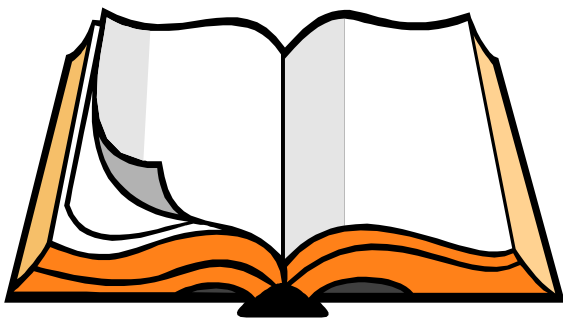
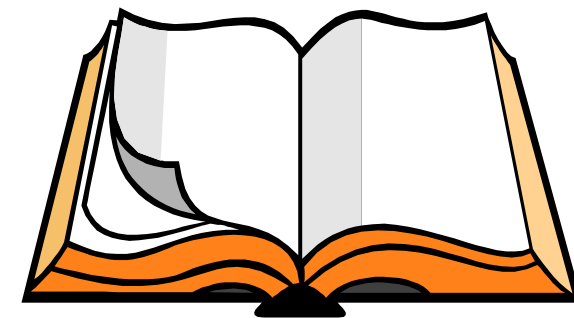




WELCOME TO:
Legal Research Methods



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Course Chapters

1. Chapter One: UNDERSTANDING RESEARCH
2. Chapter: LEGAL RESEARCH
3. Chapter Three-MODELS OF LEGAL RESEARCH AND CURRENT TRENDS IN LEGAL RESEARCH
4. Chapter Four-Research Proposal
5. Chapter Five-WRITING A RESEARCH REPORT

CHAPTER ONE: **UNDERSTANDING RESEARCH**

Definitions of Research

- Research in common parlance refers to a search for knowledge.
- One can also define research as a **scientific and systematic** search for pertinent information on a specific topic.
- In fact, research is an **art of scientific investigation**.
- The Advanced Learner's Dictionary of Current English lays down the meaning of research as “a **careful investigation or inquiry specially through search for new facts in any branch of knowledge**.”
- Redman and Mory define research as a “**systematized effort to gain new knowledge**.”
- Some people consider research as **a movement, a movement from the known to the unknown**.

- According to Clifford Woody research comprises **defining and redefining problems, formulating hypothesis or suggested solutions; collecting, organizing and evaluating data; making deductions and reaching conclusions; and at last carefully testing the conclusions to determine whether they fit the formulating hypothesis.**
- Research is, thus, an original contribution to the existing stock of knowledge making for its advancement.
- ❖ research' refers to the **scientific and systematic method** consisting of enunciating the problem, formulating a hypothesis, collecting the facts or data, analyzing the facts and reaching certain conclusions either in the form of solutions(s) towards the concerned problem or in certain generalisations for some theoretical formulation

WHAT RESEARCH IS NOT?

1. Research is not merely gathering information.

For instance, A sixth grader comes home from school and tells her parents, “The teacher sent us to the library today to do research, and I learned a lot about black holes. This is a mere information gathering but not a research.

2. Research is not merely rummaging around for hard-to-locate information.

For instance, The house across the street is for sale. You consider buying it and call your realtor to find out how much someone else might pay you for your current home. “I’ll have to do some research to determine the fair market value of your property,” the realtor tells you. What the realtor calls doing “some research” means, of course, reviewing information about recent sales of properties comparable to yours. But, this is not a research.

3. *Research is not merely transporting facts from one location to another.*

For instance, A college student reads several articles about the mysterious Dark Lady in William Shakespeare's sonnets and then writes a "research paper" describing various scholars' suggestions of who the lady might have been. Although the student does, indeed, go through certain activities associated with formal research such as collecting information, organizing it in a certain way for presentation to others, supporting statements with documentation, and referencing statements properly these activities do not add up to true research. The student has missed the essence of research: the *interpretation* of data,

OBJECTIVES OF RESEARCH

- The purpose of research is to discover answers to questions through the application of scientific procedures.
- The main aim of research is to find out the truth which is hidden and which has not been discovered as yet.
- Though each research study has its own specific purpose, we may think of research objectives as falling into a number of following broad groupings:
 1. To gain familiarity with a phenomenon or to achieve new insights into it (studies with this object in view are termed as *exploratory* or *formulative* research studies);
 2. To portray accurately the characteristics of a particular individual, situation or a group (studies with this object in view are known as *descriptive* research studies);
 3. To determine the frequency with which something occurs or with which it is associated with something else (studies with this object in view are known as *diagnostic* research studies);
 4. To test a hypothesis of a causal relationship between variables (such studies are known as *hypothesis-testing* research studies).

Each goal of scientific research

1. Description

- Description refers to the procedures used to define, classify and categorize subjects and their relationships. Descriptions allow us to establish generalizations and universals.
- By gathering information on a large group of people, for instance, a researcher can describe the average member or the average performance of a member of the specific group being studied.
- The description of the large groups of people does not rule the existence of important differences among individuals.
- This is in the sense that the researchers merely attempt to describe subjects or events on the basis of average performance.
- In other words, the description allows researchers to describe a single phenomenon and/ or observations of a single person.

- In science, descriptions are systematic and precise.
 - Scientific research makes use of operational definitions.
 - Operational definitions characterize events, qualities and concepts in terms of observable operations, or procedures used to measure them.
 - Researchers are interested in describing only things that are relevant to the study.
 - They have no interest in describing observations that are irrelevant to the investigation.
- ❖ Which research type/method is more appropriate for description?
Does description apply to legal research? To what extent?**

- **Prediction**

- Besides descriptions, researchers make predictions.
- Descriptions of events often provide a basis for prediction.
- Predictions are sometimes made in the form of hypotheses, which are tentative, testable predictions concerning the relationships between or among variables.
- Hypotheses are frequently derived from theories, or interrelated sets of concepts that explain a body of data and make predictions.
- Prediction of later performance is of particular importance to researchers.

For example:

- ✓ Does eating a low-fat diet decrease chances of cholesterol?
- ✓ Does scoring the highest CGPA make a student a good teacher/lawyer?
- ✓ Does undergraduate GPA predict how well one will do in graduate school?

- When a variable can be used to predict another variable or variables we can say the variables are correlated.
- Correlation exists when different measures vary together, which makes it possible to predict values of one variable by knowing values of another variable.
- ❖ **Which research type/method is more appropriate for prediction?**
Does prediction apply to legal research?

Explanation/Understanding

- Arguably, the most important goal of scientific research is explanation.
- Explanation is achieved when the cause or causes of a phenomenon are identified.
- In order to determine cause and effect three pre-requisites are essential: co-variation of events, proper time-order sequence and the elimination of plausible alternative causes.
- **Co-variation of events** (relationship): The variables must correlate.
- To determine the relationship of two variables, it must be determined if the relationship could occur due to chance.
- Lay observers are often not good judges of the presence of relationships, thus, statistical methods are used to measure and test the existence and strength of relationships.

- **Proper time-order sequence** (time precedence): For 1 to cause 2, 1 must precede 2. The cause must precede the effect.
- **Elimination of plausible alternative causes** (non-spuriousness, or genuine): For a relationship between A and B to be non-spurious, there must not be a C that causes both A and B such that the relationship between A and B vanishes once C is controlled.
- The most difficult condition to be met when determining cause and effect relationships is the elimination of other plausible causes.
- **Which research method is more pertinent to explanation? Does explanation apply to law? To what extent?**

WHY DO RESEARCH?

- We often make the following five errors in our everyday decisions, but the research process tries to reduce/ avoid such errors.
 - ✓ Overgeneralization
 - ✓ Selective observation
 - ✓ Premature closure
 - ✓ Halo effect
 - ✓ False consensus

Overgeneralization

- occurs when we have some believable evidence and then assume that it applies to many other situations as well.
- Note the word “over”
- Generalization can be appropriate but it is limited.
- We can generalize a small amount of evidence to a broader situation but only if we do so with great care.
- Unfortunately, many of us tend to generalize far beyond what is acceptable with limited evidence.
- We often generalize from what we know to unknown areas.

For example, over the years, I have personally known five people who are blind. All of them were very outgoing and friendly. Can I conclude that all people who are blind are friendly? Do the five people with whom I had personal experience fully represent all people on the planet who are blind?

Selective observation

- It occurs when we take special notice of certain people or events and then generalize from them.
- Most often we focus on particular cases or situations, especially when they fit preconceived ideas.
- We also tend to seek out evidence that confirms what we already believe.
- At the same time, most of us tend to overlook the entire range of cases. We often dismiss contradictory information as being an exception we can ignore.

For example, I believe people who are overweight are more outgoing and friendly than thin people. My belief comes from stereotypes learned from my parents and media sources. I observe people who are overweight and, without being aware, pay more attention to their smiling, laughing, and so on. I notice thin people more when they are looking serious, distracted, or angry. Without realizing it, I notice people and situations that reinforce my preconceived way of thinking.
- Studies also document our tendency to “seek out” and distort memories to make them more consistent with what we already think.

3. Premature closure

- It occurs when we feel we have the answer and no longer need to listen, seek information, or raise questions. For practical purposes, at some point, we need to stop gathering information and come to a decision.
- Unfortunately, most of us are a little lazy or get a little sloppy.
- We gather a small amount of evidence or look at events for a short time and then think we have it figured out.
- We look for evidence to confirm or reject an idea and stop after getting a small amount of evidence and jump to conclusions.

4. The **halo effect**

- occurs when we overgeneralize from what we believe to be highly positive or prestigious.
 - We give a halo to, or a positive reputation to, things or people we respect.
 - This halo “rubs off” on other things or people about which we know little.
- e.g , I pick up a report by a person from a prestigious university, say, Harvard or Cambridge University.

5. False consensus

- is a psychological effect documented by dozens of studies (Marks and Miller, 1987).
- It suggests that we are not good at distinguishing between what we personally think and what we think most other people believe.
- In short, we tend to see the views of most other people as being similar to our own views.
- This is not a matter of purposely conforming to and copying a crowd perspective.
- Rather, most of us feel that our own views are “normal” or “ordinary” in comparison with others.
- While this might be true, we greatly overestimate how much our views match those of other people.
- In terms of social events and issues, studies suggest that most of us are not very good at judging the thoughts of people around us.
- Research standards, rules, and principles are designed to reduce the misjudgment, bias, and distorted thinking that frequently occurs with personal experience.

MOTIVATION IN RESEARCH

□ What makes people to undertake research?

1. Desire **to get a research degree** along with its consequential benefits;
2. Desire **to face the challenge** in solving the unsolved problems,
3. Desire **to get intellectual joy** of doing some creative work;
4. Desire **to serve the society**;
5. Desire **to get respectability**.

TYPES OF RESEARCH

The basic types of research are as follows:

1. *Descriptive vs. Analytical /statistical :*

- ***Descriptive research*** includes surveys and fact-finding enquiries of different kinds.
- It is a **fact finding investigation** with **adequate** interpretation.
- It is the **simplest** type of research.
- It is designed to gather information and it provides information for formulating more **sophisticated studies**.
- Data are collected by using one or more appropriate methods such as:
- observation, interviewing, questionnaire, etc.

- The major purpose of descriptive research is description of the state of affairs as it exists at present.
- In social science the research we quite often use the term *Ex post facto research* for descriptive research studies.
- The main characteristic of this method is that the researcher has no control over the variables; he can only report
 - what has happened or what is happening.
- Most *ex post facto research* projects are used for descriptive studies in which the researcher seeks to measure such items as it is.
- for example, frequency of shopping, preferences of people, or similar data.
- methods of research utilized in descriptive research are survey methods of all kinds, including comparative and correlational methods.

- In *analytical research*, on the other hand, the researcher has to use facts or information already available, and analyze these to make a critical evaluation of the material.
- This is a system of procedures and techniques of analysis applied to **quantitative data**.
- It may consist of mathematical models or statistical techniques applicable to numerical data.
- That is why it is called statistical method.
- The **aim** of analytical study is testing hypothesis and interpreting relationships.

Applied/ action vs. Fundamental/pure/ basic

- Research can either be applied (or action) research or fundamental (to basic or pure) research.
- ***Applied research*** aims at finding a solution for an immediate problem facing a society or an industrial/business organisation,
- but research aimed at certain conclusions (say, a solution) facing a concrete social or business problem is an example of applied research.
- Research to identify social, economic or political trends that may affect a particular institution or the copy research
- Thus, the (research to find out whether certain communications will be read and understood) or the marketing research or evaluation research are examples of applied research.
- The central aim of applied research is to discover a solution for some pressing practical problem.

Basic/fundamental

- whereas *fundamental research* is mainly concerned with generalisations and with the formulation of a theory.
- “Gathering knowledge for knowledge’s sake is termed ‘pure’ or ‘basic’ research.
- E.g. Research concerning some natural phenomenon or relating to pure mathematics are examples of fundamental research.
- Similarly, research studies, concerning human behaviour carried on with a view to make generalisations about human behaviour, are also examples of fundamental research,
- Undertaken for the sake of knowledge **without** any intention to **apply** it in practice.
- It is **curiosity** or **inquisitiveness** that derives pure research, not practical problem.

Conceptual vs. Empirical

- **Conceptual** research is that related to some abstract idea(s) or theory.
- It is generally used by philosophers and thinkers to develop new concepts or to reinterpret existing ones.
- On the other hand, empirical research relies on experience or observation alone, often without due regard for system and theory.
- It is data-based research, coming up with conclusions which are capable of being verified by observation or experiment.
- We can also call it as experimental type of research.

- In such a research it is necessary to get at facts firsthand, at their source, and actively to go about doing certain things to stimulate the production of desired information. In such a research, the researcher must first provide himself with a working hypothesis or guess as to the probable results.
- He then works to get enough facts (data) to prove or disprove his hypothesis.
- He then sets up experimental designs which he thinks will manipulate the persons or the materials concerned so as to bring forth the desired information

- Such research is thus characterised by the experimenter's control over the variables under study and his deliberate manipulation of one of them to study its effects.
- Empirical research is appropriate when proof is sought that certain variables affect other variables in some way. Evidence gathered through experiments or empirical studies is today considered to be the most powerful support possible for a given hypothesis.
- It is designed to assess **the effects** of particular **variables** on a phenomenon by keeping the other variables constant and controlled.
- E.g., how does legalizing adultery affect the institution of marriage?
- So, it aims at determining whether and in what manner variables are related to one another.

Quantitative vs. Qualitative:

- Quantitative research is based on the measurement of quantity or amount.
- Quantitative research is applicable to phenomena that can be expressed in terms of quantity.
- Qualitative research, on the other hand, is concerned with qualitative phenomenon, i.e., phenomena relating to or involving quality or kind.
- For instance, when we are interested in investigating the reasons for human behaviour (i.e., why people think or do certain things), we quite often talk of ‘Motivation Research’, an important type of qualitative research.
- This type of research aims at discovering the underlying motives and desires, using in depth interviews for the purpose.

- Other techniques of such research are word association tests, sentence completion tests, story completion tests and similar other projective techniques.
- Attitude or opinion research i.e., research designed to find out how people feel or what they think about a particular subject or institution is also qualitative research.
- Qualitative research is specially important in the behavioural sciences where the aim is to discover the underlying motives of human behaviour.
- Through such research we can analyse the various factors which motivate people to behave in a particular manner or which make people like or dislike a particular thing. It may be stated, however, that to apply qualitative research in practice is relatively a difficult job and therefore, while doing such research, one should seek guidance from experimental psychologists.

Major Distinction between Qualitative and Quantitative Research

The differences between qualitative and quantitative research can be highlighted on the following grounds:

1. Qualitative research is a method of inquiry that develops understanding on human and social sciences, to find the way people think and feel. Quantitative research is not about human thinking and feeling.
2. Qualitative research is holistic in nature while quantitative research is particularistic.
3. The qualitative research follows a subjective approach as the researcher is personally/closely involved, whereas the approach of quantitative research is objective, as the researcher is uninvolved and attempts to precise the observations and analysis on the topic to answer the inquiry(qualitative research tends to be interpretative, quantitative research is concrete).

4. Qualitative research is exploratory whilst quantitative research is conclusive.
5. The reasoning used to synthesise data in qualitative research is inductive whereas in the case of quantitative research the reasoning is deductive.
6. Qualitative research is based on purposive sampling, where a small sample size is selected with a view to having a thorough understanding of the target concept. On the other hand, quantitative research relies on random sampling; wherein a large representative sample is chosen in order to extrapolate the results to the whole population.
7. Verbal data are collected in qualitative research but in quantitative research measurable data is gathered.
8. Inquiry in qualitative research is a process-oriented, whereas in the case of quantitative research it is a resulted-based one.
9. Elements used in the analysis of qualitative research are words, pictures, and objects while that of quantitative research is numerical data.

10. Qualitative Research is conducted with the aim of exploring and discovering ideas used in the ongoing processes. As opposed to quantitative research the purpose is to examine cause and effect relationship between variables.

11. The methods used in qualitative research are in-depth interviews, focus group discussion. The methods of conducting quantitative research are structured interviews and observations. Semi-structured interviews can be used in qualitative research.

12. Qualitative Research develops the initial understanding whereas quantitative research recommends a final course of action.

Quantitative

versus

Qualitative Approaches

Measure objective facts

Focus on variables

Reliability the key factor

Value free

Separate theory and data

Independent of context

Many cases, subjects

Statistical analysis

Researcher detached

Construct social reality, cultural meaning

Focus on interactive processes, events

Authenticity the key factor

Values present and explicit

Theory and data fused

Situationally constrained

Few cases, subjects

Thematic analysis

Researcher involved

Etc.

Pragmatic approach to research (mixed methods)

- The pragmatic approach involves using the method which appears best-suited to the research problem.
- It the freedom to use any of the methods, techniques and procedures typically associated with quantitative or qualitative research, taking note of the fact that that every method has its limitations and that the different approaches can be complementary.
- It may also use different techniques at the same time or one after the other.
 - ✓ For example, it might start with face-to-face interviews with several people or have a focus group and then use the findings to construct a questionnaire to measure attitudes in a large scale sample with the aim of carrying out statistical analysis.
- Depending on which measures have been used, the data collected is analysed in the appropriate manner.
- However, it is sometimes possible to transform qualitative data into quantitative data and vice versa although transforming quantitative data into qualitative data is not very common.

- Being able to mix different approaches has the advantages of enabling triangulation.
- Triangulation is a common feature of mixed methods studies. It involves, for example:
 - ✓ the use of a variety of data sources (data triangulation)
 - ✓ the use of several different researchers (investigator triangulation)
 - ✓ the use of multiple perspectives to interpret the results (theory triangulation)
 - ✓ the use of multiple methods to study a research problem (methodological triangulation)
- In some studies, qualitative and quantitative methods are used simultaneously.
- In others, first one approach is used and then the next, with the second part of the study perhaps expanding on the results of the first.
- For example, a qualitative study involving in-depth interviews or focus group discussions might serve to obtain information which will then be used to contribute towards the development of an experimental measure or attitude scale, the results of which will be analysed statistically.

Evaluation studies/Evaluative Research

- This is another type of **applied** research.
- It is done:
 - to **assess** the **effectiveness** of social or economic programs implemented
 - to **assess** the **impact** of development projects on the development of the project area.

Exploratory/Formulative research

- It is a **preliminary study** of an **unfamiliar problem** about which the researcher has **little or no knowledge**.
- It is like a **doctor's initial investigation** of a patient's suffering from an unfamiliar disease to get clues for identifying it. It usually takes the form of **pilot survey**.

E.g., interviewing few people to know which forms of **corruptions are prevalent**.

- Then, **full-scale research** can be conducted.

- **Diagnostic research**

- This is similar to **descriptive research** in that both are about **what is happening**.
- However, diagnostic research is different because it deals not only with **what** is happening but also with **why** it is happening (**cause**) and **what** could be **done** about it.
- Hence, diagnostic research, unlike descriptive research, cannot be done in areas where knowledge is **not advanced**.
E.g., why can't we control HIV?
- We need more knowledge to understand the nature of the virus.

Historical research

- It is a study of **past records** and **other information sources** with a view to **reconstructing** the origin and development of an institution or a movement or a system and discovering the trends in the past.
- So, historical research is **descriptive** in nature.
- Of course, it is a difficult work since it depends on **inference** and **logical analysis** of recorded data and **indirect** evidence rather than direct observation.

Conclusion

- The classifications are not a **watertight** demarcation.
- It is just an approach to **differentiate** the distinctive approaches to research for the purpose of **better understanding**.
- The different types of research are, of course, not sharply distinguishable from one another.
- There may be **overlaps** between the types/methods.
 - For example, pure research may involve experimentation or survey or analytical study.
- However under any given circumstance, a **better research type/method** should be chosen.

- After all, the **quality** of research project depends on the suitability of the **method** selected for it.
- Hence, care must be taken while selecting a **method** for a given research project.
- This shows that the researcher has to have **thorough knowledge** about research methods.
- Of course, quality depends on other factors, too.
 - the quality of the **information** used;
 - the quality of the **questions** asked;
 - the quality of the **objectives**, etc.

Standards/qualities of Good Research

1. **scientific**- it follows proper methods and methodologies
2. **Systematic** – it follows proper steps and sequences
3. **Commitment to a Theoretical Attitude** – aim is for objectivity, researcher puts aside personal beliefs and judgments and records what is observed with the goal of learning the truth. Truth claim is only true or valid if it is “objectively valid”
4. **Research should contribute important knowledge to the profession** – research should have a purpose that is meaningful, not just to get the degree or for personal status. Should not be trivial but instead and important contribution.

5. Reflects recognition of guiding interest – serves to provide value to the profession through understanding. This knowledge helps to explain the purpose of the research and to determine how the research should be performed.

6. Researcher is knowledgeable about the subject area and other related research – ensures that the researcher understands the subject area and has a deeper understanding of the topic which allows for greater understanding and ability to interpret and critically analyze data.

7. Needs clear understanding of symbol systems and open to questioning and revisions – symbols are subjective and the researcher must understand the varying knowledge and interpretations of the people they are researching. Additionally, good research is able to withstand questioning and criticisms.

- 8. Conclusions have rational logic and are supported by evidence** – conclusions are drawn by the research conducted and there is data to support the claims of the researcher
- 9. Responds to challenge** – good research stands up to questioning and criticisms of others. A researcher should be able to defend their research and their conclusions
- 10. Researcher is socially responsible and observes ethical norms** – researchers are expected to meet ethical standards of the society as they pertain to their subjects, colleagues, employers and society as a whole.

Legal Research

• Meaning

- Refers to a systematic effort ‘to find’ or ‘ascertain’ a ‘law’ on a given **topic** or in a given **area** as well as ‘an inquiry’ **into** a law with a view to making advancement in the science of law.
- It is about **answering** a question or **solving** a problem by:
 - Searching for a law.
 - Examining the law.

Examples:

- Is there a law that regulates the **dissolution of f/n marriage** in Ethiopia? (**Search**)
- Can **customary marriage** be concluded by foreign spouses in Eth.? (**Inquiry**)

Purposes of Legal Research

- Generally, the purposes of research apply to legal research.
- Legal research is **one form** of a research.
- However, as it is different from researches in other fields, legal research can have its own purposes.
- ✓ **Ascertaining law** on a given topic or subject.
- ✓ Identifying **ambiguities** and inbuilt **weaknesses** of the law.
- ✓ Critically examining legal provisions, principles or doctrines to see their **consistency, coherence**, etc.
- ✓ Critically examining legal provisions, principles or doctrines, etc. to understand the **policies underlying them**.
- ✓ Undertaking social audit of law to highlight its **pre-legislative ‘forces’**.
- ✓ Undertaking social audit of law to highlight its **post-legislative ‘impacts’**.
- ✓ Making suggestions for **improvements** in, and **development** of, law, etc.

Who conducts legal research?

➤ Anyone can conduct legal research.

E.g., **journalists** can do that.

➤ Yet, as a matter of **profession, competence, legitimacy**, etc., it is normally expected of the following actors.

- ✓ Legislators
- ✓ Judges
- ✓ Advocates/Prosecutors
- ✓ Legal Academia
- ✓ law professors
- ✓ law students.

Why do they undertake legal research?

❖ Legislators

- To **know** and **decide** which area needs legislation.
- To make a systematic search for the **possible alternatives** to the proposed legislative measure.

❖ Judges

- To find the **relevant law** to the case at hand.
- To **interpret** the provisions of the law.
- To cause **change** in the existing law (case law), etc.

❖ Lawyers

- To find the **relevant law** to the case of their clients.
- To **convince** courts on how existing laws should be **interpreted**.
- To **convince** courts that a given law needs **change**, etc.

❖ Legal Academia

- They can do legal research to:
- **cause change** (influence policy-making) of law
- **comment** on law, cases, etc.
- **guide** interpretation of law, etc.

Types of legal research

➤ Legal research can be classified into **two**:

❖ Doctrinal

❖ Non- Doctrinal

□ Doctrinal legal research (DLR)

➤ It is a research **into legal doctrines** (rules, principles, etc.) (hence, doctrinal).

➤ “**into**” here means it involves **analysis** of **statutory provisions** and **cases** by applying **power of reasoning**.

➤ As such, DLR deals with **legal documents (law and cases)**.

✓ Is the law **adequate**?

✓ **Why** was the law made?

✓ Is it as **modern** as other countries’ laws?

✓ **What** does the law say?

✓ **What** are the theories, policies, etc. behind a given law?

✓ Is the decision of the FFIC **constitutional**? etc.

- From the above examples, we can understand that DLR could be **analytical, descriptive, comparative, historical** , etc.
- ✓ Is the Ethiopian Constitution as accommodative of minorities' rights as is the US Constitution?
- ✓ Does the FDRE Constitution give sufficient protection to children?
- ✓ How did the FDRE Constitution come about?
- ✓ What does the law of family say about religious marriage?

Basic Sources of Info (tools) for DLR

- Statutory materials
- Case reports
- Standard textbooks and reference books
- Legal periodicals
- Parliamentary debates and government reports
- So, DLR can be purely **library based**.

Advantages of DLR

- *Considering the basic sources of info for DLR, what do you think are its advantages?*
- It gives solution in a relatively **short period** of time.
- **less time taking.**
- It can cause the **amendment** of the law by **identifying the problems** in the law.
- Gaps, ambiguities, inconsistencies, etc.
- It can cause the **development** of law.
- By analyzing legal principles or doctrines and making sound reasoning doctrinal legal researchers can contribute to the development of law.
- **Graven's** commentary helped dev't of **Cri. law** in Ethiopia.
- It provides **sound basis** for non-doctrinal legal research.
- DLR can be used as a starting point.

Shortcomings/Limitations of DLR

- On the other side of the fence, you can also see that DLR has some **drawbacks**.
- It is not always good.
- **Subjectivity**
 - As it involves **analysis** of legal doctrines, the result could be **subjective**.
E.g., ESCR under the FDRE Constitution.
- ❖ **Different stands.**
 - It does not deal with the **relationship** between **law** and the **people/society**.
 - It is more like a **theoretical research**.
 - Thus, it may not be supported by **existing realities**.
E.g., land ownership and the feelings of farmers.

Non-Doctrinal/Socio-Legal Research (NLDR)

- It deals with the **r/p of law** with **other behavioral sciences**.
- It **focuses** on the r/p of **law** with **people, social values** and **social institutions**.
- It is a research ***about law, not in law***.

You have a law, then what?

- NDLR answers this question.

E.g., it looks at:

- **how law and legal institutions affect/shape** human attitudes or thinking.
- **what** impact **law and legal institutions** create on the society.
- ✓ How do laws **operate** in a community?
- ✓ How does family law **affect** people living together?
- ✓ What is the **impact** of criminal law on the society?
- ✓ How does the recognition of **sharia courts** affect Muslims?
- ✓ Has criminalizing **adultery** promoted monogamy?

Scope

- NDLR is **broader** than DLR.
- **DLR** deals with **doctrines** or **legal authorities**.
- **NDLR** deals with **law + other sciences**.
- Yet, in the legal profession, it is still **DLR** that is **encouraged** more than NDLR.
- This cannot be more true than in **our case**!

Tools for NDLR

- To achieve its objectives, **NDLR** largely relies on **empirical data**.
- It is **not highly tied to** legal instruments or court cases.
- So, to get the necessary data, a **NDLR** involves the use of:
 - ✓ Interviews;
 - ✓ Questionnaire;
 - ✓ FGD;
 - ✓ Systematic observation;
 - ✓ Literature review;
 - ✓ Consulting Reports, etc.
- **Legal analysis** is also **necessary**, by the way!
- If you don't know what the law is all about, you cannot see its r/p with **people, social values, social institutions**, etc.

Advantages of NDLR

➤ It studies the ‘gaps’ between ‘**legislative goals**’ and ‘**social reality**’.

➤ **Position** of the law Vs. **Reality** on the ground

E.g., has adultery decreased because of the **criminal law**.

➤ It provides ‘**expert advice**’ and **gives significant feedback** to the policy-makers, legislature, and judges for better formulation, enforcement and interpretation of the law.

➤ It tells us the **reality** on the ground.

➤ Then, we can **change** the way we do things.

E.g., are **arrested persons mirandized** before they give their opinions?

➤ It allows **interdisciplinary** research.

➤ It permits **analyzing law** from **different angles** or **sciences**.

➤ Thus, NDLR can tell how law operates in real world.

✓ Law and economics

✓ Law and society

✓ Law and culture

Limitations

- It is extremely **time consuming**,
- It is extremely **costly**.
- It requires **knowledge** of doing **DLR**.
- A researcher who is **weak** in DLR cannot handle NDLR in a meaningful way.
- Only someone with **DLR experience** can do it.
- *A lawyer or someone with the help of a lawyer can do it.*
- The **basic tools of data collection**, *namely* interview, questionnaire, observation, FGD, etc. are **not simple to employ**.
- They require **skill, experience, and knowledge**.

Relationship between DLR and NDLR

- They are **not mutually exclusive**.
- Indeed, they **complement** each other.
- NDLR can be a **valuable supplement** to DLR.
- DLR also provides for a **supporting theory** for NDLR.
- Thus, both could be used in a **single research**.
- DLR could be used for **some chapters**.
- NDLR could be used for **other chapters**.
- ✓ Ch. 1: **Analysis of legal framework** on terrorism in Eth.
- ✓ Ch. 2: **Impact** of terrorism law on potential terrorists in Eth.
- ✓ Ch. 3: Concluding remarks.
- Such research cannot be purely **DLR** or **NDLR**.
- It contains **features of both**.

Current Trend in Legal Research

- Traditionally, legal scholars have engaged in **analysis** of **legal concepts, doctrines, statutes, or provisions** in the light of judicial pronouncements.
- This type of legal research is characterized as ‘**mono-disciplinary legal research**’.
- The discipline involved is **only one**, i.e. ‘**law**’.
- All **DLRs** obviously fall in this category.
- This type of research does not fully reflect the **social dimensions of law**.
- Now, there is a trend to **move away** from **mono-disciplinary LR**.

Reasons

- An **inquiry into a legal fact** goes beyond the **discipline** of ‘law’ and touches upon disciplines ‘related’ to law.
- Law operates in a **complex social setting**.
- Thus, we can’t **fully understand** it without looking at it from d/f angles.

Mono-disciplinary LR does not allow this.

- **Interdisciplinary LR** has more potential to contribute to **advancement** of **knowledge** and **development** of **law**.

E.g., scholars from different disciplines can work together to inquiry into a legal fact.

- **Lawyer and anthropologists**
- Why is a given law so **effective** in a given society than in others?
- **Lawyers and economists**
- Why is the **tax law** so difficult to obey?
- **NDLR** falls into this category.

Planning Research/Preparing Research Proposal

- Research is a **systematic process** through which someone tries to **answer** a question or **solve** a problem.
- That being the case, any researcher must **explain** the **steps** that are involved in this process in as much detail as possible.
- **Why** it is needed;
- **Objectives**;
- **Questions**;
- **Methods**;
- **Time** needed;
- **Budget** needed, etc.
- From this we can see that research is a **project** that involves **carefully planning**.

What, then, is a research proposal?

- It is a **document** that describes the planned **research process** in **sufficient details**.
- It is a **plan** to **engage** in a **systematic inquiry** about a **question** or a **problem** to get better understanding.
- Thus, it contains **every** necessary **step**.
- So, a research proposal is a researcher's **road map**.
- This is why **researchers** and a **military commanders** can be compared.
- Both must make **careful** preparations for their missions **to avoid failure**.
- Russia Vs. Germany, WWII
- So, a researcher must plan his research **carefully** and **beforehand** and this happens by preparing a ***research proposal***.

- Therefore a research proposal is a succinct and coherent summary of a proposed research.
- It specifies the central issues, problems or questions that you intend to address.
- It sets out the general area of study within which your research falls after referring to the current state of knowledge and any recent discourse on the topic.
- It also indicates a researcher's contribution in filling in the existing gap in knowledge related to the area of the study and demonstrates the originality of the proposed research.
- It gives an opportunity to demonstrate the researcher has the aptitude for graduate level research, showing that he/she has the ability to communicate complex ideas clearly, briefly, rationally and critically.

- A research proposal is a document that presents a plan for a project to reviewers for evaluation.
- It can be a supervised project submitted to instructors as part of an educational degree (e.g., a master's thesis or a Ph.D. dissertation),
- or it can be a research project proposed to a funding agency.
- Its purpose is to convince reviewers that the researcher is capable of successfully conducting the proposed research project.
- Reviewers have more confidence that a planned project will be successfully completed if the proposal is well written and organized and demonstrates careful planning.
- The proposal is similar to a research report, but is written before beginning research.
- A proposal describes the research question and its importance, offers a literature review, and provides a detailed account of the techniques and methods that will be used and why they are appropriate.

- Once completed, a research proposal will **answer** the following questions...(expectations from a proposal)
- Is the research **worth conducting**?
- Why this research? (The “**why?**”)
- Is the researcher **capable** of carrying out the research?
Competence.
- **How** will the research be **conducted**?
methods
- How will the research be **relevant**? **Etc.**
- Answering the “**so what**” question.
- Then, readers can have clear idea of **why** and **how** the study will be conducted.

Factors Associated with a Successful Research Proposal

1. It addresses an important research question. It builds on prior knowledge and represents a substantial advance of knowledge for basic research. It documents a major social problem and holds promise for solutions for applied research.
2. It follows all instructions, is well written, and is easy to follow with clearly stated objectives.
3. It completely describes research procedures that include high standards of research methodology, and it applies research techniques that are appropriate to the research question.
4. It includes specific plans for disseminating the results and evaluating whether the project has met its objectives.
5. It indicates that the project is well designed and shows serious planning. It has realistic budgets and schedules.
6. It notes that the researcher has the necessary experience or background to complete the project successfully.

The classic thesis/dissertation structure is:

- **Introduction: an outline of the area, problem, aims and objectives, justification(10% of words or space).**
- **Literature review(20%).**
- **Methodology-research design and sampling(15%).**
- **Results finding or a result of what you found(20).**
- **Discussion-a critical analysis of your findings in the light of other work(20%).**
- **Conclusion and recommendation(5%).**
- **Bibliography(10%).**

Research Topic: First step in research

- Before a research proposal is prepared, one must have a **topic** to research.
- Without a topic, no proposal can be prepared.
- So, selection of a research topic is the **first step**.
- *Where can one get a research topic from?*
- When you are writing your **thesis**, you will be given the **freedom** to choose your own topics.
- This could be **good** or **frightening**.
- It is **good** because you can choose the topic you **like**.
- It is **frightening** because topic selection is **difficult**.
- The following **steps** can help you choose your topics.

First:

- Start with a **general idea/subject you are interested in.**
- You can get general ideas (topics) from a **variety** of sources like the things you **read, see, hear, discover, stumbles** with...
- If there is **nothing** you are **interested in, read** some materials.

Second:

- After identifying the **subject (general idea)** you are interested in, then try to **narrow** it to a **topic....**
- **Refining** the general idea to a topic.
- **General ideas/Subjects** are **not topics**, they could be **titles** for **books** or areas of study.
- So, the they should be **narrowed** down to subjects to topics?

- To **narrow** down a subject to a topic, do one of the followings.
- Look at the **smaller parts** of the subject;
- Look at a **specific problem** relating to the subject;
- Look at a particular **time** relating to the subject;
- Choose a **place** to cover relating to the subject;
- *If necessary, do some research to know about the subject.*
- You ask yourself “Who? What? Where? When? Why? and How?” questions **about the subject**.
- They will help you **understand** what the subject covers.
- *E.g. What is corruption? Who is corrupt? Why does corruption happen? Where does corruption happen most? When does corruption happen?.*
- **Specific topics** are much more likely to fit the **goal** of **academic writing** and to fit the **number of pages** allowed in your paper.

Attributes of good research topic

- After choosing your topic, **assess** if your topic is good.
- How do you do that?
- ***See if your topic has the following the following attributes.....goodd research topci s have such attributes.***
- The topic must be the one you are **interested** in.
- The topic must be the one you have the necessary **skill** to conduct a research on.
- The topic must allow research within the available **time**.
- The topic must remain **current** when you finish the research.
- The topic must allow research within the **resources** you have.
- You must have **access to data** you may need to do a research on the topic.
- Your topic must reveal that some kind of **value** will be added.
- The topic must go in line with your **career goals**, etc.

**If you are convinced that you have a
good research topic, then, proceed to
proposal dev't.**

Contents of a research proposal

- Once a **good** research topic is selected, one can embark on preparing a research proposal.
 - It contains:
 - ✓ Background
 - ✓ Review of Literature
 - ✓ Problem Statement
 - ✓ Objective of the Research
 - ✓ Research Question/Hypothesis
 - ✓ Significance of the Study
 - ✓ Method/Methodology
 - ✓ Limitations to the study
 - ✓ Scope of the study
 - ✓ Organization of the research
 - ✓ Time and Resource needed
 - ✓ Reference materials

Background

- This part is a brief introduction which presents **background information** about the **problem area in the form of a discussion**.
- It sets the **stage** for discussion of the **specific problem**.
- It also sets the **stage** for the **entire** study and puts your topic in **perspective**.
- The introduction often includes **spectacular** or **salient** and **general statements** about the need for the study.
- In this section, focus on:
 - ✓ *What your topic is about;*
 - ✓ *What you are going to do;*
 - ✓ *Why you are going to do it;*
 - ✓ *What the purpose of your research will be;*

E.g.: Customary Marriage in Ethiopia

Customary marriage is a form of marriage that can be concluded in accordance with the custom of future spouses or of one of them. In Ethiopia, this form of marriage is recognized. Unfortunately, however, many people don't use customary marriage due to its practical and legal complications. Among other things, this type of marriage requires the conversion of spouses' personal properties to common property. Moreover, customary marriage does not recognize the equality of spouses in marital relationship. This being the case, it is very important to spell out these and other similar problems relating to customary marriage and bring the matter to the attention of policy-makers so that they can introduce appropriate changes to the existing laws and/or practices. This research is an attempt to do that.

Literature review

- **Almost** all researches require some sort of literature review.
- But the **extent** of the required review varies according to the **type of proposal**.
- A PhD proposal for **DLR** requires **exhaustive reviews** of the relevant literature, whereas **action research** does not require much review.

Why literature review?

- It informs readers that there is a **gap** in the existing literature or knowledge that your research is going to **fill** that gap.
- It **convinces** readers that the researcher is **familiar with** the literature in the area of his research.
- It **convinces** readers that the researcher is **competent** to conduct investigations in the field of the research.
- It can help the research to **refine** research **questions** and **objectives**.

Statement of the problem

- A research needs to have a **problem statement**.
- **Problem statement** refers to a statement that describes a **question** or a **problem** that has **triggered** the research.
- If there is **no question** or **no problem**, there is no need to conduct an **investigation** into anything.
- So, in this section, a researcher must **describe the question or problem** he wants to deal with.
- The description must focus on the following questions.
 - ✓ **What** is the problem?
 - ✓ **Why** does the problem need attention?
 - ✓ **Who** is affected by the problem?
 - ✓ **How large** is the population affected?

- ✓ How **important**, influential, or popular is this population?
- ✓ Is the problem of **current** interest?
- ✓ Is the problem **likely to continue** into the future?
- ✓ Will more information about it have **practical application**?
- ✓ Will more information about it have **theoretical importance**?
- ✓ Would this study substantially **revise** or **extend** existing knowledge?
- ✓ Would research findings lead to some useful change in **best practice**?
- ✓ Etc.

➤ Objectives

➤ This part explains what the research **intends to accomplish** in a **precise manner**.

➤ Usually, it contains the **general** and **specific** objectives.

➤ General objective

➤ It is a **general statement stating the major purpose of the study**.

➤ Specific objectives

➤ **Derived from the general objective; they are specific statements containing specific purposes of a study.**

Objectives must be worded as:

- The objective(s) of this study is (are) to.....
- They must be framed in such a way they **lead to the research question(s)**.
- However, research objectives should not:
 - be **too vague, ambitious** or **broad** in scope.
 - **repeat** each other in different words.
 - **go into the details** of the research.

Research question(s)

- This section lists the **questions** a research **intends to answer**.
- The questions are **specific & derived** from **objectives**.

Why questions?

- They are needed to keep the researchers **focussed on their objectives**.

However:

- questions should **not** be **elaborated**.
- questions must be **clear** and **succinct**.
- questions must be the one the research **can answer**.
- questions **should not repeat objectives** with **question marks**.

- Question can **change, shift, evolve, and develop.**
- **Reading literature, data collection, discussion with stakeholders, etc. may lead to new questions.**

Example:

- **New questions** may arise from **reading additional literature.**
- **Data collection** may **uncover** new and more insightful questions, which may help to elucidate better the research problem.
- Different **stakeholders** may bring to your attention additional issues that require exploration which will lead to the development of additional questions.

Types of questions

- A research may have **two types of questions: main question and sub-questions.**

Main Question

- This is a more **general question** framed to achieve the research objective(s).
- **It could be your topic** changed to a question with **slight** change(s) in expression.
- There is no requirement that the main question must **be one.**

E.g., “**Does Ethiopia have IP law, and, if so, is it implemented?**” could be **main** research questions.

Sub-questions

- These are specific question derived from the **main question** and they serve as **building blocks to create an argument.**

Hypothesis (Thesis Statement)

- It is a **proposed explanation** about something.
- **Or**, it is a **statement** created by a researcher to serve as a **tentative answer /solution** to a question or a problem.
- The statement is an **assumption** which has to be *reasonable*.
- A good hypothesis is the one that can be **tested**.

E.g., **Devil** exists.

- However, hypothesis is **not always needed**.

E.g., in **legal research**, hypothesis is **not required**.

- Instead, **research question** are required to keep researchers **focused**.
- Yet, in researches which involve **experimentation**, it is needed.
- Then, the researcher works towards **proving/disproving** it.
- So, a hypothesis is used **to keep the researcher focused**.

Significance

- This section shows the **contribution** of a research to the field of study.
- Research must bring some **gains/contribution**.
- The **gains** could be **theoretical** or **practical**.
- So, this section of a research **justifies** why the study has to be conducted.
- In other words, it makes the purpose **worth pursuing**.
- Accordingly, it answers the questions *why is the study important?*

Research methodology

Methods Vs. Methodology

Research Methods

➤ Refers to **all the techniques/tools** used to conduct research.

Example:

- ✓ Techniques used to **gather** data.
- ✓ » Questionnaires, interview, FGD, etc.
- ✓ Software used to **analyze** data.
- ✓ » SPSS, SAS, and other statistical packages.
- ✓ These are part of research methods and **they are what the expression refers to.**

Research Methodology

- It **includes** research **methods** but **goes beyond that**.
- What it deals with **include**:

Types of Research Methods to be used

- Data **gathering** tools and data **analysis** method.
- **Explanation** of research methods.
- **What** certain data gathering or analysis mean.

Justifications

- **Why** certain data gathering or analysis methods **chosen**.

Application

- **How** the methods chosen can be **applied** or **used**.

➤ **Source of information**

➤ **Types** of information;

➤ **Where** to find the information from, etc.

➤ **Type of research**

➤ Telling what type of research will be done.

E.g., based on your data type.....**qualitative** or **quantitative**.

➤ So, research **methodology** refers to **every rule of procedures** about **how a research will be conducted**.

➤ As such, it should not be used *interchangeably* with **methods**.

Sources of information

- As alluded to before, a **research plan** must **identify** the sources of his information.
- Generally, sources of info. could be classified into **three**.
- ✓ **Primary** sources
- ✓ **Secondary** sources
- ✓ **Tertiary** sources

Primary sources

- These are **original sources/materials** for a given **information**.
- They are materials/sources **other researches are based on**.
- E.g., people, laws, cases**, etc. are primary sources.
- **Methods** of getting information from primary sources:
 - Interview, Questionnaire, Observation, FGD, etc.

Secondary sources

- These are sources which are prepared **based** on **primary sources**.
- Hence, they are **interpretations** and **evaluations** of primary sources.
- That means, secondary sources are **not evidence**, but rather **commentary** on and **discussion** of **evidence**.
 - E.g., **published** and **unpublished** sources such **books, journals, and treatise** are secondary sources.
- Note that what some define as **a secondary source** may be defined as a **tertiary source**.

Tertiary Sources

➤ Assume, you want to do a research **on a new concept** say **environmental democracy**.

What would you do first?

➤ you consult sources which can give you **general, simplified, superficial** information about it.

E.g., **dictionaries, wikipedia, encyclopedia, directories, indexes**, etc. can do this.

➤ These are what are called **tertiary sources**.

➤ They provide **general information** like **definition and sources to ready** to help the public on a given topic.

Choice of sources based on authoritative value

- Primary sources are **more authoritative** than other sources.
- Because they **reflect truth** than other sources
- Thus, whenever possible, we can and have to **use primary information**.
- Instead of quoting **what a law says** from a **commentary**, we can directly **use the law itself**.
- Instead of writing about **people's feelings** based on written materials, we can **speak to people** about their feelings.

- However, for many reasons, the use of **primary** data may not be **possible/necessary**.
 - In this case, **secondary data/source** will be **compulsory**.
 - But **tertiary sources** are **barely** used for a research.
- In particular, at a **university level**, tertiary sources are **rarely used to generate research info**.
- They are **less authoritative** based on the nature info they provide.

Tools to use for data (info) collection...Research Methods

- Literature review
- Legal, case, other document analysis
- Focus group discussion (FGD)
- Observation
- Interview
- Questionnaires, etc.

Literature review

- **Gathering** relevant materials;
- **Obtaining** relevant information;
- **Legal, case, other document analysis**
- **Appropriate** documents are gathered;
- Relevant sections are **examined**;

Focus group discussion (FGD)

- A **mini** group is formed;
- Members must be ones **capable** of holding discussion;
- **Discussion points** are identified;
- Participants **controlled** by the researcher;
- **Sounding recording** is good while **notes** are taken, etc.

Observation

- **Appearing** somewhere and **seeing** what is going on, **how** it is going on, etc.
- It can happen in **three ways**.
 - ❖ Observation as a **non-participant**
 - Just observing what the target does, things, etc.
 - ❖ Observation as a **known participant**
 - Trying to become **some member** of the target.
 - There is an **attempt** to share life style....
 - ❖ Observation as a **complete Participant**
 - Status as a participant is **concealed**,
 - There is an attempt to become a **full member** of the community.

Interview-General Remarks

- Interview is **one** form of gathering data.
- **Unlike** many other methods, employing this methods requires **skill** and **experience**
- Because it involves **high social interaction**.
- Moreover, it requires taking many **special cares**.
 - Example;**
- **No lengthy questions** to **kids** as they have limited attention span.
- The **language** used should be appropriate to the group interviewed.
- Interviews should be avoided on **sensitive matters** like **truancy** in universities (comfort with questionnaires).

Types of Interviews

- ❖ Interviews may take **different forms**.

- ❖ **Fully structured**

- It is also known as **a formal interview**.

- It is like a **job interview**.

- The **questions** are **predetermined**.

- The **order** of the questions is also **predetermined**.

- So, interviewers ask the questions in their orders.

- **No deviation** from the orders.

- No going beyond the questions or answers given for **further probe**.

- So, structured interviews are **inflexible**.

Strengths

- Easy to **replicate** as a fixed set of **closed questions** are used.
- **Quick** to conduct.
- So, **many interviews** can take place in short time.
- This allows using **large sample**.
- Using large sample in turn leads to more **representative** findings.

Limitations

- Structure interviews are **not flexible**.
- Further **investigation** based on answers is not possible.
- Answers lack **details** as only closed questions are asked.
- So, it is not possible to know **why a person has provided a given answer**.

Unstructured Interview

- Sometimes, it is called '**discovery interviews**'.
- The interviewer has a **general area of interest and concern**.
- Hence, there are **no pre-determined questions or orders**.
- In fact, questions can be **added** or **omitted** as the interview progresses.
- Besides, questions used are **open-ended**.
- It can be completely **informal**.

Strengths

- More **flexible**.
- Questions can be **adapted** and **changed** depending on the respondents' answers.
- **Open-ended** questions allow respondent to provide **in depth information** in their own words.
- This enables researchers to know their **understanding** of something.
- They have better **validity**.
- They allow researchers to seek **clarification** and **additional information**.
- Indeed, it is a **qualitative research method**.
- Because it allows generating **in depth info** from interviews.

Limitations

➤ **Time consuming** (conducting and analysis)

E.g., respondents **talk** and **stopping them is difficult** as answers are not prearranged.

➤ This means, **many people** cannot be interviewed.

➤ In turn, this **affects** the **generalizability** and **representativeness** of findings.

➤ **Expensive** (like employing skillful persons, when necessary, etc.)

➤ Much of what respondents say may be **worthless** because of **digression**.

Semi structured

- **Questions and orders are predetermined**
- But **modification** based upon **interviewer's perception** of what seems appropriate is **ok!**
 - Example:
- **Wordings** of question can be **changed**
- **Explanations** for questions could be **asked**.
- **Inappropriate questions** for some interviewee can be **omitted**
- **Appropriate** questions to a particular interviewee may **added**.

General advice to interviewers

- **Listen** more than you speak
- You need info, not to give info.
- **Put questions** in a straight forward, clear and non-threatening way
- Make it **easier** for the respondent to interact with you.
- **Take** a full record of the interview
- Avoids **leakage** during later process.
- **Never** give the message that you are **bored** or **scared**.
- Show **interest** and **confidence**.

Avoid

- **Long** questions
- Questions involving **Jargon**
- **Leading** questions
- **Biased** questions

Questionnaires

- Questionnaires are the **questions** researchers **present** to people to acquire info about something.
- They are usually **systematically** written.
- They may be administered to the **whole** population (surveying) or **part** thereof (sampling)
- Questionnaires can be administered in **one of the three ways**.
- **Self-completion: Respondents** fill in the questionnaires.
- They may receive them **directly**, through **post office, email**, etc.

- **Face-to-face interview:** interviewers **asks** questions in the presence of the respondent and **complete** the questionnaires.
- **Similar** to a **fully structured** interview.
- But slight differences could exist like inclusion of **choices** of answers.
- **Telephone interview:** interviewers **call** respondents by **phone**, **ask** the questions and **record** the responses.
- This is also **similar** to a **fully structured** interview.

➤ Tips to prepare good Questionnaires

➤ Keep the language **simple**

E.g., remove ambiguity, vagueness

➤ Keep questions **short**

➤ Avoid **double-barreled** questions.

➤ Such questions ask two questions at once.

➤ Avoid questions in the **negative**.

➤ Negatively framed questions are **difficult** to understand.

E.g., why don't you support same sex marriage?

➤ Avoid a **prestige** bias

➤ This occurs when a view is linked with a **prestigious** person before asking the respondent's view.

E.g., Do you think that the leadership of PM X, **one of the very few best minds in Ethiopia**, is good?

➤ Good questionnaires have the above characteristics.

Sampling

Determining sample size

- Sample** refers to a **segment** of the population that is selected for **investigation**.
- Population** refers to universe of units (people, nations, cities, etc.) from which sample is to be selected.
- About which **generalization** is to be made later.

Why is sampling necessary?

- Sampling is **necessary** because **census** is:
 - ✓ **tiresome,**
 - ✓ **time taking,**
 - ✓ **costly,**
 - ✓ requires **huge human resources,**
 - ✓ At times, census could be **unnecessary.**

How is its size determined?

- There is **no single rule** as to how much of the **population** should be used.
- However, it should be **adequate** to lead to **precise generalization** or to be **representative**.
- Sample** is said to be **representative (a microcosm)** if it can **reflect the population accurately**.
- For example, **10% rule** can be okay when it works.
- In this case, the **sampling ratio** will be **1/10**. (sample/pop.)

Care must be taken to avoid sampling bias.

- It is a **distortion** in the representativeness of the sample.
- It arises when members of the population :
 - ✓ Have **little chance** of being selected to a sample;
 - ✓ Have **no chance** of being selected to a sample.
 - ✓ Note that **sampling bias** is different from **sampling error**.
 - ✓ Error refers to the **difference** btw the **result** found the **reality**.
 - E.g., if a research shows 20% of people like **politics** and in reality only 18% like it, the 2% difference is an error.
- This can happen due to many reasons which includes **bias** etc.
 - Indeed, it is **not possible** to avoid **error** totally unless **census** is used but it is possible **to keep it to a minimum**.

- **Bias** is also an **error** but a **systematic** error.
- It is made **to get a different result** than a result with **unbiased** research.
- Thus, the end result will **not reflect the target population**.

E.g., **TV interviews** .

- Here, we can have many biases;

- **Researcher's bias**

- Like including **biased questions** or **selecting** only some **respondents** by excluding others.

- **Respondent's bias**

- Providing answers in the **way one wants**, not **truthfully**.
- Non-response bias**, etc.
- » **Preferring not to respond**.

How to determine sample size using statistical formula

➤ Scenario One

➤ To begin the job, do the following **five** things first.

1. Determine the size of your **population**....

2. Determine your **confidence level/interval**

➤ – Confidence level shows the extent to which you can be sure that your result will be **accurate**.

➤ – Remember, increasing your confidence level requires **larger** sample size.

3. Determine the **standard deviation** of your **confidence level/interval**

➤ – To get the standard deviation of your confidence level, you can follow the **lengthy** mathematical steps, or use your **calculator** or just ask the **internet**.

4. Determine your margin of error

➤ – The difference between your result and the reality.

- **5. Determine distribution within the population....**
- This shows how **skewed** the respondents are on a topic.
- Respondents could have **different** opinions on a given topic whatever the purposes could be.
- In the survey world, it is almost always **safest** to stick with a **50%** distribution, which is the most conservative.

❖ **The Formula:**

- Sample Size (initial) calculation (SZ)= $\frac{\text{Distribution of 50\% (1-50\%)}}{(\text{Margin of Error} \div \text{Std. dev. of Confidence Level Score})^2}$
- True (final) Sample Size (TS)= $\frac{(\text{SZ X Population})}{(\text{Sample Size} + (\text{Population} - 1))}$

Assume you have the following.

1. Population size is 1000
2. Distribution is 50%
3. Confidence level is 95%

Standard deviation of this is 1.96

4. Margin of error is 5%

Now, calculate the true sample size!

$$\diamond \text{SZ} = \frac{0.5 \times (1-0.5)}{(0.05 \div 1.96)^2} = \frac{0.25}{0.00065} = 384$$

➤ *This result is like a constant number for the given margin of error and confidence level!*

➤ *If you change the margin of error and confidence level, you will have a different value for SZ*

$$\diamond \text{TS} = \frac{\text{SZ} \times \text{Pop}}{\text{SZ} + (\text{pop}-1)} = \frac{384 \times 1000}{384 + 999} = 278$$

➤ So, to get 95% confidence level with 5% margin of error, your sample should be 278 people.

➤ Note that as the size of the population increases, the size of the sample also increases but at a **diminishing** rate.

Scenario Two

- *The National Education Association (NEA) is the largest professional interest group in the United States of America.*
- It represents public school teachers and other support personnel, faculty and staffers at colleges and universities, retired educators, and college students preparing to become teachers.
- The NEA has nearly 3 million members and is headquartered in Washington D.C.
- In 1960, the NEA published, in its research bulletin, a **formula** for determining sample size under the title *Small-Sample Techniques*.

The formula is:

$$SZ = \frac{X^2 NP(1-p)}{d^2(N-1)} + \frac{x^2 P(1-P)}{d^2}$$

s = required sample size.

X^2 = the table value of chi-square for 1 degree of freedom at the desired **confidence** level which is $1.96 \times 1.96 = 3.841$.

N = the population size.

P = the population **proportion** (**assumed** to be 0.5 since this would provide the maximum sample size).

d = the degree of accuracy expressed as a proportion (0.05)

- **Methods/Types of sampling**
- –Once sample size is identified, the next step is to select the **method of drawing** the required sample from our population.
- –So, how do we choose or draw samples from the population?
- –There are two methods choosing samples
- –**Probability sampling method**
- –**Non-probability sampling method**

❖ **Probability** sampling

- –This is a **random** selection method.
- –It gives each **unit** in the population a **known** chance of being selected.
- –As such, it is assumed to yield a **representative sample**.
- •Main advantage is to keep **sampling error** to a minimum.
- –This type of sampling approach is **used usually** in **quantitative researches**.

❖ **Types of Probability Sampling techniques:**

- – **Simple** Random Sampling
- – **Systematic/Interval** Sampling
- – **Stratified** Random Sampling
- – **Cluster** Random Sampling
- – **Multi-Stage** Sampling; etc.

❖ **Simple Random Sampling**

- Lottery method.
- Everyone has equal chance of being selected.
- **Systematic/Interval Random Sampling**
- We pick a random starting point.
- Then, we choose every Kth number from the population as a sample.

❖ **Stratified Random Sampling**

- Involves dividing the population into strata (groups) based on some known similarities;
- –Putting homogenous groups together.
- –E.g., farmers, lawyers, politicians, women, students, etc.
- Then, choose desired sample from each strata randomly.

❖ **Cluster Random Sampling**

- This involves dividing population into groups without using similarities.
- –E.g., classification based on geography, cities, schools, etc. not based on homogeneity.
- –From Oromia, Tigray, Amhara, SNNPRS, Afar, etc.
- Then, some groups are randomly chosen for sampling.
- Finally, samples are drawn randomly from chosen groups.
- –So, this method involves choice twice-choice of groups and choice of samples from chosen groups.

• **Complex Multi-Stage Sampling**

- This is a method in which various types of sampling techniques are used.
- It is commonly used in **nation-wide** type studies.

❖ Important points

- –The above methods are not the **only** methods of **probability sampling**.
- They are only **examples**.
- E.g., we can have a sampling method called **stratified clustering** which combines stratification and clustering.
- –Stratify population first
- –Cluster strata (dividing strata to groups)
- –Choose groups from clustered strata.
- –Then, choose sample from chosen clusters.
- –Every sampling method has its own **advantage** and **disadvantage**.
- –See them in light of **cost, time, sampling error**, etc.

❖ **Non-probability sampling.**

- –This method **does not** involve selecting samples **randomly**.
- –So, **probability theory**, where **results** are determined by **chance**, is not used.
- –As a result, there will not be **equal chance** of being selected;
- Some units in the population are **more likely** to be selected than others.
- Does this mean that **non-probability samples** are not representative?
- –It means they are **less representative** as compared to probability samples;
- »They **may not** represent the population **well**.
- »Random/probability samples **represent population well** than non-random samples.

- So, there will be a **greater confidence of representation** with **random samples**.
- –Researchers **usually prefer probability** or random sampling methods.
- However, there may be cases where it is not **feasible, practical** or **theoretically sensible** to do random sampling.
- –In this case, one has to use any of the **various forms of non-probability methods**.
- By the way, **non-probability** methods are used **usually** in **qualitative** researches.
- –Of course, sometimes, some researchers plan to use **probability** methods but they end up employing the **non-probability** methods.

❖ Types of non-Probability Sampling

- –Broadly, non-probability sampling methods can be divided into **two**:
- Accidental
- Purposive
- –Most sampling methods are **purposive** in nature.
- Because usually we deal with samples or samples are chosen with a **specific plan in mind**.

❖ **Accidental, Haphazard or Convenience Sampling**

- –This involves using people **we accidentally meet** or based on our **convenience** as samples.
- –Examples:
- TV news programs ask the **people on the street**.
- Lawyer/Medical doctors may ask their **clients**.
- Teachers may ask their **students**.
- Others may ask only **volunteers**, etc.
- –*In all these cases, there is **no evidence to show the samples represent the population to make generalizations**.*
- –Indeed, usually, the **representativeness** of such samples is usually **doubted**.

Purposive Sampling

- –This is a method where **samples are taken with a *purpose* in mind.**
- i.e., samples are chosen to **satisfy the needs of a researcher** to achieve his research **objective.**
- –So, when samples are chosen, usually there are **one or more specific predefined groups** to draw samples from.
- –E.g.:
- **Market researchers** may interview only those in **supermarkets.**
- To check the **tax mentality** of people, only **taxpayers** can be targeted.
- To know the **political landscape** in Ethiopia, only **politicians** can be targeted.
- A lawyers may interview only **medical doctors** in AA to assess the level of **medical malpractice** in Ethiopia.

- –Once target is acquired, a researcher has to check that the sample actually meets **sampling criteria**.
- •E.g., is the person a **buyer**, a **politician**, a **tax payer**, a **medical doctor**?
- –**Purposive sampling can be very useful:**
- •When **reaching** a targeted sample **quickly** is needed;
- •Where sampling for **proportionality** is **not** the primary concern.
- –So, with a **purposive** sample, getting the **real opinions** of the target population is likely.
- –But, **overweighing** the opinions of sub-groups in population is also likely.

Types of purposive sampling

- –**Modal Instance Sampling**

- This involves sampling **frequent** or **typical cases**.

Examples:

- –Interviewing **regular voters** why many people vote during election.
- –Interviewing a **recidivist** to know why people commit crimes.
- •The problem is we don't know **who** can be a **model** or **typical case** to choose samples.
- –E.g., can a regular voter give representative opinion about why many people vote?
- »People may vote because of fear or the benefits of election.
- –People may commit crimes because of many reasons some of which are not known to a recidivist.

Expert Sampling

- –This is a method that involves using as samples **experts** in a **given** area.
- These are people with **special knowledge** and **experience**.
- –The method is good because it enables one to get the views of people **with specific expertise** in a given area.
- –Moreover, it can be used to provide **evidence** for choosing some sampling methods.

E.g., experts can be **consulted** to comment on the criteria used to choose models for model instance sampling.

- –However, the problem is, even **experts** can be **wrong** about certain things.

Quota Sampling

- –This involves fixing a **quota** using some criteria like age, sex, education, etc..
- –Then, you draw samples from the population based on the **quota**.
- –Such sampling could be **proportional** or **non-proportional**.
- 40% women and 60% men.
- –**Proportional**.
- Assigning a minimum number of samples to each **group**
- –**Non-proportional**.

❖ **Heterogeneity Sampling or Sampling for diversity**

- –This is used when the purpose is to **include all views or opinions**.
- –Thus, **representation is not an issue** here.
- Thus, a research does not have to worry about **average person** or **model instance person**.
- He should worry about **sampling of ideas, not people**.
- This shows that **heterogeneity** sampling requires the participation of diverse range of participants in a study.
- –So, one may say, heterogeneity sampling seems **opposite** to **model instance sampling**.

❖ Snowball Sampling

- –Here, a researcher begins by **identifying a person** who meets **criteria for inclusion in a study**.
- –Then, the chosen person is asked to **recommend** others who meet the criteria.
- –**Problem**
- This method does not lead to a **representative conclusion**.
- However, sometimes, it is **a best method**.
- Example, it can be used to reach population who are **inaccessible** or **hard to find**.
- –If one wants to study go-between for corruption, he can **define criteria** for selection and **find one person**.
- –This person knows **others** and **how to find them**.
- –Hence, he can advise the researcher very well.

Data analysis

- –Once sampling techniques are chosen and described, a researcher has to **do one more thing**.
- –He has to **describe** how the data collected will be **analyzed** with justifications.
- –**Example:**
- Will you use **statistical software** to analyze data?
- –If so, which one?
- »**SAS** (Statistical Analysis System)
- »**SPSS** (Statistical Package for the Social Sciences)
- Now, SPSS company calls it **Superior Performing Statistical Software**.
- »**SHAZM, TSP, BMDP, STATA** etc.
- Will you use **other statistical methods** of analyzing data?
- –If so, which/what?

❖ **Limitation of the study**

- Constraints or challenges to face.

❖ **Scope of the study**

- Coverage of the research.

❖ **Organization of the research**

- •What every chapter is all about.

❖ **Resources necessary**

- **Details** of resources the researcher needs to successfully complete the research.

❖ **Time framework**

- **How long** will it take to conduct the research and **what you do when**.

❖ **Reference Materials**

- List of examples of materials you will use.

4. Analysis and Interpretation of Data

Data collection

- –The first step is obviously **data collection**.
- One has to choose **source of information** based on his research topic/research objective.
- Then, he has **to design/choose** appropriate data collection **instruments**, if need be.
- Finally, data has to be **collected**.
- –Then, one can proceed to **data analysis** and **interpretation**.
- **What is data analysis?**

Data Analysis (DA)

- –It is a **process** of discovering **useful information** from the data **to make conclusions** (for **decision-making**).
- DA enables us to **make sense** out of **raw data**.
- Without DA, **raw data does not tell us anything**.
- Once analyzed, however, **data** gives us some **message**.
- –E.g. Assume you have gathered data using **questionnaires** and **interviews** about the new leadership in Ethiopia.
- –Until you **analyze** this data, you will not be able to know how many people hate it; support it; are indifferent; etc.
- –So, DA is a **mechanism** of securing useful message from the **info we have collected from d/f sources**.

Steps in DA

- –DA, as a process, involves **different steps** like:

❖ Data **inspecting**

- –We **check** the data obtained.

❖ Data **classification**

- –Putting **similar** data together/in the same category.

❖ Data **coding**

- –Giving **codes** for analysis purpose (numbers, symbols, etc.)
- –E.g.: **high**= 4, **medium**=3, **low**=2, **IDK**=1.

❖ Data **cleaning**

- –In the process of collection, a researcher may make some **mistakes**.
- –So, he has to check for **wrong entries** or **duplications** of data and **make corrections**.

Data **Analysis**

- –This is sometimes called **data modeling**;
- –Once, the **preliminary** matters are done, data can be **analyzed**.
- –This may involve **two stages**.
- **Initial** data analysis
 - –To check **things** like the **quality** of the data and **quality of the measurement** we have used.
- **Main** data analysis.
 - –To answer the **research question**.

Formulation of Legal Issues

- DA is not **an end in legal research**.
- It is done because it **leads to identification of legal issues**.
- –Based on the **useful information** we discover through DA, we can identify a legal issue to deal with.

Example:

- –Assume data was collected from **AA** to know the level of **domestic violence in the town**.
- –Assume also that **analysis** of such data reveals that most people think that **domestic violence is widespread in AA**.
- Does this result lead to any legal issue?
- Can we identify any legal issue to deal with based on this data result?

- Is **there** a law that prohibits domestic violence in Ethiopia?
- Is the law that prohibits domestic violence in Ethiopia **adequate**?
- Are perpetrators of domestic violence **punished**?
- Are the **sentences** given to perpetrators of domestic violence **adequate**?
- Are there **(legal) procedural obstacles** to effectively prosecute perpetrators of domestic violence?
- Etc.

- –**Apply** the law to the information obtained through **data analysis**.
- –Finally, make your **conclusion** which is called **interpretation** (**drawing inference** from data collected)
- –**Recommend:**
- –**Application** of the law;
- –**Amendment** of the law;
- –**repeal** of the law;
- –**other actions** to be taken;

- **Getting relevant laws-where and how?**
- How can a researcher get **legal instruments** relevant to his issue?
- Consulting **legal** directories...Is there such as thing in **Ethiopia**?
- Using **case directories**...Is there such as thing in **Ethiopia**?
- Referring to **indexes** in some materials...
- Visiting the **websites** of some institutions like the
 - –**HPR**
 - –**HOF**
 - –**FSC**
 - –**Berhanena Selam Printing Press**
- Consulting **experts** like
 - –Lawyers
 - –Judges
 - –Prosecutors
- Using **online search**, etc.
 - –Ethiopia legal brief and others.

- **Hierarchy/Authoritative Values of legal Sources**
- –At times, a researcher may find more than one legal instrument dealing with his issue.
- –In this case, he has to resolve the **tension** by relying on their **authoritative values/rules of interpretation**.
- –**Examples:**
- A **constitutional** stipulation overrides other stipulations.
- Provision in a **proclamation** override other provision but that of the Constitution.
- **Interpretation** of a law by the CB of the FSC is controlling on some issues.
- –**Regional law and Federal law on one issue????**

5. Writing A Research Report: Structural Arrangement

Importance

- –A **research report** is a **major component** of the research task.
- –*Without a report* a researcher cannot **communicate** his **findings** to others
- Indeed, a **research without writing is of little purpose.**
- That is why **after analysis** and **interpretation**, a researcher must **write up** his research report.

• Layout

- –When a research report is written, there is a **commonly accepted structural layout.**
- –Accordingly, any a research report must contain:
- the **preliminary** matters
- the **main** text; and,
- the **end** matter.

The Preliminary Matters

- –Title and date (on the cover page)
- –Preface
- –Acknowledgements
- –Table of contents
- –Table of Cases
- –Table of Statutes
- –Abbreviations
- – List of tables, graphs, charts, etc., if any.

The Main Text-The Body

- –This provides for the **complete outline of the research report** along with all the **details**.
- –Hence, it contains:
- **Introduction**
- **Discussions and Findings**
- –In Chapters, sub-headings.
- **Conclusion and Recommendations**
- –Summarize the discussion.
- –Make recommendations, if necessary.

Citations

- –**Citation** is part of the **main text** of a research.
- –As we know, research is **an effort** to find **a fact** which could be **an answer** to a question or **a solution** to a problem.
- –Thus, a researcher **uses** and **must use** information from **various** sources **to find the fact he looks for**.
- –However, the **source** from which his information is taken must be **acknowledged**.
- Failure to do so will amount to **plagiarism**.
- To **avoid plagiarism**, which has a serious consequence, a researcher must **cite** his sources in:
 - –**Footnotes**
 - –**Endnotes**
 - –**In-text**
 - –**We will see rules of citation at the end.**

The end matter

- –**Bibliography**
- List of **reference materials** used in a research.
- –**Everything** must be included.
- –Similar materials should be put under **one category**.
- –E.g., Laws, Books, Journals, etc.
- –**Appendix/Annex**
- This is the section that contains **attachments** to a research report.
- For example, a researcher may **annex** the following materials to his report.
- –Laws, Letters, Reports, Interview questions, photos, etc.
- –**Index**
- A **part** that contains **important concepts** in the report and the **page** on which the concepts appear.
- For example:
- –**Parliament** 6, 15, 25, 30.
- –**President** 3, 14, 20, 47.

6. Ethics in Research

- Not easy to define **ethics**.
- –We may say ethics refers to **norms** that can distinguish **acceptable behaviors** from **none** acceptable ones.
- –We get them from **home, school, churches**, and at other social settings.
- For example, *do no harm, help someone in need*, etc.
- These are ethical norms people use in **daily life**.
- In **research**, too, there are norms a researcher shall observe.

Emergence

- –Before WWII, **ethical issues** were not that important in research.
- –However, the issue became so topical **after the WWII**.
- –The **two** important factors leading to the topicality of research ethics are:
 - The tragedy committed by **Nazi doctors (23)** on war captives (using them as guinea-pigs).
 - Millions were tortured, killed, etc.
 - One particular event that happened in the US involving **research in health science (1932-1972)**.
 - –Hundreds died, suffered, etc.
 - –These two incidents led to the emergence of many ethical rules.
 - In one way or another, these rules are **now commonly respected**.

Importance of Ethical Rules in Research

- **It promotes the aims of research** such as **knowledge, truth, and avoidance of error.**
- –E.g., no **fabricating, falsifying, misrepresenting** of research **data.**
- **It promotes values that are essential to collaborative work.**
- –Trust, accountability, mutual respect, fairness, etc.
- **It helps** us ensure researchers are **accountable to the public.**
- –Avoiding research **misconduct**, avoiding **conflict** of interests, etc.
- **It helps** us build **public support** for research.
- –Funding and others
- **It promotes** other important **moral and social values.**
- –Social responsibility, human rights, animal welfare, compliance with the law, and health and safety.
- –This is why many **research institutions** have **policies on research ethics.**

Indicative list of Ethical rules/standards

Honesty

- In **all communications**:
 - –Data **reporting, analysis, interpretation, publication**, etc.
 - –Never **fabricating, falsifying**, or **misrepresenting** data.
 - –Never **deceiving** colleagues, granting agencies, or the public.
- –**Objectivity**

Avoiding bias.

- He must remain objective in the process
- –No bias when
 - »research is designed
 - »data is gathered, analyzed, interpreted
 - »Other decisions are made.

Integrity

- –Keep your **promises** and **agreements**.
- –Act with **sincerity**.
- –Strive for consistency of **thought** and **action**.
- •**Carefulness**
- –Avoid **careless** errors and **negligence**.
- –Carefully and critically, examine your own work and that of your peers.
- –Keep good records of research activities, such as data collection, research design, and correspondence with agencies or journals.

Openness

- –Share data, results, ideas, tools, resources.
- –Be open to **criticism** and new ideas.

Respect for Intellectual Property

- –**Not using unpublished** data, methods, or results **without permission**.
- –Giving **credit** where credit is due.
- Acknowledge sources of ideas.
- **Never plagiarize.**

Authorship

- –Not claiming authorship unless there is **significant** contribution to the **research** and **writing**.

Responsible Publication

- –**Publish to advance research and scholarship.**
- –Avoid **wasteful** and **duplicative** publication.

Responsible Mentoring

- –Help to educate, mentor, and advise students.
- –Promote their welfare and allow them to make their own decisions.

Respect for colleagues

- –Respect your colleagues
- –Treat them fairly.

Social Responsibility

- –Strive to promote **social good**.
- –**Prevent or mitigate social harms** through research, public education, and advocacy.

Non-Discrimination

- –Avoid discrimination against colleagues or students on unwarranted grounds.

Competence

- –**Maintaining & improving** professional competence and expertise through lifelong education and learning.
- **Legality**
- –**Know** and **obey** relevant **laws, policies**, etc.
- **Voluntary participation**
- –Don't **force** people to participate in a research without **consent**.
- –E.g., don't force prisoners to give information.
- **Informed consent**
- –Participants must be fully informed about the **procedures** and **risks** involved in a research.

No risk of harm

- –No **physical** or **psychological** harm or risk of harm to them.

Protection of privacy

- –Participants' privacy should be protected.

Confidentiality

- not **disclosing information** obtained from participants.
- –**Anonymity**
- Keeping **participants unknown**.
- It may involve **changing names, dates, or both**.
- **Respecting peoples' norms, culture, religion, way of life, etc.**
- –Obeying rules of the community/people.

Avoiding Plagiarism

- *“A dwarf standing on the shoulders of the giant can see farther than the giant itself”*
- A researcher uses **information from various sources**.
- That is **acceptable** and in fact **required**.
- However, he has to **acknowledge** the sources.
- Failure to do so will amount to **plagiarism**.
- ***Plagiarism** is defined as:*
- *a "wrongful appropriation" or "close imitation" or "purloining and publication" of another author's "language, thoughts, ideas, or expressions," and the representation of them as one's own original work.*

Ramifications

- –It is a violation of **research ethics** such as:
 - honesty**
 - authorship**
 - respect for Intellectual property**
- –As such, for students, it entails **serious** consequences.
- **Zero** mark or **F grade** would be given for **paper**;
- **Degrees** can be **revoked** or **withdrawn**;
- **Embarrassment** also follows!
- –So, a plagiarist **assumes all these risks** when his misconduct is **discovered**.
- –*See the following real cases*

- **Germany**
- –**Education Minister**
- **Annette Schavan** was Germany's education minister.
- In **2013**, the University of **Düsseldorf voided** her PhD due alleged **plagiarism** of part of her **1980 PhD thesis**.
- Following the controversy, she **resigned** from her post.
- –**Defence minister (*defenseless?*)**
- In **2011**, Karl-Theodor zu Guttenberg **quitted** his work as a defence minister over a plagiarized PhD thesis.
- He **admitted** to part plagiarism.....He **lost** his PhD!
- **South Africa**
- –Many cases exist and the plagiarists have been stripped of their degrees.

Ethiopia (Personal experience)

- –**University A...Public University**
- A student submitted a thesis written by her boyfriend.
- She was **unable** to answer critical questions.
- –**University B...Private university**
- A student submitted a research done by a given NGO.
- –**University C...Public University**
- The student copied and pasted more than 90% of the work but failed to cite sources.
- **What do you think happened to them?**
- –We were not very strict...(we were *against the rules!*)
- –The papers were LL.B.
- –But we would be **very protective** of the other higher degrees.
- –**Be careful!**

Avoiding Plagiarism...How?

- What **amounts** to **plagiarism** is not using someone's idea, thoughts, expressions, etc.
- It is a **failure** to **acknowledge** the original sources.
- So, to avoid plagiarism and the risks associated with it, everyone must use **citation** and **quotation**.

Citation

- –Give necessary information about the **source** of your information...which readers can **check** if they want to.

Quotation

- –There are times when **citation** alone is not enough.
- –When someone's **expressions** are **copied**, and the ideas taken are **not paraphrased**, then, putting the expressions in quotation marks is necessary.

Rules relating to Quotation:

- –Unless there is a **good reason**, a researcher should not use **direct quotation** from other sources.
- –He has to use his own expression by **paraphrasing** the original **idea**.
- –But when there are **good reasons** the language of the original source could be **used**.
- –**What are the possible good reasons to make quotation?**
- To show an authority supports your point.
- –**Laws, cases, etc.**
- To present a position or argument **to criticize** or **comment on**.
- –Thomas Hobbes argues, “a sovereign should be above the law.”

- To use especially **moving** or **historically significant language**.
- “**I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.**”¹
- To present a particularly **well-stated passage** the meaning which would be **lost** or **changed** if paraphrased or summarized.
- “ስንኖር ኢትዮጵያዊ ስንሞት ኢትዮጵያ እንሆናለን!”²
- When there is a belief that **message** will be **lost** or will not be **properly** conveyed unless direct quotation is used.

1.Martin Luther King, 'I Have a Dream', Public Speech, Washington,1963.

2.Abiy Ahmed, PME, Public Speech.....

- •So, generally, **except in few cases**, we should not use direct quotation.
- •Instead, we have to **take** the ideas and **paraphrase** them in our own words and then **Cite** the source.
- •**Citation and its Exception**
 - –Although it is a **requirement**, there are times when citation is not necessary.
 - –This happens when the **information** is part of **common knowledge**.
- •**General common knowledge**
 - –Info known by everyone.
- •**Field-specific common knowledge**
 - –Information **commonly** known by persons in certain fields.
- •If there is **doubt** as to whether a given information is part of public knowledge, citation is necessary.

- •Rules on How to Quote and Cite

- •How to Quote

- •Use ellipsis points (. . .) to indicate **an omission** within a quotation.
- –But don't use *ellipsis points* at the **beginning** or the **end**.
- »**Avoid** ellipsis points, if possible.
- –However, if it is **not obvious** that you are quoting only a **portion** of some work, you can **use** ellipsis points at the **beginning** or the **end**.
- »In *Marbury and Madison case*, the USA Supreme Court declared that courts do have the power to review administrative decisions...
- »In one case, the CCT stated, "...death penalty amounts to cruel and degrading treatment."

- –Within quotations, use **square brackets** [], (not parentheses), to add your own **clarification**, comment, or correction.
- •“The **Agency** shall issue investment permit within three working days.”
- •“The Agency [Ethiopian Investment Agency] shall issue permit within three working days.”
- –Use **[sic]** to indicate that a **mistake** is in the source you’re **quoting** and is not your own.
- •“The headquarter of the AU is in Addis Ababa, the capital of the Democratic Republic of Ethiopia *[sic]*.”
- •The term **Federal** before **Democratic** is omitted.

- •**How to Cite**

- –There is **no single** rule on citation.
- •So, researchers are **advised** to use the citation rules that are provided by the **institutions** they deal with, or,
- •Use one of the **generally accepted citation rules** such as the **bluebook** citation rules, **Chicago** Legal Citation rules, **Oxford** Standard for the Citation of Legal Authority (OSCOLA), and **Harvard** referencing system, etc.
- –But, there is one **golden rule** in citation.
- •Once a given style is chosen, that style has to be used **consistently**.
- •It is not allowed to **mix** style.
- –Next, we will see examples of some citation rule used abroad.

Harvard referencing system:

- –For **books**, record:
- The author's or editor's name (or names)
- The year the book was published
- The title of the book
- If it has more than one edition, the number of edition
- The city the book was published in
- The name of the publisher
- Page number
- Abebe D. (2005), *The Right to Equality in ESCU*, 3rd ed., AA, ABC Press, page 23.

- For **journal articles** record:
- –The author's name or names
- –The year in which the journal was published
- –The title of the article
- –The title of the journal
- –The page number/s of the article in the journal
- –As much other information as you can find about the journal, for example the **volume** and issue **numbers**

Abebe D. (2005), The Right to Equality in ESCU, ECSU Journal of Law, Volume 3, No.1., page 37.

- For **electronic resources**, try to collect information on the material as mentioned above, but also record:
- –The date you accessed the source
- –The electronic address or email
- –The type of electronic resource (email, discussion forum, WWW page, etc.)

Abebe D. (2005), The Right to Equality in ESCU, ECSU Journal of Law, Volume 3, No.1., page 37, available at <http://books.google.com/books?id=>, accessed on 15 March 2013.

- **Another example...A style we normally see in our universities or researches**
- **–Legal instruments**
- Provide full information about the instrument.
- Stamp Duty (Amendment) Proclamation, Proclamation No. 612/2008, *Federal Negarit Gazeta of The Federal Democratic Republic of Ethiopia*, 15th Year No. 9, ADDIS ABABA, 25th December, 2008.

International Covenant on Civil and Political Rights, adopted by the General Assembly Resolution 2200A (XXI), 16 December 1966, entered into force on 23 March 1976.

A book

- Author or editor, title, edition (if it applies), publisher, place of publication, year of publication, page no.
- E.g., H.L.A Hart, *Punishment and Responsibility: Essays in the philosophy of Law*, 2nd ed., Oxford University Press, New York, 1968, p 4-5.

–A journal

- Author, title, the name of the journal, volume, number, the institution that publish it, year of publication, page no.
- E.g. Thomas S. Schrock, *The Rights to Punish And Resist Punishment in Hobbes' Leviathan*, The Western Political Quarterly, Vol. 44, No. 4, University of Utah, 1991, p 853.

Dejene Girma Janka, *Essay on the Criminal Responsibility of Juridical Persons in Ethiopia*, Jimma University Journal of Law. Vol. 2. No.1, 2009, p. 50

Newspapers

- Name of the contributor (if indicated), title of the contribution, name of the newspaper, volume, number, date of issue.

E.g., Mr. Gemal A. N., “The Adverse Comment on Aswan Dam Results from Ignorance.” The Egyptian Herald, Vol. XV, No. 77, Thursday 1September 2012.

–Interview

- Name of the interviewee, Position, Institution, place of interview, date of interview.

E.g., Mr. Knife, Minister, Ministry of Onion, Jimma, 23 November 2012.

Internet resources

- Name of the author (if known), title, edition (if it applies), (publisher, place of publication, year of publication-if the source is published), page no (it has pages), web address, date of access.

E.g., Terance D. Miethe and Hong Lu, *Punishment: a comparative historical perspective*, 2005, p 15-24, available at <http://books.google.com/books?id=o2ovr4ZzIXsC&printsec=frontcover>, accessed on 22 June 2009.

- **Rules for in-text Citation**
- –If you are using in-text citation, you must list **the name of the author/editor** and the **year of publication**, and **page number**.
- –Examples:
- John (1999: 151)
- (John, 1999: 151)
- –If you are referring to **the whole source** (like when you **summarize** points or arguments), you need **not** cite the **page**.
- –Example, Wilson (2001) or (Wilson: 2001), as the case may be.
- In the **reference part**, however, complete information must be provided **save for pages**.

Use of Latin ‘Gadgets’ for cross referencing

- –In research, there are many Latin ‘gadgets’ which are used for cross referencing but **not widely understood**.
- –*E.g., ibid, id, supra, infra, ante, op cit, loc cit, and contra* can be mentioned.
- –Ibid....*ibidem*...meaning ‘in the same place’
- Standing alone, it means the same **source**, same **page**
- Standing with pages, it means same source with indicated page.
- E.g. OSCOLA....Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268
- –Ibid.
- –Ibid. 268 (true for Chicago style as well)
- –Id....Same source, d/f page

- –***Supra***....above
 - Mention the author of the source first, then, write note number preceded by ***supra note***, and finally provide the page number.
 - E.g., Dejene G., *Supra* note 95, p.74!
 - –***Infra***....below
 - Mention the author of the source first, then, write note number preceded by ***infra note***, and finally provide the page number.
- E.g., Fransibekan Z., *Infra* note 95, p.74!

- **Op. cit, *loc cit*...**
- –Op. cit.... Abbrev. for "opere citato" meaning “in the work cited.”
- It is used to refer to a **previously** cited source in a work.
- It is falling into **disuse**.
- E.g., MacDonald *op. cit.*, p.620.
- –*loc cit....abbrev. For "loco citato,"* meaning "in the place cited.“
- Not commonly used.

P and PP

- –**P** for page;
- –**PP** for pages;
- p.45.
- pp. 43-46.
- E.g. E.g., Fransibekan Z., *supra* note 95, pp.74-81!
- –But there are still writers who use only **P** to refer to a single page or multiple pages.

The End!