

**The double degree experience:
a contribution to an integrated European Legal Education**
Dr. Audrey Guinchard (University of Essex)

Disclaimer. The opinions expressed here are mine and bear no reflection on the particular universities involved in running the double Maîtrise between Essex and Paris X. This paper also concentrates on the experience between England and France, although there are double degrees between Germany and France for example.

Double degrees provide students with a complete bijural education; they lead to the award of two qualifying law degrees after, for most of them, two years spent in England and two in France.

This experience offers a unique perspective on what could be an integrated European legal education, in terms of identification of the curriculum (Part I) and means to deliver the related outcomes (Part II).

Part I –Designing the curriculum

A – A lesser emphasis on knowledge

How to compress in four years what would otherwise take seven years? The answer is: what is fundamental, not fundamental but recommended, what constitutes mere background reading? It is understanding what are the essential learning outcomes and competences the student must acquire.

In English law, the selection of courses rests on the England and Wales Law Society's requirements of eight mandatory subjects for a qualifying law degree.

For French law, it is more complex when taught outside France, i.e. in England.

Material constraints influence the study of the French law over the four years. For lack of teachers, whatever has not been taught in England during the first two years will have to be part of the curriculum in France, thus an adapted third year and fourth year curriculum for most joint degrees.

Other constraints shape the course of French Law taught in England. The programme in France cannot be transposed without adaptation in England: there are too many courses (six instead of four yearly courses as in England). There are also less hours to teach the subjects. Thus, the curriculum for French Law *ex situ* (Essex) is designed with a comparatist's eye, to highlight the features characteristics of the French legal system, cutting to the core of the subjects; one has to think in terms of "concepts maps" to use Prof. Bell's expression.

Those dramatic cuts show there is more time and space to integrate a comparative law dimension.

This situation remains an exception. Would Bologna improve the situation? So far, the solution has been to copy and paste, with no in-depth reflection on what is legal education about.

B – A stronger emphasis on skills

Legal methodology is the only real difficulty encountered by students in the joint degrees. This shows how it is crucial to introduce students to different legal systems and their underlying methodologies, *from the beginning* of their law studies.

Therefore the question must be asked: can legal education continue to focus on the study of a single legal system? On the other hand, is the danger of such integrated education not harmonisation?

To balance those contradictory aspirations, two models are proposed: one develops a truly European legal curriculum at Bachelor level, the teaching of national laws postponed to Master level (Storme); the other model takes the opposite direction (Leuven and ELFA).

The double degree shows that the first approach is viable.

At Bachelor level:

1 –national curriculum can be lightened greatly and make space for comparative law without losing relevance

2 – there is a danger to mould a lawyer into a certain pattern of thinking they will depart with difficulty, if they are trained in only one legal methodology for three years.

At Master level, the two approaches proposed could co-exist. There is nothing wrong in wishing to specialise on one country legal subjects, or to the contrary to specialise in European and International legal subjects.

Part II – Delivering the curriculum

Potential sources of friction relate to assessment (A) and the learning environment (B).

A – The assessment

Some differences remain justifiable on their own right: for example, how the weighting of coursework.

Others may call for further considerations. Oral examinations in England follow a strict set of rules (similar questions of equal weight, and recording). In contrast, oral examinations in France do not follow any specific procedure. There is notably no recording, but how can a university record a minimum of 1000 to 1500 students taking two to four oral examinations per year if not more?

The logistic applied in England cannot be transposed to France. Yet, does it justify maintaining the French system as it is? On the other hand, can the English system be less formal (bureaucratic?) as the burden of organising oral examinations often deters lecturers from using this mode of assessment?

More problematic is the lack of any official or semi-official guidance to assessment and feedback in France. It would not matter so much if it did not affect the use of the marking scale, with French universities using only a very small portion of the scale, English universities nearly the whole range of the scale.

The solution is to understand how marks translate into learning outcomes and to establish the marking scale accordingly, *with no regards* to the proportions in numerical terms.

The ECTS system. One example suffices to understand the scale of the problem. English and French contract laws cover the same programme, taught during nearly 40 hours of lectures, and 10 hours of tutorials for England, 16 for France. Yet contract law represents 7,5 credits in France, half of the 15 credits in England.

And the difference spreads across the curriculum. It is so engrained that in Socrates-Erasmus exchanges, many English universities do not require 60 credits.

Thus, as long as each country continues to adapt ECTS to their practice rather than their practice to the ECTS system, ECTS will remain a relatively artificial comparative tool.

B – The learning environment

1 - Language

Double degrees do not question the current practice of teaching law in the language it originated from.

However, Leuven offers half of its Master courses in English; countries like Sweden, Denmark, Holland, the Baltic states, and Greece do so at Bachelor and Master levels; even a number of French universities have recently implemented courses in English, at least at Master level.

The reason: adopting a language that could help the exchange of ideas, of the knowledge of different legal systems within Europe.

In this context, could the language of teaching change? Double degrees remind us national languages are important. Yet, if we want to improve mobility and thus knowledge of different legal systems, we could offer more courses in a language that can be understood by most, at least at Master level, unless secondary education improves its teaching of languages other than English.

2 – The diversity of teaching method and related problems

First factor: the concept of law.

The French theoretical approach corresponds to law seen as embodying concepts and fundamental principles; whereas the more inductive reasoning of English law favours a discussion of cases and facts with little or no theoretical context.

Will this change? Unlikely but systems could learn from each other.

Second factor: higher education integrates itself with the primary and secondary education system

From early on, French education incorporates a lot of memorising and the reproduction of a specific model; the structure of written work follows a formal set of rules, - the famous “plan”-. The English education emphasizes more the debating skills, the art of arguing one’s point of view without a set of rules framing a written work.

Third factor: the number of students (Fr: 1800; UK: 180)

The source of the problem: selection (or lack of) of students at entry in higher education.

By choosing the fewer students, it is easier to tailor education to the students’ needs, notably for the acquisition of skills. Thus, if legal education in a converging Europe emphasises acquisition of skills, the question of selection may have to be asked: instead of opposing meritocracy and democracy, we could try to combine the two.

Fourth factor: funding of universities and higher education in general.

The pattern seems for Governments to cut back on resources rather than to maintain or increase their funding. But how will this trend fit with improving legal education in Europe, especially if we want to expand quality assurance across Europe?

3 – Quality assurance

The double degree draws attention to a striking difference in relation to quality assurance. In England, multiple tools insure that academic requirements are met: the use of an external examiner, the students' feedback in forms and survey, the yearly course reports, the yearly degree schemes reports, and the periodic reviews every five years.

A huge machinery which definitely costs time and money. France is nearly on the other end of the spectrum: no students' feedback on their lecturers and tutors, no account for students failing their degree, no yearly reports on each course nor on degree schemes.

Surely there could be a middle way between what sometimes feel a very bureaucratic practice in England and the very liberal approach of France?

Conclusion

The double degree demonstrates that a European legal education can have a lightened national curriculum that would emphasise skills and integrate a unique comparative law perspective in the courses, at Bachelor level, and not solely at Master level.

However, an integrated European legal education will need to be much stronger on what it wants to achieve as a minimum standard, what margin of appreciation it lets to national institutions in interpreting the standards and what control it might want to create to supervise the whole process. The debate will have to be on how harmonisation and diversity can co-exist within Europe.