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Editorial

At a recent Society of Legal Scholars (SLS) event, I was introduced by one member of the executive as 'the gossip queen'. Happily, it was my role in editing the constituency news that she had in mind, rather than any tendency to relay titbits of salacious news. It's a role that I have very much enjoyed, getting an early view of the many and varied activities going on in law schools up and down the country. Some reports, it is fair to say, need a little more editing than others (there are still some that are submitted in the form of long lists of events and projects that need to be shaped into a narrative...) and some need the occasional trim to ensure an equitable distribution of column inches. And on behalf of the constituency representatives responsible for submitting the reports, may I encourage all members to let them know what is going on, so that each report reflects as full a picture of the activities of every law school as possible? As this is my last issue as editor of *The Reporter*, I want to make life as easy as possible for my successor.

However long or short the reports submitted, what comes across most strongly from them when viewed as a whole is the sense of a vibrant and active research community. Networks, research projects and co-authorship stretch across different institutions and sometimes jurisdictions. Individuals move around the globe to share their work at fora from informal staff seminars to major conferences. Students, too, play their part, not just as passive recipients of their tutors' research findings but as active participants, creating their own journals and opportunities for the dissemination of ideas.

It feels all the more important to highlight this in the wake of the REF and the concomitant slew of league tables and rankings. This is not to decry the REF process and the efforts that went into it on all sides. Indeed, the SLS recently had an excellent feedback session from Professor Gillian Douglas, the chair of the law sub-panel, who offered an insight into the processes undertaken, helpful guidance as to

how submissions could have been improved, and reassurance on the way in which the quality of the work, rather than the place or format of publication, had been key. The questions that followed were courteous, occasionally a little anxious, but all informed by a genuine desire to understand the process better rather than to score points or to convey veiled complaints. There was a sense, in fact, of the shared interests of the community of legal scholars.

And it is that sense of community that we need to hold on to, both within our own Law Schools and across the sector as a whole, whatever the challenges that we have to face in the years ahead.

Rebecca Probert
Editor

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Eleven speakers presented papers on the theme of the future regulation of work at a conference held on the first day of the seminar series at the University of Strathclyde. The event, which was attended by a wide range of participants from academia, the judiciary and legal practice, was very positively received. On the second day of the series, the presenters took part in a closed workshop at the University of Stirling where their papers were discussed in more detail with a view to their publication in an edited collection (D. Brodie, N. Busby & R. Zahn (eds), *The Future Regulation of Work: New Concepts, New Paradigms*) forthcoming in Palgrave Macmillan's Socio-Legal Studies Series. The workshop proved to be very

useful in identifying common themes and providing more detailed feedback on individual papers which will assist greatly in ensuring cohesion in the final manuscript.

As well as providing all of those involved with a wonderful opportunity to discuss and develop the forthcoming edited collection, the event contributed significantly to the formation of an exciting new network of scholars from around the world and will undoubtedly lead to further collaborative projects.

*Professor Douglas Brodie, University of Stirling
Professor Nicole Busby, University of Strathclyde
Dr Rebecca Zahn, University of Stirling*

THE BOLOGNA PROCESS AND LL.M PROGRAMMES

For some years now I have been involved with law postgraduate programmes, generally LL.M programmes, in Germany (University of Bremen) and in the UK (Universities of Manchester and Liverpool). My involvement had both a teaching and an administrative perspective. During this time, on several occasions I have been confronted by questions from partner institutions abroad and internal reviews about how these LL.M programmes fitted into the Bologna process. The answers were not always clear, and here I would like to explore what they might actually be. I should say at the start that these are my own views, rather than those of the SLS, but I hope readers will find them of interest.

The Bologna process

The initial aims of the Bologna process (Bologna Declaration 1999) include: (i) adopting a system of easily readable and comparable degrees across Europe; (ii) implementing a system based essentially on two main cycles (bachelor's and master's degrees); (iii) establishing a system of credits (such as the European credit transfer and accumulation system — ECTS); (iv) supporting the mobility of students, teachers, researchers and administrative staff; (v) promoting European cooperation in quality assurance; and (vi) promoting the European dimension in higher education (in terms of curricular development).

Later, other communiqués introduced other aspects, namely: (i) the recognition of degrees and periods of studies; (ii) the doctoral level as the third cycle; (iii) a social dimension and removal

of obstacles to mobility; and (iv) lifelong learning and employability (European Commission 2010).

Despite the vague wording of these documents, their ambitious character was obvious, and related to achieving excellence, competitiveness and mobility in the European higher education sector (Garben 2010a). These developments have led to the establishment of a European Higher Education Area, already the subject of academic studies as a discrete theme (for example, Garben 2010b; Moutsios 2013; Vögtle & Martens 2014).

Where does the UK stand in this context?

A first observation in relation to the position of the UK in the context of the Bologna process is that one needs to distinguish very clearly between, on the one hand, England, Wales and Northern Ireland (UK3), and, on the other hand, Scotland, as the Scottish higher education system presents very different characteristics, particularly in relation to law. Regarding UK3, the second most important observation is that these countries already had a three-cycle structure before the Bologna Declaration, law studies in UK3 being generally structured in line with a three-year bachelor's, one-year master's, and a three- or four-year PhD.

A third aspect worth noting is that there is still no single higher education model in UK3: there is plenty of flexibility and institutional autonomy, different models are experimented with by higher education institutions, and it is left to the 'education market' to decide which programmes are attractive or not. This fits the spirit of de-regulation

and is so despite the legal profession's minimum requirements in relation to bachelor's degrees wishing to be considered as a 'qualifying law degree'. Fourth, there is in UK3 a general trend to make the education sector just another market/business sector, using as a pretext the economic crisis(es) and the need for government cuts. This trend, which is not yet so marked in most other European countries, has occurred despite the education sector's inherent differences from other sectors and the opposition from students' and academics' unions.

Fifth, and directly related to the Bologna process, the ECTS has not been fully implemented, even if credits can easily be converted and institutions can provide a Diploma Supplement (a certificate describing content, nature and credit of studies). Sixth, UK3 higher education institutions place considerable importance on monitoring the enrolment and performance of minority groups, low-income groups, etc., and develop efforts towards widening participation, a trend still insufficiently developed in higher education institutions across the rest of Europe (Holford 2014). Seventh, one can observe in UK3 efforts concerning mobility, especially for students (in the form of optional periods abroad and compulsory periods abroad within language/cultural studies degrees). Yet, Erasmus exchanges appear to be less popular in the UK than in any other European country — the UK having the lowest proportion of outbound Erasmus students out of the total number of graduates of the same year (European Commission 2012: 36). Finally, there is no standard or uniform procedure for recognising diplomas and previous learning originating from other European countries. Indeed, UK3 higher education institutions have much more freedom in relation to the recognition of diplomas and previous learning than is the case in most other European countries, but generally adopt a flexible, non-formalistic approach by using the 'equivalent experience' notion.

From these observations, one can easily conclude that UK3 higher education institutions have kept themselves largely immune from any meaningful influence of the Bologna process. This may be, to some extent, because some aspects of the Bologna Declaration were already characteristic of degrees offered by these institutions, such as the three-cycle structure. The non-legally binding character of the Bologna process might also have contributed to a lack of urgency in introducing any significant change. Nonetheless, I would argue that this deliberate immunity, and even alienation, from the Bologna process is a sign of a much broader sense of difference and independence in relation to the other European higher education systems and institutions, a stronger sense of affinity with other English-speaking and Commonwealth countries, and a wish to nurture that affinity and prioritise those links over any European integration agenda.

What about LLM programmes in particular?

It is worth focusing on what these general observations mean for LLM programmes in particular, and whether one can detect any peculiarities. As in other countries providing LLM programmes in English, UK3 LLM programmes constitute a significant funding source, as most students are 'overseas' (non-EU) students, thus paying very high fees (usually around £13,000–£15,000). Moreover, the fact that UK3 LLM programmes are practically always delivered in English and have a good reputation allows for strong marketing of these programmes to students worldwide. Also, LLM programmes in UK3 usually only last for one or one and a half academic years, not two academic years as in so many other European countries; this definitely constitutes another marketing advantage, so UK3 universities are not interested in increasing the length of these programmes. The relevance of the 'overseas market' is compounded by the low percentage of undergraduate students in UK3 progressing to postgraduate studies in general (Eurydice network 2012: 39). In relation to LLM programmes, this low percentage is arguably related to the fact that LLM programmes in UK3 do not constitute a professional requirement, whilst in many other European countries the completion of a master's programme is a requirement for entrance into the legal profession (Garben 2010b: 208).

A quick overview of LLM programmes in UK3 reveals a great variety of formats, teaching methods, research components, scope of specialisation, ratios between compulsory/optional modules, aims (vocational, academic), etc. Such a diverse offer of programmes, however, seems simply aimed at developing healthy university budgets, rather than promoting broader academic aims or implementing the Bologna principles. This seems to be reinforced by the apparent lack of appetite in most institutions for LLM-level Erasmus student exchanges (undoubtedly connected to these programmes' financial relevance mentioned above), as well as difficulties in establishing cross-border initiatives such as joint master's degrees (Sin 2013). In fact, the Bologna process and the European integration agenda remains far from administrators' minds and that will probably continue to be the case in the light of a strong sense of market values in the UK3 higher education sector, and of wide Euro-scepticism across UK society and the media.

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CONSTITUENCY NEWS

At **Bangor Law School**, Dr Hayley Roberts has been appointed Lecturer in Law (Coleg Cymraeg Cenedlaethol). Hayley has established two new LL.M Programmes in Maritime Law and Law of the Sea. Dr Yvonne McDermott Rees was appointed Academic Fellow of the Inner Temple in 2014.

The Law School also hosted a major Procurement Week Conference from 16th–20th March 2015.

The School of Law at **Queen's University Belfast** is delighted to welcome Professors Thérèse Murphy and Dagmar Schiek. Professor Murphy moved to Queen's from Nottingham. Her work focuses on human rights law and practice, and she is particularly interested in questions concerning health and human rights. Together with Professor Noel Whitty (Nottingham), she also writes about criminology and human rights. Professor Schiek is a holder of the Chair in European Law and a Jean Monnet *ad personam* Chair. She moved to Queen's from Leeds, where she was the Director of the Centre of European Law and Legal Studies. Professor Schiek's current research focuses on multilevel governance of the EU and the global impact of its unique socio-economic model. She is currently leading two research projects. The first, funded by the European Parliament, focuses on EU social and labour rights under EU internal market law. The second relates to Professor Schiek's Jean Monnet *ad personam* Chair and it concentrates on economic and social integration in the EU.

Dr Bruce Wardhaugh has left Queen's to take up a Senior Lectureship at the University of Manchester. The School of Law congratulates him on his promotion and would like to thank him for his contribution.

Professor Jean Allain is part of a four-person team which has recently been awarded a £1.5 million research grant from the Arts & Humanities Research Council, under their 'Care for the Future' scheme. The five-year grant is intended to bring to the fore the usable past of the anti-slavery movement, translating it into an effective tool to deal with contemporary cases of human exploitation, including: trafficking, slavery and forced labour. Along with Professor Allain, the investigators on the project are Professors Kevin Bales (Hull), John Oldfield (Hull) and Zoe Trodd (Nottingham).

Professor Norma Dawson has been awarded a Leverhulme Major Research Fellowship 2014 (the value of £88,013) for a project in cultural property law: 'Treasure: dream, metaphor and legal instrument'. Professor Dawson will be on research leave for 2015–17.

Major publications by members of the School include a collection of essays entitled *Moral Rhetoric and the Criminalisation of Squatting: Vulnerable Demons?*, co-edited by Dr Robin Hickey, together with Professors Fox O'Mahony (Essex) and David O'Mahony (Essex), published with Routledge in October 2014. The volume critically considers the criminalisation of squatting from a range of different theoretical, policy and practice perspectives. Professor Pete Shirlow and Dr Claire Dwyer together with Dr Paul Nolan, Dr Dominic Bryan, Dr Katy Hayward and Dr Katy Radford co-authored a report, 'The flag dispute: Anatomy of a protest', published in December 2014. The underlying research project was funded by the Department of Foreign Affairs and Trade and the Community Relations Council. In January 2015 Professor Brice Dickson, together with Mr Brian Gormally, the