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To cite this article: Cameron Giles & Yue Ang (2025) What qualifies a law degree: surveying elective module provision in undergraduate legal education across England, Wales and Northern Ireland in 2023–2024, *The Law Teacher*, 59:1, 2–21, DOI: [10.1080/03069400.2024.2433327](https://doi.org/10.1080/03069400.2024.2433327)

To link to this article: <https://doi.org/10.1080/03069400.2024.2433327>



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Published online: 22 Jan 2025.



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What qualifies a law degree: surveying elective module provision in undergraduate legal education across England, Wales and Northern Ireland in 2023–2024

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ABSTRACT

This paper explores the contemporary elective module provision in undergraduate English law degrees. The demise of the qualifying law degree as a requirement to pursue qualification as a solicitor in England and Wales means that providers of undergraduate English law degrees now have increasing flexibility over the structure and content of courses. This paper reviews elective modules offered at providers in England, Wales and Northern Ireland in the academic year 2023–2024 and finds that while there is increasing diversity among elective provision when compared to historic provision, there is also a degree of standardisation among degree providers. It discusses the significance of this standardisation in the post-qualifying law degree world and develops seven themes based on current elective provision to highlight the broader trends in elective provision. It then concludes by arguing that the legacy of the qualifying law degree is clearly influencing the new normal and suggests several questions which this raises for undergraduate legal education going forward.

ARTICLE HISTORY Received 11 June 2024; Accepted 20 November 2024

KEYWORDS Legal education; undergraduate law degrees; Solicitors Qualifying Examination (SQE); law school

Introduction

The role of the law degree, offered by the University Law School, in England and Wales is increasingly subject to critique, often through the lens of “value”.¹ In the context of the broader higher education (HE) funding crisis in England and Wales, the purpose and practicalities of undergraduate education, in particular, within the University Law School face significant pressures, which have already shaped both the physical and symbolic law school.² This article examines these issues within an area of increasing complexity: the undergraduate legal curriculum. It explores the provision of elective

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¹Alex Nicholson, “The Value of a Law Degree” (2020) 54 *The Law Teacher* 194.

²Jessica Guth, Fiona Cownie and Emma Jones, “Experiencing English Law Schools: The Student Perspective” (2021) 2 *Amicus Curiae* 390.

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modules at institutions across England, Wales and Northern Ireland and argues that the current provision demonstrates both the significance of the traditional law curriculum to the modern law degree and the comparative diversity of legal education when compared with historical examples.

Degree design, modularisation and disciplinary cores

The 2023 Quality Assurance Agency for Higher Education (QAA) Benchmark Statement for Law emphasises that legal education involves “not only being aware of existing law, but also developing an expansive and critical understanding, identifying potential gaps and discussing its future potential”.³ The benchmark does not identify specific areas of current law or legal knowledge, although it does highlight that the study of law can connect with broader social, historical and political issues.⁴ However, to date, law degrees have – at least since 1971 – demonstrated a strong “prescription of subjects” in the form of the foundation of legal knowledge (FLK) areas,⁵ as part of the requirements of the qualifying law degree (QLD).

The QLD requirements did not necessarily compel all aspects of the design of undergraduate law degrees; however, the FLK requirements – as they operated until more recent years – did demonstrate a degree of prescription not seen in many other disciplines. As Morris discusses:

... in the areas of law and accountancy not only was the content of many modules prescribed, the form of assessment and minimum pass grades were also influenced by ... external bodies[, such as the legal professional bodies].⁶

As such, it might be suggested that although law was not immune to the wave of modularisation seen in the latter half of the twentieth century, the effects of modularisation were somewhat different from other disciplines. Modularisation within higher education was promoted on the basis of increased student choice, in the context of a marketised higher education landscape,⁷ and standardisation among institutions.⁸ Those benefits were often positioned against a sense of “short-termism”,⁹ as well as inflexibility,¹⁰ when considering curriculum design choices. Furthermore, in their 1995 article, Harris and Tribe suggest that increasing modularisation at that time raised concerns both due to the increased assessment load accompanying it at law schools and due to the workload pressures placed on staff.¹¹ Nevertheless, the foundations of legal knowledge areas and

³Quality Assurance Agency, “Subject Benchmark Statement: Law” (QAA 2023) para 2.1 <www.qaa.ac.uk/docs/qaa/sbs/sbs-law-23.pdf?sfvrsn=c271a881_6> accessed 23 April 2024.

⁴ibid para 1.8.

⁵James Hand and Claire Sparrow, “Crumbling, Creeping or Enduring – The Foundations of Legal Knowledge at a Time of Training Reform” (2015) 104 *Amicus Curiae* 10, 10.

⁶Huw Morris, “The Origins, Forms and Effects of Modularisation and Semesterisation in Ten UK-Based Business Schools” (2000) 54 *Higher Education Quarterly* 239, 248.

⁷On which, see generally, Matt O’Leary and Vanessa Cui, *Developing Excellence in Teaching and Learning in Higher Education through Observation* (Routledge 2023) 17.

⁸Wayne Turnbull, Diana Burton and Pat Mullins, “Strategic Repositioning of Institutional Frameworks’: Balancing Competing Demands within the Modular UK Higher Education Environment” (2008) 14 *Quality in Higher Education* 15, 16–17.

⁹Carole Leathwood and Barbara Read, “Short-Term, Short-Changed? A Temporal Perspective on the Implications of Academic Casualisation for Teaching in Higher Education” (2022) 27 *Teaching in Higher Education* 756, 759.

¹⁰Turnbull, Burton and Mullins (n 8) 16–17.

¹¹Phil Harris and Diana Tribe, “The Impact of Modularisation and Semesterisation on the Assessment of Undergraduate Law Students” (1995) 29 *The Law Teacher* 279.

the requirements of the QLD in terms of content maintained a minimum level of standardisation between students and between institutions while these were maintained.

The Legal Education and Training Review in 2013 challenged, but did not outright denounce, the FLK subject areas.¹² Since 2013, the decision of the Solicitors Regulation Authority (SRA) to remove the requirement for students to have completed a QLD, or a conversion course,¹³ in order to qualify as a solicitor through the introduction of the Solicitors Qualifying Examination (SQE) has altered the broader context of legal higher education in England and Wales. Bowyer suggests that the SRA, through these developments, “has ceased to participate in the regulation of legal education as *learning*, and focused instead on administering their own exams assessing *outcomes*”.¹⁴

Although the demise of the QLD removes strict requirements on the content of law degrees, the content of the SQE and the capacity for law degrees to act as preparatory courses – covering the new *functioning* legal knowledge areas and aligned with the SQE – mean that professional qualification may continue to exercise some influence over curricula:

A degree divided into modules of 20 credits providing 18 modules to be taught over the three years of a degree could allow for creativity. The flavour of the current law degree model with the QLD subjects now becoming those of functioning legal knowledge (with EU law being taught within Public Law) and with the space vacated by EU law being filled by a Business Law module, could be retained. That then potentially leaves room for optional modules which could be the opportunity to introduce both the practice elements of the new functioning legal knowledge assessment areas, as well as abstractions of liberal legal education which some commentators and legal educationalists value so highly.¹⁵

The capacity for creativity in the design of undergraduate legal curricula presents an opportunity for law schools to offer distinctive courses, whether they “move their law degrees away from their current professional accreditation focus” or choose to align with the SQE.¹⁶ However, there are also barriers to this opportunity. For instance, as Thornton points out, “[m]ost law schools specify a minimum enrolment [on a module], although management of a school’s scarce resources always poses a dilemma”, which has the capacity to limit more specialist and/or critical subject areas.¹⁷ While flexibility over degree structure means that even where institutions aim to cover similar areas of knowledge, the manner in which they go about this no longer reflects the prescriptive approach of the past: this remains subject to the overall limits of a three-year programme and individual institutions’ course structures.

Internationalisation and marketisation

Wallace highlights that the QAA Law Benchmark Statement takes an “extremely unusual” approach in allowing law degrees to focus exclusively on the law of England and

¹²Jessica Guth and Chris Ashford, “The Legal Education and Training Review: Regulating Socio-Legal and Liberal Legal Education?” (2014) 48 *The Law Teacher* 5, 8.

¹³On which, see John Koo, “Non-Law Graduates: An Uncommon Route to Qualification?” (2020) 54 *The Law Teacher* 222.

¹⁴Richard Bowyer, “Regulatory Threats to the Law Degree: The Solicitors Qualifying Examination and the Purpose of Law Schools” (2019) 30 *Law and Critique* 117, 118 (emphasis in original).

¹⁵Ben Waters, “The Solicitors Qualification Examination: Something for All? Some Challenges Facing Law Schools in England and Wales” (2018) 52 *The Law Teacher* 519, 526.

¹⁶Mark Davies, “Changes to the Training of English and Welsh Lawyers: Implications for the Future of University Law Schools” (2018) 52 *The Law Teacher* 100, 101.

¹⁷Margaret Thornton, *Privatising the Public University: The Case of Law* (Routledge 2012) 68.

Wales, in contrast to other disciplines where benchmark statements “specifically insist that the curriculum stretch beyond one country or state”.¹⁸ Writing in 2009, Bosch highlighted that there have been only limited attempts at law degrees which explicitly aimed to provide dual qualification in England and Wales and another jurisdiction.¹⁹ However, this has not prevented law schools from pursuing internationalisation at a modular level, with a significant emphasis on delivery of internationally focused subjects within the elective curriculum.²⁰

Incorporating an international focus into the legal curriculum can be seen as one way in which law schools have sought to respond to a perceived desirability of “internationalised law graduates” in the UK legal sector,²¹ as well as the appeal of an international outlook to students recruited from other jurisdictions. Since Brexit, the definition of an international student has expanded to include EU citizens who, without settled status, are also classified as international students.²² At the same time EU law’s role in the curriculum has been questioned.²³ O’Brien notes that “law schools wishing to continue to attract international students from EU Member States risk a competitive disadvantage if the EU law component is downgraded or removed from the degree”,²⁴ while the English LLB’s role as the “mother of all law degrees in the common law world”²⁵ and as a pathway to qualification in other jurisdictions also places limitations on the capacity of law schools to innovate while maintaining international recognition.²⁶

The historic composition of law degrees

The historic composition of undergraduate legal education in England and Wales is comparatively easy to explore thanks to the range of data available through surveys carried out by those such as Wilson,²⁷ Wilson and Marsh,²⁸ Harris and Jones²⁹ and Harris

¹⁸Chloë Wallace, “Beyond the Jurisdiction: Law Schools, the LLB and ‘Global’ Education” in Rachel Dunn, Paul Maharg and Victoria Roper (eds), *What Is Legal Education For: Reassessing the Purposes of Early Twenty-First Century Learning and Law Schools* (1st edn, Routledge 2022) 64–65.

¹⁹Grete S Bosch, “The ‘Internationalisation’ of Law Degrees and Enhancement of Graduate Employability: European Dual Qualification Degrees in Law” (2009) 43 *The Law Teacher* 284.

²⁰Jessica Guth and Tamara Hervey, “Threats to Internationalised Legal Education in the Twenty-First Century UK” (2018) 52 *The Law Teacher* 350, 351–52.

²¹Antonios E Platsas and David Marrani, “On the Evolving and Dynamic Nature of UK Legal Education” in Christophe Jamin and William van Caenegem (eds), *The Internationalisation of Legal Education* (Springer International Publishing 2016) 304.

²²Department for Education, “Studying in the UK: Guidance for EU Students” (22 March 2022) <www.gov.uk/guidance/studying-in-the-uk-guidance-for-eu-students> accessed 27 August 2024.

²³John Cotter and Elaine Dewhurst, “Lessons from Roman Law: EU Law in England and Wales after Brexit” (2019) 53 *The Law Teacher* 173.

²⁴Charlotte O’Brien, “Bringing EU Law Back Down to Earth” (2022) 18 *International Journal of Law in Context* 450, 451.

²⁵Chris Gallavin and Richard Scragg, “The Value of an LLB: Comparative Perspectives between New Zealand and England and Wales” (2006) 4 *Journal of Commonwealth Law and Legal Education* 123, 123.

²⁶Wallace (n 18) 66.

²⁷JF Wilson, *A Survey of Legal Education in the United Kingdom* (Society of Public Teachers of Law; Butterworth & Co 1966); John Wilson, “A Third Survey of University Legal Education in the United Kingdom” (1993) 13 *Legal Studies* 143.

²⁸JF Wilson and SB Marsh, *A Second Survey of Legal Education in the United Kingdom* (Butterworth 1975); JF Wilson and SB Marsh, *A Second Survey of Legal Education in the United Kingdom: Supplement No. 1* (Institute for Advanced Legal Studies 1978); JF Wilson and SB Marsh, *A Second Survey of Legal Education in the United Kingdom: Supplement No. 2* (Institute for Advanced Legal Studies 1981).

²⁹Phil Harris and Martin Jones, “A Survey of Law Schools in the United Kingdom, 1996” (1997) 31 *The Law Teacher* 38.

and Beinart.³⁰ Early examples of such data indicated that undergraduate provision was “fairly uniform” in structure,³¹ with the overwhelming majority of providers including the same core subjects in 1966,³² and continuing to do so across the latter half of the twentieth century.³³ Greater variation and development can be seen in the context of elective module provision. In 1966, Wilson notes 13 subjects offered on an elective basis (although subjects were typically compulsory at a minimum of one of the institutions surveyed).³⁴ In 1975, seven subjects were added to this list,³⁵ to be joined by a further nine in the data published in 1993.³⁶ Notably, all but one of the subjects which appeared in 1993 but not in 1975 were only available as elective modules.³⁷ This historic data also highlights the differences in the broader context in which degree design decisions are taken. In 1963, the average number of students to staff sat at 15.1 to 1, varying from 8.5 to 25.0.³⁸ In contrast, research has highlighted “increased and unmanageable workloads” and “bureaucratic demands on law teachers” in recent years,³⁹ and, in 2023, only seven of 105 institutions had a ratio at or below this average.⁴⁰

More recent work on degree composition has been undertaken in 2021–2022 by Rasiah, whose PhD thesis explores FLK provision, dissertations, clinical legal education and practice orientated teaching, as well as the role of technology in teaching, looking at both the core and elective provision.⁴¹ Rasiah’s data, while more focused and narrow than the earlier surveys between 1966 and 2004, highlights that only a limited number of institutions had begun to permit students to elect *not* to study the FLK subjects,⁴² suggesting that, as of 2021–2022, the comparative standardisation of degrees has persisted despite the demise of the QLD. However, it also demonstrates the significant role given to clinical legal education, with 50 elective and 16 core modules identified within the curriculum.⁴³ Although prospective legal employers demonstrate a “multiplicity of views” about clinical legal experience, students discuss it being of “great value” in the context of securing legal employment.⁴⁴ It is therefore notable that clinic remains within the elective curriculum for most, perhaps reflecting the logistical challenges surrounding clinic provision.⁴⁵

³⁰Phil Harris and Sarah Beinart, “A Survey of Law Schools in the United Kingdom, 2004” (2005) 39 *The Law Teacher* 299.

³¹Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom* (n 28) 243.

³²Wilson, *A Survey of Legal Education in the United Kingdom* (n 27) 44.

³³Wilson, “A Third Survey of University Legal Education in the United Kingdom” (n 27) 168.

³⁴Wilson, *A Survey of Legal Education in the United Kingdom* (n 27) 45.

³⁵Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom* (n 28) 281.

³⁶Wilson, “A Third Survey of University Legal Education in the United Kingdom” (n 27) 168.

³⁷“Civil Liberties” being the outlier, offered at 16 and optional at 14 providers. See *ibid* 168.

³⁸Wilson, *A Survey of Legal Education in the United Kingdom* (n 27) 27.

³⁹Rachael Field, Caroline Strevens and Colin James, “Investigating Whether Law Schools in the UK and Australia Are Workplaces That Support the Wellbeing of Law Teachers” in Abraham P Francis and Margaret Anne Carter (eds), *Mental Health and Higher Education in Australia* (Springer 2022) 72.

⁴⁰See <www.theguardian.com/education/ng-interactive/2022/sep/24/best-uk-universities-for-law-league-table> accessed 27 August 2024.

⁴¹Samantha Rasiah, “A Stakeholder Analysis of the Purpose, Content and Currency of LLB Degrees in England and Wales in Relation to Transferable Skills for Employment” (PhD thesis, Northumbria University 2022) 128–50.

⁴²*ibid* 130.

⁴³*ibid* 137.

⁴⁴Jill Alexander and Carol Boothby, “Stakeholder Perceptions of Clinical Legal Education within an Employability Context” (2018) 25(3) *International Journal of Clinical Legal Education* 53, 81–82.

⁴⁵Jeff Giddings and Jacqueline Weinberg, “Experiential Legal Education: Stepping Back to See the Future” in Catrina Denvir (ed), *Modernizing Legal Education* (1st edn, Cambridge University Press 2020) 51, discussing this point in an Australian context.

Methodology

We obtained information on the structure of LLB degrees at all higher education institutions in England, Wales and Northern Ireland via institutions' webpages. While the information available varies,⁴⁶ information on degree content is generally available on law schools' external sites.⁴⁷ Only one institution, Manchester Metropolitan University, did not have information on elective module provision readily accessible on its website. As observed in prior research, we found that institutions frequently caveated information on degree structure and content – particularly in respect of elective module provision – with the disclaimer that specific modules may not be offered in a given year.⁴⁸

Where available, we collected course specification documents, as these gave a definitive picture of the modules which existed as part of validated programmes, although frequently these documents were not published. Where these documents were not available, we took information on course structures from suitable pages on the institution's website. While information from websites may not give a complete picture and, due to the recruitment function of website materials, may give a rose-tinted picture of course content, as website content is "largely determined either by the law school or at least by some arm of the institution and as such reflects local priorities",⁴⁹ it provides a clear indication of how the institution is positioning itself and some indication of the information students (and potential students) are utilising when making university choices.

In keeping with earlier surveys on the provision of undergraduate legal education,⁵⁰ we made the decision to distinguish Scottish providers from those in England and Wales and in Northern Ireland. In earlier research, Scottish universities were distinguished on the basis that legal education in Scotland was distinctive due to the civil nature of the Scottish legal system, while the four-year nature of Scottish undergraduate degrees, generally, made their structure distinct from all but a few LLBs elsewhere in the UK.⁵¹ While several Scottish providers have subsequently, for some time,⁵² offered degrees which satisfied the academic requirements to qualify in England and Wales; all bar one of these providers offer such courses on a four-year basis, alongside four-year Scots law degrees.⁵³ In contrast, the providers in Northern Ireland run three-year courses which qualify their graduates in both jurisdictions.⁵⁴ Given that the provision of modules at Scottish providers is inherently affected by the concurrent provision of Scots law degrees, the situation in Scotland, including an examination of the role of LLBs in English law by Scottish providers in light of changing academic

⁴⁶Graeme Broadbent and Pamela Sellman, "Images of Law and Legal Education: Law School Websites and the Provision of Information" (2013) 4 *European Journal of Law and Technology* <<https://ejlt.org/index.php/ejlt/article/view/180>> accessed 13 April 2023.

⁴⁷Graeme Broadbent and Pamela Sellman, "Great Expectations? Law Schools, Websites and 'the Student Experience'" (2013) 47 *The Law Teacher* 44, 55–56.

⁴⁸Broadbent and Sellman (n 47) fn 56.

⁴⁹Broadbent and Sellman (n 46).

⁵⁰See, for example, Wilson, *A Survey of Legal Education in the United Kingdom* (n 27).

⁵¹Wilson, "A Third Survey of University Legal Education in the United Kingdom" (n 27) 144–45.

⁵²Harris and Jones (n 29) 48.

⁵³Dundee offers both a four-year degree which qualifies graduates in both jurisdictions and a three-year LLB which qualifies graduates in England and Wales.

⁵⁴Harris and Jones (n 29) 46.

requirements for qualification in England and Wales, warrants greater detailed examination than we would be able to give it here.

At the time of Wilson's first survey of legal education in 1966, there were 18 university providers of legal education in England and Wales, and a further one in Northern Ireland.⁵⁵ By 1978, the total number in England and Wales had grown to 27, joined by 22 polytechnic providers.⁵⁶ Harris and Beinart identified 92 institutions offering qualifying law degrees in their 2004 study.⁵⁷ Using Higher Education Statistics Agency (HESA) data and information on institutional webpages,⁵⁸ we identified 108 university providers of undergraduate legal education in England and Wales, and a further two in Northern Ireland. These were institutions where students could complete the entirety of an undergraduate law degree, including a small number of institutions where degrees were delivered in partnership with, or awarded by, another provider.⁵⁹

In this work, we focused on the provision of elective modules in what we identified as the provider's main undergraduate law degree. At all but five providers this was given the name of LLB Law or similar. Oxford and Cambridge continued to maintain their established use of BA for undergraduate law degrees,⁶⁰ while three providers gave their main LLB a longer title.⁶¹ We did not include the range of option modules which were offered only on specialised pathways within broader degrees or modules only available to students on joint honours programmes.

We did, however, note where specialist LLBs or LLBs "with" other academic subjects were available. Wilson and Marsh discuss the difficulties in establishing where "the dividing line should be drawn between the 'law' degree and the 'mixed' degree" in their 1975 survey – particularly given that some degrees in the latter category would enable entry to the legal professions.⁶² Of the mixed degrees Wilson and Marsh identified in 1975, where a specific subject area was identified as part of the non-law composition of the degree, the most common subjects were politics (6), sociology (4) and economics (3).⁶³ In the 1981 data, a growing number of providers of so-called mixed degrees offered a growing number of potential combinations including foreign languages as well as the traditional politics and social science combinations.⁶⁴

The social sciences continue to feature heavily among the named mixed degrees we identified, with criminology (44), politics (18), international relations (6) and sociology (2) making up a large proportion of these courses. Law with business (19) and accounting (5) along with specialist business law LLBs (9) now make up a proportion of joint honours, with economics (1) now being less common. Marketing (1), literature (1), media (1), forensic psychology (1), computing (1) and American studies (1) joint honours were each offered at a single institution within this data. A number of other specialist

⁵⁵As well as four Scottish providers. Wilson, *A Survey of Legal Education in the United Kingdom* (n 27) 10.

⁵⁶Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom: Supplement No. 1* (n 28) 5–9.

⁵⁷Harris and Beinart (n 30) 304.

⁵⁸See <www.hesa.ac.uk/data-and-analysis/students/table-1> accessed 30 March 2023.

⁵⁹The LLBs at Regent College, delivered in partnership with St Mary's, Twickenham, and at the Bloomsbury Institute, awarded by Wrexham Glyndwr, fall into this category.

⁶⁰Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom* (n 28) 244.

⁶¹"LLB Law and Legal Practice" at both the University of Wales Trinity Saint David and the Bloomsbury Institute and "Law with professional experience LLB" at Kingston University.

⁶²Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom* (n 28) 258.

⁶³*ibid* 259.

⁶⁴Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom: Supplement No. 2* (n 28) 13.

pathways could also be seen, including 29 exploring the law of another jurisdiction, alongside which could be seen LLBs naming a specialism in international law (14), criminal law (12), human rights (6), criminal justice and human rights (1), commercial law (3) and social justice (1), with modern languages (16) remaining common joint honours courses. Law with psychology (4), history (3), philosophy (2) politics and philosophy (2) showcase a range of courses combining law with a traditional academic subject, while law and environmental sustainability (2) and technology (2) potentially suggest developing areas of joint specialism being developed within the undergraduate market. Finally, law and legal practice (12) and law and international law and legal practice (1) show how law schools are positioning their degrees within the employability landscape currently seen within HE.

Approach to analysis

Given the data collected in this project was taken directly from the language used by institutions, we adopted an inductive approach to thematic analysis.⁶⁵ Initial coding involved coding each module within each course specification with a verbatim code matching its title. Focusing on module titles, alone, rather than drawing on other information was done due to the varying and often limited information publicly available through institutional websites and concern that utilising this information where it was available could excessively shape the themes we developed. After initial coding, we went through and attempted to rationalise the data by merging initial codes with synonymous titles, eg “The Law of Evidence” and “Evidence Law”, as well as beginning to identify connections between similar titles, eg “Marriage, Cohabitation and the Law” and “Family Law: Adult Relationships” and grouping these together.

For the purposes of this paper, we adopted a three-tiered approach as we developed our analysis of the data. Codes representing a general area (eg “Environmental, Climate Change and Sustainability Law”) are, where appropriate, broken down into sub-codes (eg “International Environmental Law”).⁶⁶ These maintain the verbatim title of at least one module within that code/sub-code and are set out in [Table 1](#), below. We then used the codes to develop themes based on our overarching analysis of the curriculums being considered.

We developed the codes and themes discussed below reflexively and inductively. Our approach was bottom-up and we did not dual code modules. However, several codes exist within one theme but also have a broader influence on the development of our seven themes. This potentially reflects that some broader trends – such as the socio-legal influence on the *changing times* theme – do not necessarily constitute a subject area or skill which is packaged into a single module,⁶⁷ and that, consequently, these are often a secondary aspect of a module’s title. We would suggest that many individual modules will demonstrate aspects of several of these themes, which have been developed to enable discussion and reflection on the legal curriculum, broadly.

⁶⁵Virginia Braun and Victoria Clarke, “Using Thematic Analysis in Psychology” (2006) 3 *Qualitative Research in Psychology* 77, 83.

⁶⁶A further level of coding, which we titled micro-codes, underpins some of the sub-codes we developed. However, this was inconsistent across the data and goes into more detail than necessary for present purposes.

⁶⁷Guth and Ashford (n 12) 10.

Table 1. Codes and sub-codes.

Code (number of modules)	Including sub-codes (number of modules)
The Economic Approach to Law (411)	<i>Employment Law (92); Company Law (77); Commercial Law (61); Competition Law (27); Commercial and Consumer Protection Law (25); Taxation Law (18); Business Law & Practice (14); Banking and Finance Law (12); Labour Law (10); Company and Business Organisations Law (10); Finance Law (9); Corporate Finance and Acquisitions (6); Financial Services Law (5); Insurance Law (4); Law and Economics (4); Corporate Governance & Ethics (4); Commercial and Consumer Law (3); Fashion Law (2); Law, Commerce and Finance (2); Sale of Goods and Consumer Law (2); Commercial Restitution (2); Corporate Law (2); Commercial Property Law (2); Conflict of Laws in a Commercial Context (2); The Law of Unjust Enrichment (2); Professional Negligence (1); The Law of Chancery (1); Construction Law (1); Industrial Law (1); Small Venture and Social Enterprise Law (1); Issues in Commercial and Corporate Law (1); Company and Commercial Law (1); Corporate Sustainability (1); Principles of Enterprise Law (1); Business and Human Rights Law (1); Commercial Awareness and Risk (1); Consumer and Agency Law (1)</i>
International and Comparative Law (235)	<i>Public International Law (38); International Law (29); International Trade Law (19); International Criminal Law and Justice (14); United States Law (10); Comparative Law (10); Foundations of Canadian Law (9); Comparative Public Law (9); Maritime Law (8); Introduction to Comparative and International Criminal Law (8); Private International Law (7); English and International Commercial Law (5); International, Environmental and Space Law (4); Conflict of Laws (3); International Economic Law (3); International and Comparative Human Rights Law (3); French Law (3); Global Intellectual Property Law and Policy (2); International Law and Global Challenges (2); Foundations of International Law (2); International Law and the Global Economy (2); Chinese Legal System (2); International Law in Current Affairs (2); Anti-Corruption Law and Practice (1); Global Law and Governance (1); Globalisation and Law (1); Aviation Law (1); Negotiating Complexity: Resolving Inter-State Disputes Outside of the Courtroom (1); International Economic Disputes (1); National Liberation Imperialism and International Law (1); Public International Economic Law (1); Selected Issues in Public International Law (1); International Law and Socio-Economic Development (1); Law in a Global Context (1); Current Issues in International Law (1); Advanced Comparative Administrative Law (1); International and European Economic Law (1); International Competition Law (1); International Commercial Insurance Law (1); International Investment Protection Law (1); Public International Law in Current Affairs (1); Critical Law and Practice of International Business Transactions (1); International Investment and Arbitration (1); International Criminal and Human Rights Law (1); Contemporary Issues in International Law & Globalisation (1); International Sports Law (1); International Family Law (1); International Child Law (1); International Humanitarian & Criminal Law (1); International and Comparative Intellectual Property Law (1); Legal Systems of the World (1); Law and Society in South Asia (1); Law and Society in Africa (1); Law and Justice in Contemporary China (1); Comparative Equality Law (1); German Law (1); Law in Asia (1); Russian Legal System (1); Comparative Law and International Justice (1)</i>
Entertainment, Media & IP Law (146)	<i>The Law of Intellectual Property (80); Entertainment and Media Law (29); Media and Sports Law (26); Data Protection Law and Policy (5); Art and Cultural Heritage Law (3); Regulation of Leisure Industries (1); Law for Journalists (1)</i>
Law Of Evidence And Practice (146)	<i>Criminal Advocacy, Evidence and Litigation (45); Evidence Law (45); Alternative Dispute Resolution (41); Civil Litigation, Drafting & Advocacy (12); Class Actions and Collective Redress (1); Civil & Criminal Litigation (1)</i>

(Continued)

Table 1. (Continued).

Code (number of modules)	Including sub-codes (number of modules)
Criminal Justice and Punishment (136)	<i>Penology and Criminology (39); Criminal Law and Practice (31); Criminal Justice System: Law, Policy and Practice (27); Sentencing and Punishment (14); Policing (10); Youth Justice (8); Restorative Justice (2); Crime, Law and Society (2); Community Safety (1); Human Rights and Criminal Justice (1)</i>
Family and Child Law (132)	<i>Family Law (73); Child Law and Policy (14); Family Law: Adult Relations (8); Family Law: Parents & Children (5); Family Law and Practice (4); Family Law Children, Parents and the State (3); The Law of Family Relationships (2); Family Law and Family Justice (2); Education Law (1); Caring and the Law (1); The Older Client (1); Family in Society (1); Marriage, Cohabitation and the Law (1); Law and the Family (1); Modern Challenges for English Family Law (1); Family and the Law: Relationships and Children (1); Family and Welfare Law (1); Family Law, Policy and Practice (1)</i>
Professional Learning Through Work (120)	<i>The Practice of Law in a Clinical Environment (52); Community Legal Education (17); Placement and Pro Bono (17); Work Based Learning (10); Practical Placement Preparation (WBL) (8); Law in Practice (Simulated) (2) Legal Education: Theory and Practice (1); Law Review (1); Miscarriages of Justice: The Cardiff Innocence Project (1); Access to Justice and Welfare Rights Advice Placements (1); Public Interest Litigation Lab (1); Careers and Placement Module (1); Law with Legal Placement: Placement Module (1); Cultural Heritage and Digitisation Lab (1); Business Project for Lawyers (1); Law & Governance in Practice: Work Placement Module (1); Industry Projects (1); Work-Based Action Research (1); Student Lawyer Module (1)</i>
Human Rights & Equality (115) Health and Wellbeing Law (97) Law and Legal Research (85)	<i>Human Rights and Civil Liberties (113); Diversity, Equality and the Law (1) Medicine and the Law (85); Mental Health Law and Policy (1) Dissertation (58); Legal Research Project (15); Exploring Legal Boundaries (1); Developing Independent Learning (1); Research Methods and Project (1); Social Science Research Methods (1); Legal Research Methods (1); Law and Criminology Dissertation (1); Extended Essay (1); Dramatised Dissertation (1); Dissertation Enterprise Project (1)</i>
Law, Science and Technology Studies (81)	<i>Cyber Law and Data Protection (14); Technology, Criminal Justice and Human Rights (13); AI Disruptive Technologies and the Law (12); Internet Law (10); Law and New Technologies (7); Law of Digital Economy (5); Legal Technology (5); Digital Lawyering (3); Law, Technology and Society (3); Commercial Law in a Digital World (3); Digital Law Project (2)</i>
Environmental, Climate Change and Sustainability (78)	<i>Environmental Law, Sustainability and Justice (42); Animal Law (10); International Environmental Law (10); Climate Change and Law (9); Law and Development (2); International Energy Law (1)</i>
Political and Legal Theory (72)	<i>Jurisprudence and Legal Theory (38); Philosophy of Law (18); Law and Emotion (2); Law and Political Theory (2); Moral and Political Philosophy (2); Modern Political Theory (2); Law and Postcolonial Theory (1); Law, Knowledge, Power (1); Legal Design (1); Law, Space and Power (1); Law and Ethics (1); Political and Legal Anthropology (1)</i>
Legal Practice, Ethics and Regulation (56)	<i>Law in Action (8); Professional Conduct and Ethics (7); Law in Practice (7); SQE Preparation (6); Legal Ethics and Professional Responsibility (3); Client Practice (2); Contemporary Issues in the Legal Profession (2); Legal Professional Practice (2); Legal Innovation and Entrepreneurship (1); Legal Ethics and Justice (1); Law in Practice International (1); Law as a Business (1); Law, Community & the City (1); Lawyers, Ethics and Organisation (1); Foundations in Legal Practice (1); Court Practice (1); Civil Law on the High Street (1); Preparing for Court (1); Lawyering in Practice (1); Principles of Professional Conduct, Public & Administrative Law, Legal System of England and Wales (1); CILEX [(Chartered Institute of Legal Executives)] Level 6 Practice (1); CILEX Client Care Skills (1); Introduction to Professional Practice (1); Solicitors Professional Practice (1); Solicitor Ethics and Conduct (1); Transformative Lawyering (1)</i>

(Continued)

Table 1. (Continued).

Code (number of modules)	Including sub-codes (number of modules)
Legal Skills (51)	<i>Mooting and Advocacy (25); Practical Legal Skills (18); Academic Writing for Legal Studies (3)</i>
World in Crisis? (43)	<i>Wars and Humanitarian Crises (18); Counter-Terrorism, Security and the Law (13); International Law, Peace, Conflict and Security (7); Secrecy, National Security and the Law (3); State of Emergency: Social Science and the COVID-19 pandemic (1)</i>
Race, Gender, Sexuality and the Law (43)	<i>Gender, Sexuality and Law (26); Race, Gender and Crime (4); Law, Race and Colonialism (4); Ethnic Minorities and the Law (2); Law, Multiculturalism and Rights (2); Issues in the Legal History of Race (2); Aboriginal Law (1); Race, Religion and Law (1)</i>
Refugee and Migration Law (41)	<i>Immigration Law (27); Welfare and Immigration Law (2); British Immigration, Nationality and Citizenship Law (2); Nationality, International Migration and Refugee Law (2); Refugee Rights (2); Forced Migration and Refugee Law (1); Migration Law and Policy (1); Critical Perspectives on Forced Migration (1); European Borders & Security Law (1)</i>
Law and Society (37)	<i>Law and Social Justice (12); Law and Contemporary Social Issues (10); Law and Resistance (3); Law, Society and Culture (2); Sociology of Law (1); Social Problems, Social Divisions, Social Justice (1); Social Theory of Law (1); Lawyers in Society (1)</i>
Roman Law and Legal History (34)	<i>Roman Law (7); Legal History (6); Law and History (3); History of English Law (2); Global Commodities Law (History of International Law) (1); The Creation of the Common Law: Power, Society, and Legal Change in England c. 1000–1250 (1); Crime, Law and Social Change: Crime and Criminal Justice in Historical Perspective (1); Law, Modernity and the Holocaust (1); European Legal History (1); Law, History and Political Violence (1); Historical Development of the Common Law (1); Punishment and Society in England and Wales 1718–1948 (1); Historical Foundations of the British Constitution (1); History of Law and the State (1); Justice Law and History (1); Origins of English Law (1); Social Control: A Legal History (1); Topics in European Legal History (1); Welsh Legal History (1)</i>
Trusts, Wills and the Administration of Trusts and Estates (34)	<i>Wills & Estates (24); The Law and the Dead (4); Trusts Law (3); Equity, Commerce and Society (1); Debates in Charity Law (1)</i>
Property Law and Practice (33)	<i>Housing Law (10); Property Law and Conveyancing (5); Real Estate Law and Practice (3); Personal Property Law (2); Property Practice (2); Special Project: A Practical Perspective on Commercial Property Development (1); People, Culture and Property (1); Land, Property and Environment (1); Property Law with Interviewing (1)</i>
Advanced EU Law (31)	<i>EU Single Market Law (3); European Law and Retained EU Law (2); EU Law and the Global Legal Order (1); Movement of Products and People into and within the EU (1); Contemporary Issues in EU Constitutional Law (1); The UK and the European Union (1); European Union Law: Free Movement (1); European Union Law in Context (1); European Law: Contemporary Legal Issues (1)</i>
Law, Politics and Power (27)	<i>Politics & Law (12); The Law in Wales (4); Public Law in Context: Past, Present and Future (4); Law and the Welfare State (2); Law and State Power (1); Public Interest Litigation (1); Democracy and Justice (1); The Practice of Public Law Northern Ireland (1)</i>
Law and Culture (20)	<i>Law and Literature and Film (17); Preserving Cultural Heritage (1); The Art of Law (1)</i>
Law and Religion (17)	<i>Islamic Law (10); Religion, Crime and Law (1)</i>
Advanced Criminal Law (15)	<i>Advanced Criminal Law and Practice (2); Advanced Criminal Law and Justice (1)</i>
Advanced Equity & Trusts (11)	<i>Further Issues in Equity (1); Law of Trusts (1); Equity (1)</i>
Advanced Torts Law (10)	

(Continued)

Table 1. (Continued).

Code (number of modules)	Including sub-codes (number of modules)
Employability (10)	<i>Employability Skills for Professionals (2); Enhancing your Employability through Work Based Learning (2); Successful Freelancing (1); Product, Intellectual Property and Entrepreneurship (1); Career Development for Final Year Students (1); Employability Skills Analysis Development and Planning (1); Legal Career Enhancement and Employability Skills (1)</i>
Advanced Property Law (9)	<i>Advanced Property Law and Practice (2)</i>
Advanced Land Law (8)	
Politics, Development and Society (7)	<i>Youth in Society: Power, Politics & Participation (1); Modern Democracies (1); Why Politics Matters (1); International Relations Theory (1); International Security (1); America in the World: The History of US Foreign Relations (1)</i>
Leadership & Management (8)	<i>Enterprise and Entrepreneurship with Lean Innovation (1); Innovation Management (1); Change Leadership (1); Mentoring and Coaching for Leadership (1); Human Resource Management (1); Management in Context (1); Management Accounting (1)</i>
Advanced Administrative Law and Justice (6)	
Psychology and Law (4)	<i>The Psychology of Legal Practice (1); Legal Psychology (1); Law & Psychology (1)</i>
Advanced Law of Contract (4)	<i>Advanced Contract Law in Practice (2)</i>
Advanced Public Law (4)	<i>Advanced Constitutional Law (1)</i>
Language (3)	<i>Intermediate German (1)</i>
The Media and Identity (2)	<i>Creative Artists in the Entertainment Industry: Issues, Problems and Solutions (1)</i>
Principles of Economics (2)	<i>Regional Economic Integration (1)</i>
Advanced Obligations (2)	
Working in Education and Children's Services (1)	
Introduction to International Business (1)	
Introduction to Cognitive and Biological Psychology (1)	
Introduction to Social and Developmental Psychology (1)	
Financial Accounting (1)	
Creativity for Business (1)	
International Business Diplomacy (1)	
Forensic Science and the Legal Process (1)	
Law and Business (1)	
Law and Pharmacology (1)	

Findings

Discussion

We developed seven themes reflecting the current composition of the elective provision within English law degrees. Before we discuss these themes, it is also worth noting that we observe that, in Bowyer's words, "[t]he striking thing about most undergraduate law programmes in England is how similar many of them are".⁶⁸ Even though we did not explicitly examine the core provision, which as Rasiah's work highlights still demonstrates some alignment with the foundation of legal knowledge subjects at most institutions,⁶⁹ we found that many subjects were consistently offered across a large number of providers.

⁶⁸Bowyer (n 14) 120.

⁶⁹Rasiah (n 41) 425–31.

Traditional optionality

One of the earliest observations we noted during our analysis was the dominance of subjects which were familiar based on earlier literature, in particular the surveys of the twentieth and early twenty-first centuries, discussed above. We developed this theme from the codes which matched subjects recorded in Wilson's 1966 survey,⁷⁰ incorporating the codes: The Economic Approach to Law; Law of Evidence and Practice; Criminal Justice and Punishment; Family and Child Law; Political and Legal Theory, Trusts, Wills and the Administration of Estates; Roman Law and Legal History; and Property Law and Practice.

Several of the codes within this category are connected with the core curriculum, in both a contemporary and a historic context. In particular, the Political and Legal Theory code, which incorporates jurisprudence, and Roman Law and Legal History, reflect the waning standing of these subjects, which have moved from the core curriculum at the time of Wilson's first survey, to the contemporary elective curriculum.⁷¹ Given Cotter and Dewhurst's concern that "the teaching of Roman law tended to lose its significance where it was treated as a historical subject and not one of practical legal utility",⁷² it is notable that Roman Law can be seen grouped with Legal History in some instances. Similarly, given the extent to which detractors of jurisprudence within the curriculum "bemoan its abstraction and doubt its utility",⁷³ the decline of legal theory as a compulsory subject might be a particular concern when considering the narrow approach to legal reasoning employed with the SQE.⁷⁴

The other codes within this theme all demonstrate connections to the functioning legal knowledge areas of the SQE or the traditional foundation of legal knowledge areas (and, in several instances, both), with the exception of Family and Child Law. Although subjects, such as Trusts, Wills and the Administration of Estates, and modules, such as Professional Negligence, could be seen as an advanced extension of the core modules, a theme discussed below, we would suggest that the scope of these codes is often more specific and goes beyond a more detailed examination of the core subjects: seen, for example, in Criminal Justice and Punishment which includes the law on sentencing, traditionally outside the scope of substantive criminal law, and Law of Evidence and Practice, which includes modules exploring alternative forms of dispute resolution. However, despite these differences, as with the advanced core theme, the provision of these subjects is likely to be shaped by the practical limitations on resourcing a range of elective provisions, with these subjects forming part of the "conventional curricular orientation" which Thornton argues is likely to be prioritised by institutions when determining staff workload due to their established and broad appeal to students.⁷⁵

Law in a globalised world

This theme was developed from the following codes: International and Comparative Law; Human Rights and Equality; Environmental, Climate Change and Sustainability

⁷⁰Wilson, *A Survey of Legal Education in the United Kingdom* (n 27) 45.

⁷¹In the context of jurisprudence, Harris and Beinart noted in 2004 that half of law schools did not mandate the subject. See Harris and Beinart (n 30) 365.

⁷²Cotter and Dewhurst (n 23) 181.

⁷³Seow Hon Tan, "Teaching Legal Ideals through Jurisprudence" (2009) 43 *The Law Teacher* 14, 14.

⁷⁴Luke Mason, "SQEezing the Jurisprudence out of the SRA's Super Exam: The SQE's Bleak Legal Realism and the Rejection of Law's Multimodal Truth" (2018) 52 *The Law Teacher* 409.

⁷⁵Thornton (n 17) 68.

Law; World in Crisis?; Refugee and Migration Law; and Law, Politics and Power. The rationale within this grouping was to capture public and private international interests affecting states, organisations both public and private, and individuals. Law in the globalised world encompasses cross-border activities and interactions between public and private bodies which may affect their interests. As the world becomes more globalised in relation to the scale of migration, business, conflicts and disputes, the cross-border effects of these activities are increasingly complex and specialised. The study of law becomes either international in looking at state relations and international organisations such as the United Nations (UN), the World Trade Organization (WTO), the World Bank (WB), etc, or quasi-comparative by exploring the law of another jurisdiction, whether explicitly through comparison with the law of England and Wales or implicitly through contrast with other modules addressing the same topic elsewhere within the curriculum.

In the latter situation, modules such as the Chinese Legal System, United States Law, and the Foundations of Canadian Law may prompt students to consider comparable perspectives in English law. While the delivery of comparative law modules has been described as “neither a priority nor a requirement” of English LLBs,⁷⁶ these modules may sit alongside extracurricular opportunities as a way of “[i]nternationalising the [a]ppeal” of degree programmes,⁷⁷ particularly where they can be offered as part of the many programmes which are recognised by legal professional bodies in other jurisdictions.⁷⁸ As noted above, although the data discussed here was only captured from “main” law degrees, we identified 29 degrees specialising in law with the study of law of another jurisdiction. Maintaining sufficient content within such degrees to justify this “badge” may be challenging, particularly for law schools not actively positioning themselves in the global market,⁷⁹ and these modules may reflect an attempt by some providers to maintain provision of international specialisations.⁸⁰

Law in the globalised world covers contemporary matters and issues affecting states, international organisations and private individuals which include citizens, communities, businesses and corporations. The study of law in context gives a thorough understanding of the contemporary matters and giving the academic room in search for the legal solutions or legal relief afforded to parties to the dispute and/or victims. We noted three ways to categorise the modules under the umbrella of law in the globalised world: public international and comparative law, private international and comparative law, and the category that blends issues of both private and public international and comparative law.

Public international and comparative law includes the study of state interrelations in the form of treaties such as public international law, international law and the global economy, international law and socio-economic development; international organisations and state obligations towards private individuals such as nationality, human rights and civil liberties, law and state power, politics and law, democracy and justice. And the interstate relations in times of conflict and migration, such as international criminal law and human rights, wars and humanitarian crises, welfare, and migration, forced

⁷⁶Platsas and Marrani (n 21) 305.

⁷⁷Margaret Thornton and Lucinda Shannon, “Selling the Dream: Law School Branding and the Illusion of Choice” (2013) 23 *Legal Education Review* 249, 265–66.

⁷⁸On which, see Wallace (n 18) 66–67.

⁷⁹Guth and Hervey (n 20) 366.

⁸⁰We are grateful to comments from an anonymous reviewer which prompted this point.

migration and refugee law. These modules explore the balances of power between public bodies such as states and international organisations against private individuals such as peoples, communities and private organisations such as multinational corporations.

Private international and comparative law includes the study of cross-border interactions in terms of commerce, trade, transportation, travel and infrastructure between private individuals and organisations. Private International Law, Aviation Laws, Conflicts of Laws, International Commercial Law, International Competition Law, International Investment Protection Law, Critical Law and Practice of International Business Transactions, International Investment and Arbitration, International and Comparative Intellectual Property Law are modules exploring the relationship between private parties in cross-border commercial activities.

We also noted that there are modules such as International Trade Law, Maritime Law, International, Environmental and Space Law, International Economic Law, Comparative Equality Law, Global Intellectual Property Law and Policy, Anti-Corruption Law and Practice, International Economic Disputes, International Sports Law, International Child Law, Diversity, Equality, and the Law to name a few blending both public and private international law. For example, maritime law may include international public law regulation such as the law of the sea in relation to sea routes and it may include private international law such as carriage of goods by sea.

Changing times

While the *traditional optionality* theme identified a number of module subject areas which have persisted since the time of Wilson's original survey of legal education, we also found that there were a number of areas which had become established subjects since then. We developed the theme *changing times* to reflect subjects – many of which can be seen in the 1996⁸¹ and 2004⁸² surveys – which reflect areas of legal knowledge connected with contemporary issues and modern life. This includes the codes: Entertainment, Media and IP Law; Health and Wellbeing Law; Law, Science and Technology Studies; Race, Gender, Sexuality and the Law; Law and Society; and Law and Culture.

Although intellectual property has a more established lineage than some of the more recent developments captured by this theme, it was included here in acknowledgement that it is sometimes seen alongside modules which discuss media law, social media and/or newer forms of IP. Digital technology can be seen in many of the sub-codes which sit within this theme, demonstrating the evolution of "Computer Law" seen by Harris and Jones in 1996.⁸³ Despite data collection taking place in 2023 and, therefore, towards the beginning of the extensive discussion of AI now taking place within the academy, AI and other emerging technologies were also captured within this theme.

Several of the codes within this theme demonstrate a socio-legal connection, underlining the significant impact of socio-legal studies on legal education in recent decades. The scope of socio-legal studies is often contested, and we are attentive to calls not to treat socio-legal studies and the study of law and society as synonymous.⁸⁴ What we are

⁸¹Harris and Jones (n 29).

⁸²Harris and Beinart (n 30).

⁸³Harris and Jones (n 29) 51.

⁸⁴Sally Wheeler, "Socio-Legal Studies in 2020" (2020) 47 *Journal of Law and Society* S209, S216.

suggesting, however, is that while a socio-legal lens might be applied within many of the codes developed from this data, including electives such as Animal Law,⁸⁵ which we categorised within the Environmental, Climate Change and Sustainability code, or within FLK-focused modules,⁸⁶ the modules underpinning codes such as Law and Culture and Race, Gender, Sexuality and the Law acutely demonstrate the study of the role, process and consequences of law in society.

Twenty-first century higher education

Although the traditional optionality noted above does not eschew the delivery of legal education in the context of legal practice or teaching with a view to developing particular legal skills, the legacy of the legal skills movement can clearly be seen within the contemporary curriculum. As Boon's analysis demonstrates, even where the content of the curriculum was directly mandated by the professional bodies, the method for teaching the undergraduate curriculum remained in the hands of individual institutions.⁸⁷ However, legal education has never been immune from the broader skills movement within higher education.⁸⁸ This theme was developed from codes connected to the development of skills: Professional Learning Through Work; Law and Legal Research; Legal Practice, Ethics and Regulation; Legal Skills; and Employability.

Rasiah, in an examination of LLB curricula in England and Wales, suggests that "experiential element of [simulated legal work and clinical legal education] is similar from the learner's experience".⁸⁹ We agree and suggest that the similarities between clinic, legal simulation and module-level work placements from a student perspective mean that they enact similar roles within the curriculum, supporting skills development and being seen as a component of the employability agenda.⁹⁰ These modules are also distinct from other themes because of their reduced focus on specific areas of legal knowledge, perhaps reflecting the perspective of graduate employers who, it has been suggested, may be less focused on traditional areas of legal knowledge and more concerned with "specific knowledge or skills that are not traditionally incorporated within a law degree", such as project management.⁹¹

Within this theme, we also included modules with a focus on preparing students for practice, often with aspects of professional ethics and regulation, as well as explicitly employability-focused content. Law and Legal Research, which captures dissertation and law project-type modules, highlights the role of traditional academic legal skills within the curriculum. This latter code also provides a contrast through being distinctly led by students, in contrast to other forms of experiential learning where "the [problem based learning] cycle is set in terms of its pace and timing" as well as in key learning

⁸⁵Simon Brooman, "Creatures, the Academic Lawyer and a Socio-Legal Approach: Introducing Animal Law into the Legal Education Curriculum" (2017) 38 *Liverpool Law Review* 243.

⁸⁶Guth and Ashford (n 12) 11.

⁸⁷Andrew Boon, "History Is Past Politics: A Critique of the Legal Skills Movement in England and Wales" (1998) 25 *Journal of Law and Society* 151, 159.

⁸⁸On which, see generally, David Bridges, "Back to the Future: The Higher Education Curriculum in the 21st Century" (2000) 30 *Cambridge Journal of Education* 37, 44.

⁸⁹Rasiah (n 41) 136.

⁹⁰Juliet Turner, Alison Bone and Jeanette Ashton, "Reasons Why Law Students Should Have Access to Learning Law through a Skills-Based Approach" (2018) 52 *The Law Teacher* 1.

⁹¹Alex Nicholson, "The Value of a Law Degree – Part 4: A Perspective from Employers" (2022) 56 *The Law Teacher* 171, 180.

outcomes.⁹² The inclusion of dissertations, often a capstone undertaken in the final semester(s) of a programme, within this theme also highlights the diffusion of skills and experiential-focused modules across the curriculum. As Guth highlights, “[c]onversations about the teaching of legal skills often focus on the first year of the undergraduate law degree”, particularly when taught within dedicated skills modules.⁹³ The data here suggests that, in addition to provision within the core (often first year) curriculum, the elective curriculum is host to a range of skills and experience focused teaching.

The advanced core

This project did not explicitly set out to capture data on the provision of core modules within the undergraduate curriculum; however, anecdotally we observed that the foundation of legal knowledge subjects continues to play a central role in the undergraduate curriculum. Nevertheless, the “fairly uniform” structure discussed by Wilson and Marsh⁹⁴ and the more rigid structure of the traditional QLD appears to have given way to a more flexible approach to the traditional core subjects, with a small number of institutions making FLK subjects elective,⁹⁵ with more institutions appeared to consolidate FLK subjects into combined modules. Alongside these developments was the emergence of a number of modules, not noted in previous surveys of law school curricula, which covered FLK subject areas but were explicitly or implicitly described as advanced.⁹⁶

This theme was developed from the codes which aligned with the FLK subjects: Advanced EU Law; Advanced Criminal Law; Advanced Equity & Trusts; Advanced Torts Law; Advanced Land Law; Advanced Property Law; Advanced Administrative Law and Justice; Advanced Public Law; Advanced Law of Contract; and Advanced Obligations. Some modules used to develop these codes demonstrated connections with other themes where, for example, an FLK subject was taught “in practice”. We should also note that – as discussed above – legal research, an aspect of the joint statement but not one of the seven foundations, could be seen within the elective offer and that more specific aspects of some of the foundations – human rights law, for instance – also feature within some of the other themes formed from this data.

The existence of a significant number of advanced variants of core modules demonstrates the increased diversification of the legal curriculum and the challenges facing law schools balancing this diversity against the limitations of a three-year course. The abolition of regulatory requirements does appear to have weakened the status of some subjects, a prominent example being EU law,⁹⁷ as core to undergraduate legal education leading to examples of these subjects within the elective curriculum. However, the

⁹²Jonny Hall, “An Integrated Law Curriculum: Balancing Learning Experiences to Achieve a Range of Learning Outcomes” (2018) 5 *Journal of International and Comparative Law* 71, 80.

⁹³Jessica Guth, “The Pasts and Futures of Legal Skills in English Law Schools” in Fiona Cownie and Emma Jones (eds), *Key Directions in Legal Education* (1st edn, Routledge 2020) 164.

⁹⁴Wilson and Marsh, *A Second Survey of Legal Education in the United Kingdom* (n 28) 243.

⁹⁵These institutions, at the time of data collection, in some instances highlighted that students would need to undertake these electives in order to progress to vocational Bar training. These elective modules are incorporated into relevant codes within this theme.

⁹⁶Explicit terminology included “Advanced”, eg “Advanced Criminal Law”, and “Further”, eg “Further Torts”. Whereas, some modules were implicitly advanced where a subject was taught both in a core module – sometimes combined with other FLK subjects – and in an elective: eg where an elective “EU Single Market Law” was running in a programme where “English and EU Legal Systems” was compulsory.

⁹⁷Cherry James and John Koo, “A Reordering: To Teach EU Law or Not?” (2024) 58 *The Law Teacher* 186.

significant number of “advanced” modules suggests that these subjects continue to play a key role in shaping law degrees.

This may, in part, reflect the continued importance of these subjects to maintaining international recognition of the English LLB and the difficulties of maintaining this recognition through a more limited core provision. As Wallace argues, some institutions may be hesitant to undermine recognition by professional bodies in other jurisdictions by removing subjects traditionally in the core curriculum.⁹⁸ However, “advanced” modules may enable continued international recognition where core modules are adapted, abolished or replaced, with the concession that such modules occupy space (and require resources) within institutions’ elective provision. This is perhaps reflective of the paradox of the demise of the qualifying law degree, highlighted by Mason and Guth, who point out that the SRA framed the SQE “reforms as an opportunity to free the undergraduate law programme from the shackles of the qualifying law degree”, and an opportunity for market-driven development of the curriculum, while “[disregarding] the fact that if universities are to train students for the SQE the shackles are rather tightened, not removed”.⁹⁹ Similarly, the need to retain subjects to enable international qualification, as well as meet student demand for subjects which are perceived as attractive to prospective employers, may inhibit significant divergence from existing degree structures.¹⁰⁰

Extra-disciplinarity

Earlier, we mentioned that we have noted degree programmes combining law with other disciplines such as Law with French, Law with German, Law with Business, Law with Psychology, Law with Social Work, etc. Although data was only collected from LLB law programmes, these also demonstrate the influence of other disciplines and the place of non-law modules within the curriculum – including the potential impact of joint honours programmes, which may enable subjects otherwise not practicable due to expertise and resource limitations within law schools. These were grouped under the label extra-disciplinarity.

It should be emphasised that this theme was developed from a number of codes which captured only a small number of modules within the curriculum: Leadership & Management; Politics, Development and Society; Language; Principles of Economics; The Media and Identity and a number of codes which only captured a single module: International Business Diplomacy; Creativity for Business; Financial Accounting; Introduction to Social and Developmental Psychology; Introduction to Cognitive and Biological Psychology; Introduction to International Business; and Working in Education and Children’s Services.

Modules are categorised as extra-disciplinary as they act as a bridge between legal studies and other disciplines where, however, there was little blending of the two disciplines within modules. Many modules within this theme are introductory to non-law disciplines such as psychology or accounting. These appear to be designed to enable learners to be competently versed in a discipline beyond law. Further research may wish to consider the exact scope of extra-disciplinary provision and the impact of

⁹⁸Wallace (n 18) 66.

⁹⁹Luke Mason and Jessica Guth, “Re-Claiming Our Discipline” (2018) 52 *The Law Teacher* 379, 380.

¹⁰⁰Thornton (n 17) 66–67.

the current range of joint honours provision and the position of law departments within broader schools or faculties on which subjects are offered to students.

Inter-disciplinarity

In contrast to extra-disciplinarity, inter-disciplinary teaching which we identified within the curriculum highlighted the potential of modules which gave students “an ‘external perspective’; through engagement with non-law disciplines and theories from these disciplines, [where] law students are provided with multiple lenses through which they can consider and critique law”.¹⁰¹ To some extent, the codes used to develop the extra-disciplinary theme might share this ability to provide insight from other disciplines to legal studies. However, the codes within this theme – Law and Religion; Psychology and Law; Law and Pharmacology; Law and Business; and Forensic Science and the Legal Process – emphasise the use of inter-disciplinary lenses to legal studies mentioned by Burton and Watkins.

The small number of codes within both the inter-disciplinary and extra-disciplinary theme is perhaps indicative of the limitation of our approach in examining module titles within LLB course specifications/webpages only. Some institutions gave students the option to take modules from other departments within the institution, but which were not listed on the course specification and were therefore not captured here. Furthermore, as noted above, other modules demonstrated a degree of inter-disciplinarity – such as Law and Culture; however, our approach did not enable dual categorisation. The inclusion of both inter- and extra-disciplinarity as discrete themes is meant to offset this limitation and highlight the need for further research.

Conclusions

This research demonstrates that the legal curriculum in England and Wales in 2023–2024 is both diverse, by historic comparison, and yet demonstrates a degree of standardisation despite an increasing number of providers. To some extent, this appears to be shaped by the legacy of the qualifying law degree and the foundation of legal knowledge subjects. Given the relative recency of the demise of the QLD – with some current students being among the final cohort of QLD recipients – and the timelines involved in the revalidation of degree programmes, it is perhaps unsurprising that we are yet to see a significant move towards a releasing of “the shackles of the qualifying law degree”, in the words of Mason and Guth, who might suggest this may never fully materialise.¹⁰²

Yet the contemporary elective curriculum also suggests that even if institutions were to move towards a less restrictive core provision, the FLK subjects would continue to play a dominant role, through advanced core modules. Indeed, what is quite striking, beyond the similarities between institutions noted by others,¹⁰³ is that many elective modules are similar to the elective modules offered nearly 60 years ago. Several factors, including the need to appeal to a broad range of potential students – including

¹⁰¹Mandy Burton and Dawn Watkins, “Interdisciplinary Approaches and Collaboration in Legal Education in England and Wales” in Fiona Cownie and Emma Jones (eds), *Key Directions in Legal Education* (1st edn, Routledge 2020) 35.

¹⁰²Mason and Guth (n 99) 380.

¹⁰³Bowyer (n 14) 120.

international students – and limitations on the capacity to adequately resource modules,¹⁰⁴ restrict the overall number of modules which an institution can provide, likely contributing to the degree of similar provision found in our data.

That is not, however, to suggest that the situation is static or entirely uniform. We identified a range of modules which reflected contemporary higher education's focus on employability as a hallmark of value. These modules, which often placed an emphasis on skills development and experiential learning, reflect the evolving context of (legal) graduate recruitment, where some employers may be less concerned with specific subject knowledge.¹⁰⁵ We also identified what might have alternatively been termed a *new normal* of electives offered in more recent decades, which are being joined, replaced or augmented by modules which engage with contemporary issues, often with more specific explicit specialisms at a proportion of institutions. For example, modules addressing the climate crisis, building on the established environmental law offer,¹⁰⁶ might be seen within this category. This data also highlights the continued importance of socio-legal studies within the elective curriculum, as well as a significant proportion of the undergraduate curriculum being shaped by experiential learning and a view to law in practice.

These findings raise a number of questions for future research. First, given the *elective* nature of non-core modules, what perspectives exist among undergraduate students regarding the scope of the curriculum, what influences students' module choice and does the elective offer shape their understanding of legal education? Second, how will the curriculum develop going forwards, both as the Legal Practice Course continues to be phased out and dependent upon the position taken by the Bar Standards Board regarding progression towards qualification as a barrister? Third, how will law schools change and develop their provision within the broader context of higher education in England and Wales, including the financial pressures facing institutions? The latter two of these questions are, in part, longitudinal questions and, it is hoped, this research provides a snapshot of the current landscape to inform future analysis.

Acknowledgements

An earlier version of this paper was presented at the Association of Law Teachers' 2024 Annual Conference. We wish to thank those whose questions and comments helped to develop the paper. We also wish to thank Emma Rehal-Wilde for discussion which helped to develop the paper and Dr Cherry James and three anonymous reviewers for comments on later drafts.

Disclosure statement

No potential conflict of interest was reported by the authors.

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¹⁰⁴Thornton (n 17) 68.

¹⁰⁵Nicholson (n 91) 180.

¹⁰⁶Steven Vaughan, "Of Density and Decline: Reflections on Environmental Law Teaching in the UK and on the Co-Production of Environmental Law Scholarship" in Amanda Kennedy and others (eds), *Teaching and Learning in Environmental Law* (Edward Elgar Publishing 2021).