<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Challenging Exchange Programs: Studying the Common Law and Civil Law Systems in a Joint Law Degree</th>
</tr>
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<tbody>
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<td><strong>Authors(s)</strong></td>
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<td><strong>Item record/more information</strong></td>
<td><a href="http://hdl.handle.net/10197/6442">http://hdl.handle.net/10197/6442</a></td>
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CHALLENGING EXCHANGE PROGRAMMES: STUDYING THE COMMON LAW AND CIVIL LAW SYSTEMS IN A JOINT LAW DEGREE

Marie-Luce Paris*

The demands of globalization have put greater pressure to internationalize the university law curriculum in order to prepare students as lawyers. This is particularly relevant in the context of the European Union. A particularly challenging type of programme regarded as a potentially useful tool to further the internationalization and integration of European higher education and to make the European Higher Education Area (EHEA) a reality is the joint degree. It is broadly defined as a degree awarded on the basis of completion of a study programme established and provided jointly by two or more higher education institutions, normally located in different countries.

This paper offers a case study on a particular joint law degree which involves the study of the two major legal systems of common law and civil law – namely the University College Dublin Bachelor of Civil Law/Maîtrise (Irish/English law and French law) Degree. While emphasis is put on the challenges and benefits of teaching and learning in such a degree, the experience is put into perspective with other exchange programmes involving French legal studies. Sustaining a whole range of exchange programmes in a law school prompts wider reflections on how to meet the paradoxical challenge of diversity and integration in the context of European legal education.

Keywords: curriculum design, diversity, double degree, dual degree, European Higher Education Area, French law, joint degree, legal education, legal terminology

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I am a citizen of the world, known to all and to all a stranger (Erasmus)

I. Introduction

Apart from foreign languages, most academic subjects be they economics, history, sociology, philosophy, chemistry, marketing, incorporate an international approach to the study of the subject. It is incumbent on tertiary academics to ensure that their teaching and scholarship are in contact with the best international studies in their field\(^1\). Even the study of law, which may be regarded as one of the most country-specific disciplines of all, should offer an international perspective. The demands of globalization have put greater pressure to internationalize the curriculum in order to prepare students as future lawyers in a transnational context. This is particularly relevant in the context of the European Union where Erasmus and other exchange programmes have been particularly successful in transforming the mind-set of participating students and staff towards legal studies and giving the law curriculum a European and comparative dimension. One particularly challenging type of programmes is the joint degree generally defined as a degree awarded on the basis of completion of a study programme established and provided jointly by two or more higher education institutions, normally located in different countries\(^1\). Joint degrees are regarded as a potentially useful tool to further the internationalization of European higher education and to make the European Higher Education Area (EHEA) a reality.

This article offers a case study on a particular joint law degree which involves the study of the two major legal systems of common law and civil law – namely the University College Dublin Bachelor of Civil Law/Maîtrise (Irish/English law and French law)\(^3\). Providing a legal education in two different legal systems, such degree is also referred as a dual or double degree\(^3\). The first part is general and deals with the relevance of joint degrees in legal education in the European context in view of recent developments within the EHEA and the European Judicial Area. The second part focuses on the challenges and benefits of teaching and learning in the degree with a focus on programme and curriculum design, as well as teaching methods. The experience of setting up and running the BCL/Maîtrise is put into perspective with two other existing exchange programmes, namely the Bachelor of Civil Law with French Law degree as well as French speaking Erasmus programmes. Sustaining a whole range of exchange programmes in a law school prompts wider reflections on how to meet the challenge of diversity in European legal education. Beforehand, preliminary observations on the object of study are presented.

II. Object of Study: The Bachelor of Civil Law/Maîtrise

The Bachelor of Civil Law/Maîtrise degree was put in place in 2005 and the first cohort of students will graduate in September 2009. It is a four-year full-time dual degree which offers students the opportunity to obtain qualifying law degrees recognised in three jurisdictions, namely an Irish Bachelor of Civil Law degree from University College Dublin (which is also recognised by the English professional legal bodies) and a primary French Law degree, the Maîtrise en droit (Master 1) from the Paris II Pantheon-Assas University. The exact French degree title is Double Master 1 en droit mention Droit comparé/Droit français et de Common Law. The Master 1 represents the fourth year of legal education in the LMD structure. LMD means Licence, Master and Doctorat and is the new 3/5/8 years structure put in place in French universities to comply with the Bologna process. Students in the degree spend the first two years at UCD School of Law studying for the BCL where they take the normal range of legal subjects offered in the programme; in addition, they take French Public Law and French Private Law subjects in first and second years respectively as a preparation for their studies in France. The final two years are spent in the Faculty of Law at Pantheon-Assas studying for the Maîtrise. The programme does not involve a simultaneous exchange of students between the two institutions and does not fall strictly speaking within the Erasmus framework. It is nevertheless a type of exchange programme as it involves a flow of students from one institution to the other between year two and three of the programme\(^5\). The award of the Irish law degree is conditional on the completion of the French law degree.
The BCL/Maîtrise has been preceded by the putting in place of another degree which allows for the study of French law. The Bachelor of Civil Law with French Law which is also a four-year full-time degree is designed to give students grounding in Irish law together with a general education in French law. It gives them a critical understanding of legal institutions in both Ireland and France along with the scope and application of legal rules and principles. The first and second stages include most of the core modules of the Bachelor of Civil Law programme, as well as subjects in French law. The third year focuses exclusively on French law and is spent at one of the French university partners (where students are Erasmus students). The final stage of the programme includes a range of options in Irish law, as well as two semester-long compulsory modules in French law. All these kinds of programmes – dual degrees and Law with French Law (or even Law with French language) degrees – have been in existence for quite some time in some other British and Irish universities.

Some aspects are common to both programmes in terms of teaching. While students follow the Irish law courses together with all the other students in the Bachelor of Civil Law, they are taught French law subjects in French by qualified French lawyers with the BCL/Maîtrise students. These are selective degrees and the maximum number of places is ten in the BCL Law with French Law and ten in the BCL/Maîtrise – for the latter, five students are selected via the CAO process9 and the five others by the French partner university10. Thus, students either have French or English as their mother tongue. The aim of both programmes is to broaden the law curriculum by exposing future common lawyers to civil Law (and vice versa in the case of the BCL/Maîtrise) and enabling them to acquire key competencies in another European legal system. The School of Law also offers a range of Erasmus programmes with a number of agreements with French speaking universities in France, Belgium and Switzerland as well as the possibility to study French as an elective in the standard BCL.

### III. Relevance of Joint Law Degrees: The European Context

Even though it did not influence directly the decision to set up the BCL/Maîtrise, a range of policy initiatives taken by the European Union institutions and other actors certainly created an encouraging, if not pressing, context. Three key aspects come out of the different commitments undertaken in this regard in which the strengthening of the European dimension in the sector of higher education is the pervasive objective11; first, the imperative to reach excellence in teaching and learning; secondly, the necessity, especially in terms of diversity of programmes offering, to learn languages; thirdly – and directly concerning law – the importance of learning about other legal systems.

**Targeting excellence**

First, targeting excellence is set out in general terms in the Lisbon Strategy (March 2000) which is Europe’s response to globalization. The European Union has committed itself to becoming by 2010 “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”12. Concerning education in particular, the ministers of Education agreed on shared objectives and, together with the European Commission, endorsed a ten-year work programme with the overall goal being that the European Union becomes a world leader in terms of quality of its education and training systems13. In this framework, three major goals are to be achieved for the benefit of the citizens and the European Union as a whole: (i) to improve the quality and effectiveness of European Union education and training systems, (ii) to ensure that they are accessible to all; (iii) and to open up education and training to the wider world. Concerning tertiary level institutions, the European Commission has also put the emphasis on the imperative of quality and excellence in higher education as an element of modernization and attractiveness that would enable universities to make their full contribution to the Lisbon Strategy14. More specifically, mobilising all Europe’s brain power and applying it in the economy and society will require much more diversity with respect to
target groups, teaching modes, entry and exit points, the mix of disciplines and competencies in curricula, etc.\textsuperscript{15}

These developments are in line with earlier European initiatives aimed at promoting greater cooperation and harmonization of programme frameworks in higher education. The Sorbonne Declaration (25 May 1998)\textsuperscript{16} first stressed the Universities’ central role in developing European cultural dimensions. Emphasizing the creation of a European Higher Education Area (EHEA) as a key way to improve external recognition of degrees and facilitate student mobility as well as employability, it encouraged the harmonization of the architecture of the European education system. As the other, and most well-known, intergovernmental initiative in this area, the Bologna Declaration (19 June 1999) saw the ministers of Education of twenty-nine European countries\textsuperscript{17} commit themselves to more specific objectives of primary relevance in order to establish the EHEA and promote the European system of higher education world-wide. The Declaration initiates the so-called Bologna process\textsuperscript{18}, which is designed to introduce a system of academic degrees that are easy to compare, to promote the mobility of students, teachers and researchers and to ensure quality in education; it is also designed to take into account the European dimension of higher education, particularly with regards to curricula developments, inter-institutional co-operation, mobility schemes and integrated programmes of study and training.

\textit{Learning languages}

Developing the European dimension in education is also achieved through the learning and dissemination of the languages of the Member States, as well as the promotion of cooperation between educational establishments\textsuperscript{19}. The ministers of Education expressed a specific commitment to that aim when they declared, also in the Sorbonne Declaration, that students should be encouraged to spend at least one semester in universities outside their own country and that they should have access to a diversity of programmes including, among others, development of a proficiency in languages. In a Europe which will always be multilingual, learning languages opens doors. For individuals, it can open the door to a better career, to the chance to live, study or work abroad. For companies, multilingual staff can open the door to European and global markets\textsuperscript{20}. The European Commission declared in its 2004-2006 Action Plan for \textit{Promoting language learning and linguistic diversity} that higher education institutions played a key role in promoting societal and individual multilingualism. All students should study abroad, preferably in a foreign language, for at least one term, and should gain an accepted language qualification as part of their degree course\textsuperscript{21}. The European dimension in studies has become an increasingly attractive option and course pairings such as a European language combined with business, economics or law have become more popular.

\textit{Learning about other legal systems}

Lastly, recent developments in the European Judicial Area with the introduction of the European arrest warrant, the development of family law and civil law in general at European level, as well as the principle of mutual recognition of judicial decisions, have made it necessary for legal practitioners (judges, prosecutors and lawyers) to develop mutual knowledge of the different judicial systems in order to establish genuine mutual trust. The European Union has been focusing on judicial training in specific areas, including the improvement of mutual knowledge of the judicial systems of the Member States and improvement of language training\textsuperscript{22}.

Legal academics and other actors in law schools widely acknowledge the need to develop the comparative dimension in legal studies, and comparative law is regarded as the challenge for legal education in Europe\textsuperscript{23}. According to the European Law Faculties Association (ELFA), ‘[w]ith the development of European law, including European private law, it is important that students throughout Europe develop a comparable understanding of methods of interpretation of statutes, of the content of other national laws and especially of the general principles of law on the European level’\textsuperscript{24}. Evidently, curricula in law schools must not be
restricted to the study of national law, and not even to national law combined with a certain seasoning of comparative law. Storme goes further when he asserts that law schools must offer 'a curriculum where the basic courses present the national law in the context of those legal ideas that are presenting the legislation of different nations, that is, against the background and the principles and institutions that the European nations have in common'\textsuperscript{25}. His perspective on the comparative dimension is interesting as for him "it has to be applied, not for the purpose of European unification, but for that of improving the national law" as ‘it is through the exploration of foreign systems of law in the EU that a country’s own rules can be improved and sharpened up\textsuperscript{26}. In this regard, there is a strong encouragement towards double degrees which give a comparative dimension to legal studies and could contribute to an integrated legal education in Europe\textsuperscript{27}. Studies on joint degrees show that their development is relevant to virtually all the goals of the Bologna process and will boost the development of joint quality assurance, recognition, and the transparency and convergence of higher education systems throughout Europe, as well as student and staff mobility, graduate employability, the European dimension of studies and the attractiveness of European education all around\textsuperscript{28}. The question whether it is to be promoted at undergraduate or postgraduate level remains open, although some authors argue that the master’s curriculum, rather than bachelor’s level, provides the ideal time for foreign language learning and joint programmes\textsuperscript{29}.

IV. Double Exposure: Challenges of a Joint Law Degree

The experience of coordinating the BCL/\textit{Maîtrise} has involved different kinds of challenges. The difficult tasks of administrative and practical nature, such as recruiting staff (French qualified lawyers and tutors) or dealing with fees and accommodation matters are left aside. Two types of issues will be concentrated on: first, typical pedagogical matters which concern programme and curriculum design, and secondly, more philosophical issues relating to the \textit{raison d'être} and sustainability of the degree programme.

\textbf{Programme and curriculum design}

First, concerning the programme, the choice was to set up a \textit{dual} degree leading to the award of two separate national qualifications in two different legal systems (even in three since the Irish law degree is recognized as a qualifying law degree in England and Wales) – one representing the common law system, the other the civil law system. This is one of the main attractions for the programme for students. While the degree will be recognized for its two components parts, the BCL and the \textit{Maîtrise}, specific issues had to be addressed regarding the BCL component, in particular the determination of degree classification and feasibility of a joint transcript displaying grades obtained in both degrees\textsuperscript{30}.

In terms of curriculum design, it is worth reminding that Irish universities enjoy academic freedom with regard to their course provision, course content and the design of their curricula. Even though quality control parameters seek to ensure the quality of what is being proposed, and whether there is a legitimate need for any proposed courses and curricula, no guidelines exist regarding a minimum common curriculum for tertiary level. Yet, a certain number of constraints have to be taken into account in the case of the BCL/\textit{Maîtrise}. These are threefold: (i) those relating to the choice of French law modules, (ii) those relating to the language element, (iii) and finally, those relating to teaching methods and legal methodology.

\textit{Courses selection}

The French law modules were carefully selected so as to offer an adequate balance with Irish law modules This is not only important in terms of workload\textsuperscript{31}, but also in terms of academic consistency. Concerning workload, French law topics are taught in addition to Irish law subjects – many of these being in fact imposed by the requirements of the Irish professional bodies (The Law Society of Ireland and The King’s Inns\textsuperscript{32}) in order to obtain a qualifying law degree. This has been problematic because students have to study in two years (instead of three in the case of the BCL programme), not only the core subjects required by the professional legal
bodies, but also the required subjects which will give them their basic grounding in French law to be able to catch up in year three in France. The situation is in fact more complex given the diversity of student’s profiles and career interests. Students from Northern Ireland, and who wish to practice there, need to abide by the requirements of the relevant body (The Institute of Legal Studies in Northern Ireland). French students, most of whom intend to practice in England, as well as in France, will need to fulfil the requirements of the Law Society of England and Wales. Complexity arises from the fact that the requirements can differ from one professional body to another, and can change over time. The danger in selecting courses is to cover too much as it is well acknowledged that ‘the greatest enemy of understanding is coverage’\(^a\). The preferred option has been to select modules for which students are offered the equivalent in Irish law, for instance, Constitutional Law in year one, and Law of Tort and Law of Contract in year two. This is not only important as a preparation for studying in France, it also allows – and this is the second point about academic consistency – for ‘correspondence’ with Irish Law. The kind of parallelism created in the curriculum allows the comparative dimension between the Irish and French legal systems to emerge. Students should be able to compare and contrast legal concepts, principles and rules of both systems hence reaching a rather high level of understanding in the topics taught\(^b\). It is acknowledged in the case of dual degrees that a good curriculum does not require the study of many topics for the students to succeed and acquire a legal education satisfying academic requirements\(^c\).

In other words, the objective is not to offer an extensive knowledge or a comparative law course, but rather to provide a ‘legal education centred on learning outcomes that reflect acquisition of competences’\(^d\). While certainly limiting the flexibility of course content, this functionalist approach to course selection is useful s to formulate and clarify curriculum design and objectives.

**The language element**

Another major constraint is obviously the language requirement. Students in the BCL/Maîtrise have to attain a certain level of written and oral legal French to be able to follow increasingly complex and demanding French law courses at UCD and at the French partner institution. The study of law is intrinsically linked to the language through which it is taught for it is true that learning about another legal system is a matter of becoming acquainted with the terminology that goes with it. Teaching and learning French law in the context of a common law degree requires the offering of a solid grounding in French legal terminology and methodology. It is not the object of the present paper to give a detailed account of this particular question, but the author’s experience of the degree represents a good example of how curriculum design is an evolving matter and how the teacher has to be able to identify students’ profiles and needs in this regard (particularly regarding the different levels of French at entry in the programme, levels of progress, as well as the fact that the class has students with either French or English as their mother tongue).

**Legal methodology**

Curriculum design also implies the issue of how to teach and learn the selected topics especially given cultural differences between common and civil lawyers. French lawyers and common/Irish lawyers adopt a fundamental different approach to the concept of law. Whereas the former adopt a more conceptual and abstract approach to legal problems, seeing law as a series of fundamental principles, the latter by contrast often proceeds on the basis of law as a means of settling disputes and providing remedies for certain cases\(^e\). This leads to considerable differences in the way the law is taught and learnt. The best example is the method of analyzing a case. This is a fundamental skill to acquire in a common law system based on judge-made law where decided cases are binding for the future according to the rule of precedents. In Irish Law schools (as in British Law schools), the teaching and learning method is a bottom up approach which consists in examining a certain amount of case law in order to determine how the rules and principles of law are applied to the facts of the case under scrutiny and see if these will give an acceptable solution in similar cases. On the contrary, the French legal system is characterized by a rigid, legalistic and rule-oriented approach to law and legal sources. It is a top down approach to the study of law which consists of learning about laws, rules and principles, in the first place, and apply
them to the legal issue at hand, in the second place. In other words, the study of Irish Law begins with the study of case law from which to derive principles, whereas the study of French Law starts with the learning of principles that can be applied to concrete situations.

The interesting finding coming out of the teaching experience is that students certainly benefit and appreciate being taught according to two different methods – either case-based (in the case of Irish law subjects) or rule-based (in the case of French law subjects) as this might suit various learning styles. Looking at theoretical underpinnings of curriculum design, our experience has led to reflection on different kinds of approaches in this regard – from a discipline-based approach in core French law subjects in the first years of study where the curriculum follows the structure of knowledge in the discipline, to what is referred to as a ‘socially critical approach’\(^3\), in which the curriculum is designed to develop a critical consciousness of society and its institutions – in our case, situating knowledge at the crossroads of two different cultural legal systems.

**Existential considerations**

Observations about programme and curriculum design necessarily prompt other considerations in the context of the other exchange programmes involving French legal studies. Two main questions are considered here: why was the dual degree put in place in the first place? What about the sustainability of a whole range of French law programmes in a law school?

*Raison d’être*

When the BCL/Maîtrise was put in place, two other exchange programmes allowing for the study of French law were already in existence – namely the BCL Law with French Law and a number of Erasmus exchange programmes with French partner institutions. The setting up of the dual degree was regarded as a natural development of already strong links with French partner universities and the presence of three full-time French qualified lawyers in the School (at the time). There was definitely a competitive advantage to develop such a degree allowing the School to come into line with the most prestigious British Law Schools (it is the only such dual degree in Ireland). Dual degrees attract the best qualified students interested by the possibility of practice in two different legal systems. There is undoubtedly a professional aim to the degree which is to produce doubly skilled lawyers.

About the academic aim of the degree, there is a paradox though. Studying two legal systems – in parallel during the first two years, and then focussing more intensively on French law in the last two years of the programme – is academically challenging. However, if the curriculum is heavy, it is also limited in scope as students must achieve in two years what others currently do in three. A certain number of further modules including a final year research project will be available in the newly proposed four year BCL degree structure. Aiming at more interdisciplinary learning, these won’t be available to dual degree students. This is quite paradoxical as these students are high achievers and would be perfectly suited for more academically challenging topics. It seems that the BCL/Maîtrise, like other dual degrees in other institutions, reflects this tension between the different aims of legal education – professional or academic\(^3\). The experience of the UCD dual law degree, even though limited to two jurisdictions and to a small number of selected students, has necessarily entailed a wider reflection on the nature of legal education\(^10\). The issue revolves around the delicate balance which has to be found between the outcomes or skilled-based approach to legal education and the content approach in order for this kind of degree to be meaningful, professionally and academically speaking.

*Sustainability*

Concerning the sustainability of the programme, one concern is the language requirement and the ability to recruit students with a sufficient level of French to follow the course. This problem has already been highlighted in the case of dual degrees between England and France\(^4\)\(^1\).  

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In our case, whereas French students have done rather well in understanding common law subjects through English, Irish students have generally struggled more in French law, not because of the law but because of the French. This observation has to be put into perspective and the fact is that Irish students are prepared for language learning; they indeed learn another language from a very young age and some of them are already totally bilingual in Irish-English when they get into the degree. This is an interesting element to take into account when reflecting on students’ ability to think and conceptualize in a foreign language 42.

Another sustainability issue concerns the long-term coexistence of a whole range of exchange programmes involving French legal studies. The range can be described as follows: the BCL with an Erasmus year spent at a French university could be branded as an Irish law degree + (the ‘plus’ being the study of a foreign legal system in situ); the BCL Law with French Law could be described as an Irish law degree ++ (involving four years of French law studies of which one year is spent studying only French law abroad); finally, the BCL/Maîtrise is a +++ degree with four years of French law studies, two of them intensively at the French partner institution. The legitimate question came up as to whether the BCL/Maîtrise was to replace the BCL Law with French Law as a more interesting opportunity for students and more prestigious degree for the institution. Various issues underline this concern including matters relating to resources, teaching staff, size of classes, teaching methods, diversity of subject offerings and discrepancies in curricula (between the BCL Law with French Law and the BCL/Maîtrise). However, we would argue that all three types of degrees must be maintained including the BCL Law with French. They form a coherent framework of programmes with valuable advantages, one of them being the choice they offer to students which addresses different levels of achievement (in terms of number of points for entry in the different programmes), different academic interests (in terms of the depth of learning French Law) as well as different career prospects (obtaining an Irish degree or a dual qualification). Besides, such undergraduate programmes, especially the less intense ones such as Erasmus or BCL Law with French Law, can provide an important incentive to pursue Masters Degrees in Comparative Law or even dual Masters Degrees.

V. Promoting Legal Diversity: Multifarious Benefits of Joint Law Degrees

The benefits gained from the existence of a dual degree can be considered from a triple point of view: from the student’s point of view, from the lecturer’s point of view and from the institution’s point of view.

First, from the student’s perspective, the advantages are threefold and relate to the teaching format, substance of the course and career prospects. Students certainly benefit from small group teaching, a format which allows all the support they need to learn in another language. Reflecting on this kind of teaching has led to a certain degree of innovation in teaching methods and more focus on learning. An overhaul of the French Law courses offered in the BCL/Maîtrise has led to the adoption of a seminar format of teaching to allow for more students’ preparation, participation and group work. In terms of the substance of the course and career prospects, a short data gathering aimed at students in the BCL/Maîtrise (as well as those in the BCL Law with French Law) has revealed their understanding of the academic as well as professional advantages of their bicultural legal education. Most of them have appreciated the comparative dimension of the course (academic perspective) which makes their degree different from others (professional perspective) 43. Although first year students admit that this is too early in their education to be considering in depth the differences between the two legal systems, second year students are more assertive. The findings show two types of responses: (1) students who acknowledge the ‘intellectual’ benefits of being taught two legal systems, (2) and students who identify the ‘career’ benefits. In the first category, students acknowledge that ‘the differences between the systems have enhanced [their] interest in certain areas of Irish law, e.g. Constitutional law’ or that they ‘can compare and evaluate Irish tort law with the more liberal notion of “delictual” responsibility in France (sic.)’. 
Some also say that it was useful for their understanding of European Union law. In the second category, students stress that ‘the ability to compare in Irish law exams and essays allow [them] to differentiate [themselves] from the majority of the class’. It will also, to a certain extent, offer them further alternative avenues in terms of employment. Studying in another language certainly diverts students from the other national-law based subjects, but in a positive way giving them a ‘change of scenery’. It also develops a sense of tolerance, getting them acquainted not only with different methods in teaching and learning, but also with different approaches about the content and development of their discipline. That is certainly an important aspect to take into consideration when preparing students for European and global citizenship in the changing world of higher education.

Secondly, from a lecturer’s perspective, the experience of the degree has encouraged a reflection in educational terms as a teaching practitioner as well as in discipline knowledge as a lawyer. In educational terms, connecting teaching, learning and research in the area of legal education has led to some exploration of the ‘transsystemic method’ which is a creative and challenging new approach to legal education put in place by the McGill University Faculty of Law in Canada. The curriculum proposed in the law degree ‘prepares students for careers that increasingly require knowledge of more than one legal system’ in. In this sense, it resembles what is offered in the BCL/Maîtrise. However, it is quite innovative in that it explores the common law and civil law systems in an integrated fashion, encouraging students from the very first year to compare and critically evaluate the two traditions. This area points the way to the expanding possibilities of teaching and learning in joint law degrees on a more global scale which is not limited to the European context.

On the other hand, the experience of the dual degree, coupled with the one of the BCL law with French Law, has reinforced the belief that students’ exchanges are crucial to the development of Law. The knowledge of other legal systems contributes to the coming closer of the different legal systems in Europe which, eventually, leads to the renewal of a sort of European jus commune. This European ‘common law’ is based on common reasoning and interpretative methods which will allow for innovative perspectives on common legal issues likely to arise in all the Member States of the European Union. This also is in line with a more general evolution of the teaching and practice of law which seeks to adopt a ‘global’ approach. Due to world-wide interactions between legal systems, the constitutive elements of domestic law cannot be envisaged and understood without knowledge of other legal systems and transnational solutions. It is a scientific issue about the quality of knowledge in law, but also an issue for the practice of law. Future lawyers must be prepared to practice on a world-wide scale and adapt to different contexts.

Lastly, from the institutional point of view, there is undeniably a competitive advantage for the UCD School of Law in student recruitment. Indeed, the commitments and measures taken at EU level have led to some fierce competition between European universities as far as the training of future lawyers – and hence future judges and prosecutors – is concerned. And when one observes that, in the United Kingdom which is the only other common law country in Europe, over half of law faculties provide courses or programmes in French Law in some form, it is quite clear that the promotion of civil law degrees in Irish universities is worthwhile. The positive aspect in the expansion of this kind of programmes is the fostering of exchanges between students and lecturers of the different institutions involved in the different countries. Aware of their role in this regard, European Universities have a general responsibility to encourage and facilitate exchanges between different legal cultures. It is also incumbent on individual lecturers involved in such degrees to develop research networks in this area.

VI. Conclusion

Today, ‘no European country can be isolated legally and judicially speaking’. In a European Union aiming at fully taking up the challenges of globalization, it is crucial to train a body of practitioners of which each member has at least a basic grounding in a legal system which is not his or
hers. There is therefore a pedagogical and professional responsibility to open the teaching of law to Europe and international perspectives, and not to concentrate on domestic law.

Although involving different challenges, especially in terms of programme and curriculum design as well as in terms of sustainability, the dual BCL/Maîtrise degree provides invaluable benefits academic and career wise. It seeks to offer to students a unique training addressing the specific demand arising out of the creation of a European legal culture, but also giving them an opportunity for a more global career at international level with the knowledge of both common law and civil law systems. Reflecting on the dual degree experience means dealing with intertwined issues involving the nature of legal education (vocational v. academic) as well as the development of European law itself (harmonization v. diversity/mobility).

Notes

1. An earlier version of this article was presented at the ELFA (European Law Faculties Association) Annual Conference on 28th February – 1st March 2008, Bucerius Law School, Hamburg, Germany. It is part of an on-going research which some findings were presented in other fora (All Ireland Society for Higher Education/AISHE conference on ‘Teaching and Learning in the Changing World of Higher Education’, NUI Maynooth, Ireland, 30th-31st August 2007; Second Annual Legal Education Symposium, University College Cork, Ireland, 7th December 2007).


4. Just to be sure: the Irish legal system is a common law system and operates in ways very similar to England and Wales’s, although there are still differences in certain subjects – Constitutional Law with the existence of a written Constitution, and Land Law are two obvious examples. The English common law has prevailed in Ireland despite the existence, at different times, of parallel legal systems (see Herron, P (2006) ‘Two Thousand Years of Legal Education in Ireland’ 3 Web Journal of Current Legal Issues at http://webjcli.ncl.ac.uk/2006/issue3/editorial3.html).

5. There is apparently no common definition in use today of a ‘joint degree’ which is in fact a generic term that may encompass several kinds of degrees issued in cooperation. Yet, joint degrees can be said to have all or some of the following characteristics: the programmes are developed and/or approved jointly by several institutions; the programmes meet the appropriate national quality standards; students from each participating institution physically take part in the study programme at other institutions; student’s stay at the participating institution constitutes a substantial part of the programme; periods of study and examinations passed at the partner institutions are recognized fully and automatically; the partner institutions work out the curriculum jointly and cooperate on admissions and examinations (in addition, staff at participating institutions could be encouraged to teach at other institutions contributing to the joint degree); often, there is a formal agreement between the institutions providing the different component of the degree; after completing the full programme, students either obtain the national degree of each participating institution or a degree (usually an unofficial ‘certificate’ or ‘diploma’) awarded jointly by the partner institutions (see Rauhvargers, A et al., op. cit., at 344). If each feature is considered in turn, the BCL/Maîtrise falls into the category of a joint degree.

6. In this regard, for administrative reasons, the agreement provides for the Erasmus framework to operate for one of the two years that students spend in the host university – that is the one which did not select them.


8. Trinity College Dublin and University College Cork are the two Irish universities where there is an integrated programme of French Law: in TCD, the Bachelor of Laws and French combine the study of Irish and French legal subjects as well as French language and culture; in UCC, the BCL (Law and French) degree includes elements of French civil law, legal writing (civil law), as well as French literature and language. Other universities offer a law degree with the possibility to study a language (for example, the University of Limerick with its Bachelor of Laws and French as an elective).

9. The Central Applications Office centrally processes applications to first year undergraduate courses in higher education institutions in the Republic of Ireland.

10. There are other requirements for entry in both degrees. First, the number of points required in the Leaving Certificate is higher than for the standard BCL – for example, compare 505 points for the BCL with 530 points for the BCL Law with French Law and 560 points for the BCL/Maîtrise (minimum CAO point 2007). Secondly, substantive entry requirements include Irish, English, three other recognised subjects, as well as a minimum grade B3 in French at the higher Leaving Certificate level.
Article 149 § 2 of the Treaty establishing the European Community states that Community action shall be aimed inter alia at developing the European dimension in education.

EU Bulletin 3-2000, I.5.5.


Ibid.

Only the Education ministers of France, Germany, Italy and the United Kingdom signed the Declaration.

Including Ireland, together with Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, France, Finland, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, the Swiss Confederation and the United Kingdom. Other countries have since joined the process, bringing the Parties involved to a total of 46.


See Article 149 § 1 and § 2 of the Treaty establishing the European Community.

See http://ec.europa.eu/education/policies/lang/languages_en.html


Storme, M (2001) ‘The consequences of European unification for legal education in the Member States’ 9(2) European Review 135-145 (at 138). This echoes Fauvarque-Cosson’s emphasis on the discipline of comparative law which is not only the study of foreign sources of law but should also undercover the law in action and deal with the principles and substance of each area of law (Fauvarque-Cosson, op. cit., at 4).

Storme, op. cit, at 143. On this point, Fauvarque-Cosson and Storme seem to diverge. While the latter insists on the further understanding of one’s own legal system, the former puts the emphasis on the emergence of a ‘common legal culture in Europe’ saying that the role of legal academics is to train European jurists and provide more tools for a truly European teaching of law (Fauvarque-Cosson, op. cit., at 9).


See Rauhvargers, A et al., op. cit., at 343.


On problems of recognition of joint degrees, see Rauhvargers, A et al., op. cit.

The number of ECTS is relevant in this regard: each year of the degree programme is limited to 60 ECTS which means a limited number of subjects – core and electives. In the BCL/Maîtrise, there are 60 programme credits with no electives; in the BCL Law with French Law, there are 50 programme credits and 10 elective credits.

The Law Society of Ireland is the educational, representative and regulatory body of the solicitor’s profession. The Honourable Society of King’s Inns comprises a School of Law whose primary focus is the training of Barristers-at-Law.

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See, for example, the hierarchy of verbs that may be used to form curriculum objectives proposed by Biggs. Verbs such as ‘compare’ and ‘contrast’ show the second highest level of involvement in the understanding of the topic taught (Biggs, J (2003) Teaching for Quality Learning at University, 2nd Edition, Buckingham: Society for Research in Higher Education and Open University Press, at 48).

Guinchard, op. cit., at 5.

Guinchard, op. cit., at 6.


Bell, J (2005) ‘Legal Education and Bologna: A British Perspective’ 2(2) European Journal of Legal Education 95-104. The Irish perspective, at least the approach of the UCD Law School, has always been very academic, hence distinguishing itself from, obviously, the vocational programmes offered in the professional legal bodies, as well as from law courses offered by a certain number of private colleges.
This is also an interesting factor to take into account considering the British experience of such degrees. The fact that the learning of modern foreign languages was made no compulsory in the selection of GCSE (General Certificate of Secondary Education) subjects in 2004 is certainly not a good sign towards the development of such bilingual degrees.

The data was collected from a student questionnaire (13th November 2007) asking for general feedback on the programme. One of the questions was to agree (or not) with the following statement: ‘The study of another legal system and foreign legal terminology (and language) has enhanced my legal education. If you agree, explain in what ways and give concrete examples’. The response rate was quite high at 75% (42 out of 56 students replied to the questionnaire).

The author was awarded the UCD Graduate Diploma in University Teaching and Learning in October 2008.


The Canadian legal system has its foundation in the British common law tradition inherited from being a part of the Commonwealth. However, for historical reasons, Quebec has a hybrid legal system, still retaining a civil law system for issues of private law. Because of this unique legal system, lawyers trained in either common law or civil law may not practice in Quebec without undergoing further training in one or the other legal system.


See Adamson, op. cit.

There are also competitive advantages for France from a cultural (dissemination of French Law and legal culture), economic (exportation of French lawyers, as capable as French doctors!) and, most of all, scientific point of view (necessity of a world wide diffusion of the civil law system in order to develop a genuine science of comparative law).

See Steiner, op. cit., at 363-365.


