IA Memon, A Ghaffar, & A Samad "Empirical Research in Context of Law" (2021) 18/4 *Palarach's Journal of Archeology of Egypt/Egyptology* 5665.

² EEO Alemika and IC Chukwuma *Juvenile Justice Administration in Nigeria: Philosophy and Practice* (2001, Centre for Law Enforcement Education in Nigeria).

³ EEO Alemika, IC Chukwuma, D Lafratta, D Messerli and J Souckora *Rights of the Child in Nigeria* (2005, Centre for Law Enforcement Education in Nigeria).

⁴ MA Ajomo and I Okagbue *Human Rights and the Administration of Criminal Justice in Nigeria* (1991, Nigerian Institute of Advanced Legal Studies).

⁵ AA Adeyemi *Administration of Justice in Nigeria: Sentencing*. In Yemi Osinbajo & Awa U Kalu (eds) *Law Development and Administration in Nigeria* (1990, Federal Ministry of Justice) 109.

⁶ MU Gasiokwu *Legal Research and Methodology – The A-Z of Writing Theses and Dissertations in a Nutshell* (1993: A Fab Educational Books) 85.

⁷ Id.

parts. After this introduction, the paper discusses the main issues in Nigeria's empirical legal research and scholarship. In part three, the paper examines the challenges confronting empirical legal research and scholarship in Nigeria. In contrast, in part four, the paper looks at the prospects of empirical legal scholarship in Nigeria. The paper concludes in part five with suggestions on the way forward.

2. ISSUES IN EMPIRICAL LEGAL RESEARCH AND SCHOLARSHIP IN NIGERIA

The significant issues in empirical research methods in legal scholarship in Nigeria include the following:

- a. Is empirical research suitable for law and legal analysis? Why should the law adopt the empirical method? Are there sufficient reasons or justifications for such an approach?
- b. Is the empirical method relevant for law and legal studies when legal research is essentially analytical, comparative, or philosophical, based on reasoning rather than some observatory methods or data collection?
- c. Are we completely collapsing law as a discipline with its peculiar characteristics and nuances into the social sciences? In the University of Nigeria Nsukka, for instance, there has been a long-standing face-off in the school of postgraduate studies on whether synopsis of postgraduate works from the Faculty of Law must adopt the social science style. The Law Faculty has resisted this and stuck to its style. Similar encounters are obtained in most other universities across the country. One of the differentiating styles between legal studies and other disciplines is the use of footnotes. Others adopt the APA style. All legal texts used in legal works follow the footnoting style. Footnoting is synonymous with legal writing in this country, and it is doubtful if it can ever change. Yet, we as lawyers publish in journals, especially high-impact factor journals that solely use the APA referencing style. It means that we are adaptable to change, even when we are not prepared to lose our essential character of being theoretical, analytical, comparative, and philosophical in our approach.

These questions are pertinent to resolve in any attempt to mainstream empirical research methodology into legal scholarship in Nigeria because, as Gasiokwu rightly pointed out, there seems to be a sort of built resistance to empirical research within legal studies or scholarship.⁸

In answer to the first issue, is empirical research suitable for law and legal analysis? Why should the law adopt the empirical method? Are there sufficient reasons or justifications for such an approach? The answer is yes. Empirical research is suitable for law and legal analysis, and there are adequate reasons such an approach should be adopted in legal research and scholarship. This is because sociological inquiries are best conducted through empirical research. Law is intrinsically related to society. Our understanding of society is permanently relevant to our understanding of it, whether at the enactment or implementation stage. Law is an instrument of social change. Society is constantly in flux. Law must also strive to keep pace. Therefore, it is, dynamic and must be subject to change to keep up with social change and realities. The factors that propel these changes include social, economic, and political factors. Social change can be accomplished through welfare measures influenced by public opinion, but by and large, the law is the most powerful cohesive force in the state that can be used to effect any social change. Aggregating these factors and pulls that lead to a change in law and societal change is better and faster achieved through empirical methods. Thus, Korai *et al.* assert that the empirical method's success in law can be attributed in part to the fact that it brings together scholars from various disciplines who work independently on different aspects of the legal system, such as the sociology of law ("Law and Society") as well as legal and economic analysis ("Law and Economics").⁹ Interdisciplinary research is thereby encouraged. The common goal of these various disciplines is to use empirical data to systematically understand the legal system.

In answer to the second issue, is the empirical method relevant for law and legal studies when legal research is analytical, comparative, or philosophical, based on reasoning rather than some observatory methods or data collection? The answer, similar to the first issue, is positive. The empirical method is relevant to law, notwithstanding legal inquiry's philosophical nature. As shown in some studies, issues pertaining, for instance, to prisoners, the efficacy or otherwise of punishment methods

⁸Gasiokwu, above note 6 at 85.

⁹ Korai et al above note 1 at 5666.

or other disposal methods within the criminal justice system are not matters that can or should be legislated upon in the abstract. They ought to be based on confirmed data and observations over some time. As noted, empirical legal scholarship contributes to the development of a mature legal science, which aids in accurately describing and explaining what we observe and informing policymaking.¹⁰ It also helps us to understand and probably predict accurately individual judges on the bench on critical social, political, and economic questions that shape our constitutional and legal landscape.¹¹ As Akanle has also observed, with which we entirely agree, if legal research is to ascertain the nature, purpose, and policy objectives of legal rules and principles that govern a specific situation and determine their current relevance, utility, adequacy, or efficacy, it will require fieldwork that is empirical research. Therefore, the recent trend is to move beyond or away from desks and gather information from the field to have more social and realistic input on society.¹² The motivation for this shift from non-empirical to empirical is due to the less applicability of research works carried out under the doctrinal research method. As Eisenberg put it, society ‘thirsts for’ empirical analyses.¹³

In response to the third question, are we completely collapsing law as a discipline with its distinct traits and nuances into the social sciences? The answer is in the negative. Such an attempt cannot succeed. The law will continue to retain its essential peculiar characteristics but will not hesitate to borrow from other disciplines that may enhance its growth and development. In this regard, we think that borrowing the empirical research method from the core sciences or social sciences can only improve the study of law, not retard or retrogress it.

¹⁰ Kathryn Zeiler “The Future of Empirical Legal Scholarship: Where Might We go From Here?” (2016) 66/1 *Journal of Legal Education* 78 at 80.

¹¹ See Michael Heist “The Past, Present, and Future of Empirical Legal Scholarship: Judicial Decision Making and the New Empiricism” (2002) *University of Illinois Law Review* 819 at 833-839.

¹² AO Akanle “*Challenging Issues in Legal Research Methodology*” (2017) 1/5 *Afe Babalola University Ado-Ekiti Law Journal* 257.

¹³ Theodore Eisenberg “Why Do Empirical Legal Research?” (2004)41 *San Diego Law Review* 1741 at 1746.

3. CHALLENGES OF CONDUCTING EMPIRICAL LEGAL RESEARCH IN NIGERIA

- a. **Curriculum and Curriculum Design:** The current curriculum and curriculum design for law students across the country poses a serious challenge to empirical legal research in Nigeria. The current curriculum does not have empirical research components. So, legal scholars from the word go are not adequately equipped to conduct empirical research. Many people learn things by default rather than design.. We say this because apart from Professor Gasiokwu's book on *Legal Research and Methodology – The A-Z of Writing Theses and Dissertations in a Nutshell*,¹⁴ no other text on legal writing or legal methods in Nigeria known to us has empirical research method content. Gasiokwu's book is arguably Nigeria's oldest direct legal research and methodology textbook. It is a beautiful piece of work. Even then, Gasiokwu's groundbreaking work needs to be improved upon by upcoming legal researchers, especially regarding empirical, analytical methods like cross-sectional and time series data analysis and analytical tools like the Statistical Package for the Social Sciences (SPSS), etc.

John Farrar and Anthony Dugdale's *Introduction to Legal Method*¹⁵ is a book frequently recommended to law students but has no empirical research methodology content. Abiola Sanni's *Introduction to Nigerian Legal Method*¹⁶ has a beautiful chapter on Law in Social Context, but there is no discussion of empirical legal research anywhere in the book to complement that introductory chapter on law in social context. The last two chapters of the book “Legal Research and Use of Source Materials” and Legal Writing and Approaches in Essay Writing concentrate on doctrinal research, even though they do not use that terminology. In Legal Writing and Approaches in Essay Writing, there is a sub-theme on Analysis of Social and Legal Issues; however, it still does not refer to empirical legal research nor discuss or address the fundamental issues relating to the same. The book was founded wholly on doctrinal

¹⁴Gasiokwu above note 6.

¹⁵ John Farrar and Anthony Dugdale, *Introduction to Legal Method* (1990, Sweet & Maxwell).

¹⁶ AO Sanni, *Introduction to Nigerian Legal Method* (1999, Obafemi Awolowo University Press Ltd).

research. C. C. Obeagu's *The Rudiments of Legal Method in Nigeria*¹⁷ has a chapter on Legal Writing: Methods, Approaches, and Styles in Essay Writing,” but there is absolutely nothing on empirical legal research. The sixteen-chapter book is dedicated solely to doctrinal or analytical research. The same approach is visible in the sequel, *The Theory and Technique of Writing Research Papers and Dissertations in Law*.¹⁸ The work is bereft of any discussion on empirical legal research and tends to see legal research as solely concerned with doctrinal research. Ese Malemi's book, *The Nigerian Legal Method*,¹⁹ closely follows Obeagu's style in virtually limiting all discussions of legal research to doctrinal research. The chapter on legal writing discusses writing such as narrative, descriptive, expository, and argumentative essays. There is no attempt to explain to the student what doctrinal or empirical research is, let alone go into the dynamics or requirements of empirical legal research. Obi-Ochiabutor's *Introduction to Legal Method in Nigeria*²⁰ is one of the most recent contributions to the literature on Legal Method in Nigeria. It has a chapter on legal research methodology but no discussion on empirical legal research. The result is an apparent knowledge gap in most Nigerian universities' legal method teaching curriculum. That gap is the lack of appropriate capturing of empirical legal research in the curriculum of law faculties in Nigeria, despite Legal Method being a compulsory course under the National Universities Commission (NUC) Benchmark or Guidelines for Legal Education in Nigeria.

The result is that just as Eisenberg observed concerning the American law schools,²¹ in Nigeria, law schools do little to train a generation of lawyers on how to assess the state of the legal system systematically. Schools leave such assessments primarily to self-interested advocates and other disciplines. Academic disciplines other than law have a distinct advantage in that some have trained many of their members in the methodologies needed to assess law-related programs. If

¹⁷ Christian Chukwuma Obeagu, *The Rudiments of Legal Method in Nigeria* (2008: Celex Printers & Publishers).

¹⁸ Christian Chukwuma Obeagu *The Theory and Technique of Writing Research Papers and Dissertations in Law* (2009, Celex Printers & Publishers).

¹⁹ Ese Malemi *The Nigerian Legal Method* (2010: Princeton Publishing Co).

²⁰ Clara C Obi-Ochiabutor, *Introduction to Legal Method in Nigeria* (2022, Wildfire Publishing).

²¹ Eisenberg above note 13 at 1741.

the tide must change, we must begin redesigning the academic curriculum.

The point must also be made that, as attractive as empiricism may be, it does not always work. Care must, therefore, be taken in choosing or selecting objects of empirical research so as not to lose the utility of the procedure or methodology. As Ho and Rubin put it succinctly-

Causal inference has always been central to the enterprise of empirical legal studies. How does no-fault insurance law affect auto injury compensation? Do defendants with court-appointed counsel fare worse than those with retained counsel? How does discretionary jurisdiction affect the business of the Supreme Court? All these were questions that led the likes of Roscoe Pound, Felix Frankfurter, and James Landis to turn to quantitative data collection in the 1920s and 1930s (Kritzer 2010). Yet their efforts met with frustration. William O. Douglas said at the conclusion of a project on the causes of bankruptcy: "All the facts which we worked so hard to get don't seem to help a hell of a lot."²²

- b. **Statistical Analysis:** This is at the core of the problem. Lawyers do not believe they have anything to do with mathematics, statistics, or statistical analysis. The matter goes down to the entry requirements for studying law at a university. Entry requirements for the study of law before now did not include mathematics. One of the key motivators for the study of law is the essential non-requirement of mathematics either as an entry requirement or during the study of law. As the king of the arts, law is the destination point for the arts students. Most law students are thus averse to mathematics from day one, and their course of study through the university does not require them to undertake any course in mathematics, statistics, or statistical analysis.

Most serious legal research starts after graduation. It becomes an uphill task requiring a lawyer who has never done any study in statistics all his life to engage in empirical research and statistical analysis. The curriculum is now changing. The NUC now requires a credit pass at 'O' Level as an entry requirement for law. Most students admitted to study law now will have at least a smattering knowledge of elementary statistics. This can and ought to be built on at the undergraduate level, at least, to conduct empirical legal research.

²² DE Ho & DB Rubin "Credible Causal Inference for Empirical Legal Studies" (2011) 7 *Annual Review of Law and Social Science* 17.

- c. **Funding:** Funding is a fundamental problem. The resources are too meagre to manage, let alone invest in research. The researcher needs money to transport to the field for data collection, pay assistants, and sometimes for analysis. There is poor remuneration for researchers, heavy teaching schedules, inadequate infrastructure, unaffordable analytical tools, inadequate research grants, and inadequate budgetary allocations for Institution Based Research (IBR). The funding problem applies to doctrinal and empirical research, but it is worse in empirical research involving going into the field to collect data. Unfortunately, universities are no longer funding research. The University of Nigeria, for instance, does not offer a single research grant to legal scholars.
- d. **Orientation:** There is an in-built resistance to empirical legal research. The study of law is doctrinal. Pure and simple. This is the existing orientation in the field of legal scholarship. This orientation has to change. The thinking that the legal profession does not have anything to do with empiricism has to change because research has already shown that both legal scholarship and the legal system have much to benefit from empirical legal scholarship.
- e. **Mentorship:** Like many groundbreaking areas of law in Nigeria, mentorship is lacking in empirical legal research, as is evident even from the textbooks used to teach students at the undergraduate level. The same lack of mentorship is also apparent in journal publications in the country. Not many are veering into empirical legal research, let alone mentoring their students. A peep into some of the country's law journals will unequivocally establish this, as shown in Table 1.

Table 1: Statistics of Empirical Research Papers in Nigerian Law Journals

Panel 1: The Nigerian Juridical Review

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1	1976	10	-
2	2	1977	16	-
3	3	1978-1988	12	-
4	4	1989-1990	15	-
5	5	1991-1993	12	-
6	6	1994-1997	17	-

7	7	1998-1999	15	-
8	8	2000-2001	13	-
9	9	2002-2010	8	-
10	10	2011-2012	12	-
11	11	2013	8	-
12	12	2014	9	-
13	13	2015	9	-
14	14	2016	10	-
15	15	2017-2019	10	-
16	16	2020-2021	17	
17	17	2022	10	
	17 Vols.	47 Years	203 Articles	Nil

Panel 2: NnamdiAzikiwe University Law Journal

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1	1997	Not available	-
2	2	1999	9	-
3	3	2001	14	-
4	4 (1)	2004	25	-
5	5 (1)	2005	29	-
6	6 (1)	2007	20	-
7	7 (1)	2010	20	-
8	8 (1)	2011	17	-
9	8 (2)	2011	16	1
10	9	2013	11	1
11	10	2014	12	-
12	11	2015	14	-
13	12	2016	14	-
14	13	2017	6	-
15	14	2018	7	-
16	15	2019	10	-
17	16(1)	2020	11	-
18	17(1)	2021	11	-
	18 Vols.	24 Years	154 Articles	2

Panel 3: Nnamdi Azikiwe University Journal of International Law & Jurisprudence

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1	2010	19	1
2	2	2011	27	-
3	3	2012	15	-
4	4	2013	17	2

5	5	2014	16	-
6	6	2015	19	2
7	7	2016	18	1
8	8	2017	19	1
9	9 (1)	2018	24	-
10	9 (2)	2018	24	-
11	10 (1)	2019	21	1
12	10 (2)	2019	22	1
13	11 (1)	2020	14	-
14	11 (2)	2020	15	1
15	12 (1)	2021	15	-
16	12 (2)	2021	17	-
17	13 (1)	2022	12	-
18	13 (2)	2022	17	-
	18 Vols.	12 Years	331	10

Panel 4: EBSU Journal of International Law & Juridical Review

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1	2010	32	-
2	3	2014	21	-
3	4	2016	Not available	-

Panel 5: Ahmadu Bello University Journal of Commercial Law

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	3 (1)	2006-2007	14	-

Panel 6: Ahmadu Bello University Journal of Private & Comparative Law

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	4 & 5	2010-2011	18	-

Panel 7: University of Ibadan Law Journal

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	2 (2)	2012	11	-

Panel 8: Nigerian Bar Journal

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1 (4)	2003	10	-
2	6 (1)	2010	10	-

Panel 9: Nigerian Journal of Public Law

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1 (1)	2008	26	-
2	2 (1)	2009	25	-

Panel 10: AfeBabalola University Ado-Ekiti Law Journal

S/N	Vol. No.	Year	No. of Articles in the Vol.	No. of Empirical Research Papers in the Vol.
1	1 (4)	2016	13	-
2	1 (5)	2017	14	-

Source: Authors.

A cursory look at Panels 1 to 10 of Table 1 indicates a predilection for doctrinal studies in law in Nigeria against empirical studies, which impacts the publications of researchers and the mentorship of their students or other mentees. For instance, as shown in Panel 1, The Nigerian Juridical Review, which is the international law journal of the oldest law faculty in Nigeria, the Faculty of Law, University of Nigeria Nsukka, has over its lifespan of 47 years published 203 articles. Of this number, none is an empirical research study. A similar result is obtained in Panel 2 for the Nnamdi Azikiwe University Law Journal (UNIZIK Law Journal). Between 1997 and 2015, it published twelve volumes, of which the available nine volumes at the time of this paper have 154 published articles. Of these 154 articles, only two are empirical research papers. That is about 1.30% of the total articles published over 18 years. From Panel 3, we find that the Nnamdi Azikiwe University Journal of International Law and Jurisprudence has published eighteen (18) volumes of the journal with 331 articles in twelve years of its existence. Of this number, only ten (10) have a semblance of empirical research. This represents about 3.02%. These results show a gap in research within the system—the gap of empirical legal research. The authors deliberately chose the above three journals as they represented the most available volumes immediately accessible to the authors. The rest of the journals in

Panels 4 to 10 represent a random sampling of law journals available to the authors.

A combination of all the other journals apart from the first two shows twelve (12) volumes of nine different journals and 214 published articles. Of this number, none is an empirically based research paper. Again, this immediately reveals that empirical legal research is yet to gain momentum in Nigeria. This trend is common amongst most Nigerian law journals.

Apart from these, one sometimes comes across well-grounded empirical legal research published by Nigerian scholars, usually published in well-established peer-reviewed journals abroad. A good example is Igbolekwu *et al.*'s paper on "Awareness and Compliance with Court Judgment/Constitutional Provisions Legalising Female Inheritance Rights among the Igbo, Nigeria."²³ This bias for such journals abroad speaks to the lack of such publishing opportunities locally.

4. PROSPECTS AND THE WAY FORWARD

The prospects of empirical legal research in Nigeria are good. Nigeria is still grappling with many sociological issues that form the primary basis of the law. Law cannot be separated from social realities. Sociological inquiries are best conducted through empirical research. Several areas of legal investigations in Nigeria require a sociological approach and informed legislation or other legal interventions based on verified empirical studies. These include but are not limited to prisons and prison reforms, pensions and pensions reforms, sentencing, antitrust or competition law, consumer protection law issues, effects of specific procedures in the justice system, enforcement of judgments, especially judgments against governments and governmental agencies, etc. Empirical legal research in these and other areas thus promises to be rewarding. Legal scholarship needs to be made more attractive than, or at

²³ CO Igbolekwu, JN Nwogu, OC Arisukwu, IA Oyekola, CS Ogu, B Rasak, NO Osueke, and EC Nwogu "Awareness and Compliance with Court Judgment/Constitutional Provisions Legalizing Female Inheritance Rights Among the Igbo, Nigeria" (2022) *Journal of Human Rights and Social Work*, (2022) <https://doi.org/10.1007/s41134-022-00219-y> accessed 6 March, 2023.

least as attractive as legal practice. The establishment of more funding agencies and bodies could do this. The universities could be a starting point.

Nigerians need to be encouraged to establish foundations funding legal scholars. If the field is as rewarding as other businesses, it will attract and retain participants, including scholars. In America, charity foundations were, in a great measure, the catalyst for the explosion in empirical legal research. Nigeria can and ought to borrow a leaf here. The universities can establish special funds for funding empirical legal research. The alumni of the various law schools or faculties should be encouraged to take up this challenge.

Redesigning the legal research methodology curriculum from undergraduate to postgraduate is critical to mainstreaming empirical research in legal research and scholarship in Nigeria. The current curriculum does not have empirical research components. So, legal scholars, from the word go, are not equipped to conduct empirical research. Some people learn things by default. The narrative has to change. As Korai *et al* rightly observed:

Providing students in the undergraduate law curriculum with an exposure to empirical methods might provide a “foundation” by encouraging a few students to consider empirical work as part of postgraduate studies, at least by exposing students to the idea empiric law and to understand the methodology. However, it has perhaps naturally had an impact on the number of lawyers who are able to carry out (and oversee) such projects in turn... the broader non-doctrinal methodology component must be included in research training... The existence and nature of interdisciplinary research must be introduced to students – the extensive work of the law-enforcement anthropologist, sociologist, criminal scientist, economist and sociologist.²⁴

Korai *et al.* have been corroborated by Eisenberg, with whom we agree that:

Across a broad range of legal issues, empirical studies can inform policymakers and the public. Legally trained social scientists have unique opportunities to enhance description and understanding of the legal system. Law Schools aspiring to train future leaders should expand

²⁴ Korai *et al* above note 1 at 5670.

and regularise instruction enabling their graduates to perform the analyses that society thirsts for.²⁵

For legal scholars at the University of Nigeria and several other universities, empirical research is the way forward to conquer the challenge of publishing in high-impact factor journals. Sets of raw data properly generated from the field could always give rise to several impact factor papers. Reputable journals are always excited about data-based research. Collaboration and linkages with law schools with an established track record in empirical legal research are also important. Exchange programmes can be exploited here to train faculties—a sort of train-the-trainers exchange programme. Also, collaborative works with faculties from other related disciplines such as economics, sociology, psychology, political science, development studies, and the like provide another window of opportunities to improve empirical legal research in Nigeria that legal researchers must exploit.

5. CONCLUSION

Legal research in Nigeria is currently predominantly and pre-eminently doctrinal. Legal researchers in Nigeria appear to have a bias for doctrinal work against empirical work. However, empirical research where they exist ensures a surer foundation for doctrinal work in such areas. They provide verifiable data upon which theoretical and analytical work can be properly anchored. Like many other countries, such as England, India, the USA, and European countries, legal research in Nigeria must now recognise the value of empirical legal research and give it a pride of place in legal scholarship. There is also an apparent knowledge gap in the legal method teaching curriculum of most Nigerian universities - the gap of a lack of appropriate capturing of empirical legal research in the curriculum of law faculties in Nigeria, despite Legal Method being a compulsory course for law students in Nigeria. Therefore, there is a compelling need for more empirical research to be included in Nigeria's legal scholarship. Funding for empirical legal research should be taken more seriously with the establishment of funding agencies and charities. This paper believes that if the law is to fulfil its role as an instrument of social engineering,

²⁵ Eisenberg above note 13 at 1746.

then it is time to give as much attention to the doctrinal approach as to empirical legal research in Nigeria.

Conflict of interest: The authors declare that there is no conflict of interest.