

Jelena Kasap, PhD, Assistant Professor

Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek
Stjepana Radića 13, Osijek, Croatia
jkasap@pravos.hr

Višnja Lachner, PhD, Assistant Professor

Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek
Stjepana Radića 13, Osijek, Croatia
vlacner@pravos.hr

Nikol Žiha, PhD, Assistant Professor

Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek
Stjepana Radića 13, Osijek, Croatia
nikolz@pravos.hr

THROUGH LEGAL EDUCATION TOWARDS A EUROPEAN EDUCATION AREA

ABSTRACT

With special focus on laying the foundations for a European Education Area by 2025, “The first European Education Summit”, held on 25 January 2018, aimed at determining how quality, inclusive and values-based education can fight the current challenges and contribute to a successful Europe. Although the primary competence for education policies lies with the Member States, the European Commission has explicitly advocated that joint efforts should be made to strengthen the European identity through education. In particular, a number of initiatives were proposed in order to foster employability in the common market, improve the international competitiveness, promote common values and develop critical thinking for an active citizenship.

For all these reasons, this paper aims at determining how Croatian legal education, taking into account its tradition, can contribute to achieving those objectives. Therefore, by analyzing its history and tradition, the first part of the contribution will try to identify the specific features of Croatian higher legal education. Keeping in mind that the success of the process is often influenced by various social, political, economic and historical factors, the central part of the paper will examine the importance of education for shaping the national legal culture and, consequently, efficient harmonization. Considering the challenges that the Croatian educational system is currently facing, as a conclusion, an attempt will be made to offer some preliminary solutions in the debate on how the potential of education can be used to ensure the goals of the European Education Area.

Keywords: *common values, education, harmonization, legal culture, tradition*

1. INTRODUCTION

Building on the conclusions of the Gothenburg Summit,¹ where the idea to generate a European Education Area (EEA) by 2025 had been established, at the first European Education Summit,² held on 25 January 2018 in Brussels, the European Commission gathered numerous education professionals in order to set the roadmap and present further initiatives to strengthen the European identity through education. Even though the competences for education, in compliance with the principle of subsidiarity, lie primarily within the scope of Member States and their authorities,³ it has been agreed, as a shared agenda, to work jointly on advancing the education (and culture) as ‘drivers for jobs, social fairness, active citizenship and ultimately European identity.’⁴ In addition to all the numerous individual objectives that are planned to be achieved through certain measures,⁵ we may conclude that there are some capital goals which repeatedly stand out and appear to be generally sought through investing in education in the long run.

First of all, education and training should equip young people with the skills to facilitate employability in the common market, especially by enabling them to respond to the changing circumstances the labor market is prone to, because highly qualified and flexible workforce is seen as the backbone of a strong economy.⁶ A

¹ Strengthening European Identity through Education and Culture. The European Commission’s contribution to the Leaders’ meeting in Gothenburg, 17 November 2017, [https://ec.europa.eu/commission/sites/beta-political/files/communication-strengthening-european-identity-education-culture_en.pdf] Accessed 21 January 2018

² Laying the foundations of the European Education Area: for an innovative, inclusive and values-based education, [<https://ec.europa.eu/education/education-summit>] Accessed 25 January 2018

³ The legal basis for the Union’s action in the field of education was for the first time regulated in Article 126 TEC of the Maastricht Treaty. Today, Article 165 TFEU stipulates that the EU contributes to the development of quality education by encouraging cooperation between Member States and, if necessary, supports and complements their activities while at the same time respecting Member States’ responsibility for the content of education and the organization of education systems and their cultural and linguistic diversity

⁴ Proposal for a Council recommendation on promoting common values, inclusive education, and the European dimension of teaching, [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A23%3AFIN>] Accessed 21 January 2018

⁵ *E.g.* EEA aims at mutual recognition of degrees by initiating a new ‘Sorbonne process’, building on the ‘Bologna process’, modernizing the curricula, encouraging mobility through the Erasmus+ programme and creation of the EU Student Card, establishing a network of European universities, supporting teachers, funding education through investment instruments, promoting innovations and digital skills, preserving cultural heritage etc. *Cf.* Future of Europe: Towards a European Education Area by 2025, [http://europa.eu/rapid/press-release_IP-17-4521_en.htm] Accessed 25 January 2018

⁶ *Cf.* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Rethinking Education: Invest-

special focus is placed on promotion of lifelong learning to ensure sufficient access to learning opportunities for adults whose skills and qualifications do not fully correspond to the current labor market.⁷ Furthermore, by introducing competences of critical thinking in learning outcomes of the curricula, a development of active citizenship could be contributed. Ultimately, values-based education built on knowledge about cultural diversity and the heritage, traditions and political realities of one's own country, as well as the European history should provide a deeper understanding of common values.⁸

By supporting the mentioned objectives, the purpose of the following contribution is to analyze the current challenges of Croatian legal education and ponder some preliminary solutions on how to contribute to their achievement. After identifying the tradition and specific features of Croatian legal education via historical method, through conceptual analysis we will address primarily the impact that legal culture may have on defining the content and the realization of the educational process within a legal system, as well as, reversely, the influence of legal education on the concept of legal culture. Finally, by highlighting the current status of the educational system, we will try to systematize the preconditions that legal education should fulfill in order to contribute to the European Education Area.

2. THE TRADITION OF CROATIAN LEGAL EDUCATION

Legal education has a long tradition in Croatia, its origins dating back to the Middle Ages, when many Croatian students and professors were present at the most important European law faculties.⁹ Long before the formation of the EU, those students, together with their European peers, were educated to become the

ing in skills for better socio-economic outcomes,

[<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0669&from=EN>] Accessed 15 February 2018

⁷ Cf. Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning,

[<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006H0962&from=EN>] Accessed 15 February 2018

⁸ As President Juncker highlighted in his 2017 State of the Union speech, "Europe is more than just a single market. More than money, more than the euro. It was always about values." State of the Union Speech, 13 September 2017 [http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm] Accessed 15 February 2018

⁹ E.g. Pavao Dalmatinac was a law professor at the oldest university in Bologna in the first half of the 13th century, and Croatian students were present at other Italian universities, such as Rome, Ferrara, etc. Later on, the presence of Croatian students can also be found at universities in Central Europe, Vienna, Prague, Krakow, etc. Čepulo, D., *Legal education in Croatia from medieval times to 1918: institutions, courses of study and transfers*, in: Pokrovac, Z. (ed.), *Juristenausbildung in Osteuropa bis zum Ersten Weltkrieg*, Vittorio Klostermann, Frankfurt am Main, 2007, p. 90-92

professionals that we would regard today as European jurists in the truest sense of the word.¹⁰

Given that acquisition of legal knowledge and legal culture was furthermore related to church institutions (churches and monasteries), some elements of legal education were incorporated within the canon law lectures at the cathedral school in Zagreb in the early 14th century.¹¹ Apart from the Zagreb area, short-term attempts at public legal education were also recorded in the area of Dubrovnik in the second half of the 15th century. That those were only short-sighted attempts of legal education reflects in the fact that the oldest Croatian higher education institution, the Dominican *studium generale*, founded in Zadar in 1396, unfortunately did not establish separate legal studies.¹²

Even though the Jesuit Academy of the Royal Free City of Zagreb was officially founded as a university through privileges granted by King Leopold I Habsburg,¹³ due to lack of legal education Croatian youth was referred to foreign universities, mostly to the universities of Vienna or Graz or the University of Trnava.¹⁴ For this reason, resolving the issue of institutionalization of legal training in our area would be initiated during the reign of Maria Theresa (1740-1780) through implementation of intensive reforms of the institutional structure of the country in the second half of the 18th century, by which the Kingdom of Croatia would take on some elements of 'modernity'. Besides the implementation of various tax, civil law, health, education and administrative reforms, the most significant change in administrative practice was the founding of the Croatian Royal Council, with its seat in Varaždin in 1767, as the first Croatian government. Considering that the existing administrative apparatus was ineffective and conservative, while the numerous reforms required professional civil servants, in order to obtain highly qualified staff Maria Theresa decided to establish the Political and Cameral Studies

¹⁰ Cf. Spengler, H.-D., *Römisches Recht und europäische Rechtskultur*, in: Buchstab, Günter (ed.), *Die kulturelle Eigenart Europas*, Freiburg in Breisgau, Herder, 2010, p. 50, Ranieri, F., *Der europäische Jurist. Rechtshistorisches Forschungsthema und rechtspolitische Aufgabe*, Ius Commune 17, 1990, p. 11

¹¹ Čepulo, D., *Razvoj pravne izobrazbe i pravne znanosti u Hrvatskoj od 1776. godine i Pravni fakultet u Zagrebu od osnivanja 1776. do 1918. godine*, in: Pavić, Ž. (ed.), *Pravni fakultet u Zagrebu*, Zagreb, 1996, p. 52

¹² *Ibid.* p. 53; Vereš, V.T., *U potrazi za najstarijim hrvatskim sveučilištem*, Prilozi za istraživanje hrvatske filozofske baštine, Vol. 25, No. 1-2 (49-50), 1999, p. 219

¹³ Dobronić, L., *Zagrebačka akademija*, Dom i svijet, Zagreb, 2004, pp. 32-36

¹⁴ The study of law in the Jesuit universities in the Monarchy was predominantly based on the teaching of Roman, canon and civil law. Cf. Horbec, I., "Učiti administraciju": školovanje javnih službenika u 18. stoljeću, *Hrvatska javna uprava*, god. 9, No. 4, 2009, p. 1017

in Varaždin in 1769,¹⁵ conceived as a reflection of Sonnenfels's chair at the Vienna Law School.¹⁶

Apart from being the first institutionalized concern for the education of civil servants, the Political and Cameral Studies were the first systematic form of legal education in Croatia. Among other things, by founding this institution Maria Theresa took control of education in the state, which would, after the abolition of the Jesuit order in 1773, experience the high point of the formation of state education.¹⁷ Namely, in 1776 Maria Teresa introduced a new system of education, based on which state institutions had full control of the educational process. A key role in the process of creating national education and the professionalization of education would be attributed to the influence of the Pietism, a movement of German Protestantism.¹⁸ Apart from the establishment of state control over education, the need to develop useful and practical education for the needs of the state and society also arose, leading to the introduction of practical subjects in education, such as history, mechanics, administrative science and the like. What constituted an essential prerequisite for educational improvement, according to the Pietists' idea, was the intense control of the state over education.¹⁹

By introducing the new system of education in Croatia, in parallel with the Austrian and Czech hereditary countries, in August 1776 Maria Theresa sent a mandate to the Croatian Royal Council on school management in Croatia,²⁰ through which, by integrating the former Political and Cameral Studies, the Royal Acad-

¹⁵ For more detailed studies regarding education at the Political and Cameral Studies s. Bayer, V., *Političko-kameralni studij u Hrvatskoj u 18. stoljeću (1769-1776)*, in: Bayer, V., Pusić, E., Štampar, S. (eds.), *Osnivanje Pravnog fakulteta u Zagrebu (1776. god.) i njegovo definitivno uređenje*, Pravni fakultet, Zagreb, 1976, p. 3; 17-18; Herkov, Z., *Iz povijesti javnih financija, financijskog prava i razvitka financijske znanosti Hrvatske : od početka 16. stoljeća do polovice 19. stoljeća*, Pravni fakultet, Centar za stručno usavršavanje i suradnju s udruženim radom, Zagreb, 1985, p. 178-185

¹⁶ For Joseph van Sonnenfels, one of the most influential Austrian cameralists, s. Bayer, *op. cit.* note 15, p. 15

¹⁷ At the time of its cessation in the Croatian and Habsburg Monarchy, the Jesuit order held almost the entire education system. Melton, R., *Absolutism and the Eighteen-Century Origins of Compulsory Schooling in Prussia and Austria*, Cambridge University Press, Cambridge, 1982, pp. 209-210

¹⁸ Horbec, I., Švogter, V., *Školstvo kao politicum: Opći školski red iz 1774.*, Anali za povijest odgoja, god. 9, 2010, p. 8

¹⁹ Melton, *op. cit.* note 17, pp. 24-38

²⁰ Bayer, V., *Osnivanje pravnog fakulteta u Zagrebu (god. 1776) i njegovo definitivno uređenje (1777. god.)*, in: Bayer, V., Pusić, E., Štampar, S. (eds.), *Osnivanje Pravnog fakulteta u Zagrebu (1776. god.) i njegovo definitivno uređenje*, Pravni fakultet, Zagreb, 1976, p. 127

emy of Sciences in Zagreb was established, consisting of three faculties: theology, law and philosophy.²¹

Despite some changes in organization, the Royal Academy of Sciences in Zagreb operated until 1850, when it was abolished by the decision of the Viennese Minister of Education, Count Leo von Thun-Hohenstein (1849-1860), as part of a thorough reform of the entire secondary and higher education.²² This was enabled by the revolutionary events of the spring of 1848, which forced the ruling circles to introduce liberal political rights and freedoms, including the freedom of teaching and learning (*Lehr- und Lehrfreiheit*).²³ The aim of the education reform, modeled after the Prussian (Germanic) University, was to abandon the previous strictly utilitarian education system, which was primarily aimed at meeting the need for academically educated civil servants, including school-based institutions that taught state-prescribed content. Within the reform, the Royal Academy of Sciences was transformed into a three-year program of the Academy of Legal Sci-

²¹ The legal studies lasted two years and could only be enrolled after the two-year studies of philosophy. The Faculty of Law was organized into four chairs (or four professors): canon law; natural, international and general public law; civil law and the theory of the homeland law and the police (administrative, chamber and economic sciences). *Ibid.* p. 93. Since the Queen's mandate of 1776 was only a provisional arrangement of state education in Croatia, in 1777 Maria Theresa issued a fundamental document on state education for the Lands of the Crown of St. Stephen, as the first administrative-legal document on the development and regulation of the educational system in Hungary, called *Ratio educationis*. Cf. *Ibid.* p. 114; Cuvaj, A., *Grada za povijest školstva kraljevine Hrvatske i Slavonije od najstarijih vremena do danas*, Trošak i naklada Kr. hrv.-slav.-dalm. zem. vlade, Odjela za bogoštovje i nastavu, Zagreb, 1907, p. 380-383

²² For a detailed analysis of the Austrian reform of legal studies in the times of neo-absolutism, which introduced a major paradigm shift, initiated and enforced by the state, s. Paletschek, S., *Die Erfindung der Humboldtschen Universität. Die Konstruktion der deutschen Universitätsidee in der ersten Hälfte des 20. Jahrhunderts*, Historische Anthropologie, 10, 2002, pp. 183sq; Simon, T., *Die Thun-Hohensteinische Universitätsreform und die „Geschichtliche Rechtswissenschaft“*, Beiträge zur Rechtsgeschichte Österreichs 2017, pp. 132-143; Ash, M. G., *Würde ein „Deutsches Universitätsmodell“ nach Österreich importiert? Offene Forschungsfragen und Thesen*, in: Mazohl, B., Aichner, C. (eds.), *Die Thun-Hohenstein'schen Universitätsreformen 1849–1860: Konzeption – Umsetzung – Nachwirkungen, Veröffentlichungen der Kommission für Neuere Geschichte Österreichs*, Böhlau, Wien, 2017, pp. 76-98; Čepulo, *op. cit.* note 11, p. 61; Rüegg, W., *A History of the University in Europe: Volume 3, Universities in the Nineteenth and Early Twentieth Centuries (1800–1945)*, Cambridge University Press, New York, 2004, p. 51

²³ Švoger, V., *O temeljima modernog školstva u Habsburškoj Monarhiji i Hrvatskoj*, Povijesni prilozi, god. 42, No. 42, 2012, p. 312. Furthermore, the reform was intended to break the practice of 'rote learning' and to allow the transformation of universities into scientific institutions in the Catholic spirit, but not under the full control of the Catholic Church. It was also proclaimed that the core of the legal study should be historical subjects, with the main task of emphasizing the tradition in shaping legal and state forms versus revolutionary demands. Cf. Gross, M., *Počeci moderne Hrvatske: neoapsolutizam u civilnoj Hrvatskoj i Slavoniji 1850-1860*, Globus: Centar za povijesne znanosti Sveučilišta u Zagrebu, Odjel za hrvatsku povijest, Zagreb, 1985, pp. 305-307

ences - a transitional solution until a uniform law study program for all lawyers in the Austrian countries was established.²⁴

The Academy of Legal Science ceased to operate in 1874, when the University of Franz Joseph I, modeled after Austrian university organization, was founded in Zagreb, including, amongst others, the Faculty of Legal and Administrative Sciences.²⁵ Built on the liberal ideas of the philosopher and theologian Friedrich Schleiermacher, the implemented German concept, the so-called Humboldtian model of the university, was founded on the objective that the function of the university was not to convey instant and directly usable knowledge but to stimulate the students to independent scientific approach.²⁶ According to Wilhelm von Humboldt, the task of universities was to show how to discover knowledge by “making apparent the principles at the basis of all knowledge in such a way that the ability to work one’s way into any sphere of knowledge would emerge.”²⁷ Teachers should not only teach what they already know but actively reproduce their path to knowledge. Consequently, students should not just gather knowledge but ‘learn how to learn’ by directly observing the process of creating knowledge.²⁸ Therefore, the Humboldtian tradition was based on the idea of freedom reflected in methodology and the content of the teaching, as well as autonomy of the university. Through development of scientific and not merely knowledge-transferring methods of education, this model opened the way for a modern, research-based university.

The above-mentioned organization of studies remained basically the same until the dissolution of the Austro-Hungarian Monarchy in 1918, when the circumstances in the period between two World Wars, put the Faculty through numerous

²⁴ Teaching at the Academy was practically oriented and limited to positive law that was needed by state clerks and attorneys. Despite the fact that the Academy of Legal Science did not achieve many scientific and educational results, it contained a modern system of legal study and served as a good basis for further building of systematic university education. *Ibid.* pp. 312-313; Čepulo, D., *Hrvatska pravna povijest i nastava pravne povijesti na Pravnom fakultetu u Zagrebu od 1776. do danas*, Zbornik Pravnog fakulteta u Zagrebu, god. 63, No. 5-6, 2013, p. 888; Čepulo, *op. cit.* note 11, p. 68

²⁵ Even earlier, after the return to constitutionality in the Habsburg Monarchy and Croatia in 1861, there were aspirations to establish a university instead of the Academy of Legal Science in Zagreb, and the Parliament in 1861 adopted the Law on the Establishment of a University in Zagreb. However, the king refused to accept the aforementioned law and quickly disbanded the council. Nevertheless, after the conclusion of the Croatian-Hungarian Settlement in 1868, the reorganization of the Academy of Legal Science took place on a four-year basis in accordance with the Austrian model of legal education. *Ibid.* p. 888

²⁶ Ruegg, *op. cit.* note 22, p. 5; Ruegg, W., *A History of the University in Europe: Volume 4, Universities since 1945*, Cambridge University Press, 2010, p. 11

²⁷ *Ibid.* p. 11

²⁸ Ruegg, *op.cit.* note 22, p. 21-22

systemic changes.²⁹ However, after the end of World War II, new legal regulations were adopted, aiming to establish a distinct legal order by aligning the centuries-old tradition of legal education with new ideas. Apparently, it was necessary to create a so-called new lawyer, who would not be a mere applicator of legal norms but an active participant in the regulation of citizens' life issues.³⁰ However, by limiting the education to mostly theoretical aspects of legal institutes and regulations, while treating students as passive listeners and devoting little attention to the more practical aspects of law, the expected result was unfortunately not achieved. Despite additional unsuccessful attempts to introduce ideological uniformity in its work during the socialist regime, the Faculty of Law in Zagreb, as well as other law faculties in Rijeka, Split and Osijek, established in the 1960s and 1970s, continued to act in accordance with the principles of free scientific work.

Only minor changes to the curriculum were introduced in the period after Croatia became independent. The widespread legislative activity since 1991 has systematically effected changes in the content of the core subjects within the legal education system. Some of the subjects, especially those related to the former regime, were abolished, while conceptual changes were introduced only in those areas of law that were important to align with the transition to the market economy and the establishment of civic democracy and, later on, the harmonization with the EU *acquis*. However, the permanent problem was that the teaching methods, as well as the manner of interpretation of the content, did not differ significantly. After the signing of the Bologna Declaration at the Ministerial Conference in Prague in 2001, as a key element of its higher education reform, Croatia began to implement the Bologna process in the academic year 2005/2006. Despite its best intentions, the re-examination of higher education under the reform did not show the expected results and has led to numerous challenges that will be discussed more closely in further analysis.

²⁹ From its foundation until 1926, the Faculty of Law acted under the Law of 1874, i.e. according to the newly renamed Act of 1894. From 1926, the Serbian Law on the University was applied at the Zagreb University until the adoption of the 1930 Law on Universities. Legislative regulations passed in 1940 and 1941 also provided for the legal subjectivity of the faculty, although with numerous provisions that threatened the academic autonomy. Engelsfeld, N., *Pravni fakultet u Zagrebu od 1918. do danas*, in: Krapac, D., Vranjican, S., Jureković, M. (eds.), *Pravni fakultet u Zagrebu*, Zagreb, 2001, pp. 126-127

³⁰ Consequently, the 1977 Higher Education Act sought to link the theoretical learning taught in the faculties and the practical needs that came into practice. The studying plan and program sought to organize the education as a work process, whereby lectures, seminars, exercises and introduction to practices were mandatory. Thus, they sought to educate lawyers in specific areas, i.e. to associate them with branches of activities that make experts. *Ibid.* pp. 133-134; pp. 139-140

3. THE INTERDEPENDENCE BETWEEN LEGAL CULTURE AND LEGAL EDUCATION

In order to understand the interdependence between legal education and legal culture in Croatia, we will try to underline primarily the conceptual framework of the legal culture, i.e. legal tradition. As these two concepts in their definition incorporate values related to an almost similar social background, and the boundary between them is not clear,³¹ we will not attempt to delineate them in the content of this research but use them interchangeably in order to determine their influence on the process of legal education, as well as reversely, the importance of education for the formation of a particular legal culture.

In his research of the sources, development and features of legal systems in Europe and South America, Merryman defines the legal tradition as "...a set of deeply rooted, historically conditioned attitudes about the nature of law, about the role of law in the society and the polity, about the proper organization and operation of a legal system, and about the way law is or should be made, applied, studied, perfected and taught."³² Accordingly, legal theorist Mayer observes the interrelationship of culture and law by claiming that law is an integral part of a particular society's culture and that there is no law or legal system that is not permeated by the culture of the society.³³ A more detailed analysis of the content of the two recognized definitions clearly identifies that the concept of legal culture encompasses several important elements: the concept of law observed through written or living law, legal infrastructure relating to the judicial system and the legal profession, a legally relevant behavioral model obtained through court proceedings and legal awareness.³⁴ Understanding each of the elements mentioned above, partly influ-

³¹ Numerous debates are present, mostly in legal theoretical research, about the concepts of legal culture and legal tradition. As their boundaries are almost impossible to establish with certainty, some authors do not determine a general concept, but decide to use a particular one depending on the purpose of their research. Thus, for example, Van Hoecke & Warrington use the notion of legal culture to emphasize that law is not just a set of rules or concepts, but also a social practice which determines the actual meaning of those rules and concepts, their weight, implementation and role in society (s. Van Hoecke, M., Warrington, M., *Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law*, International and Comparative Law Quarterly 47, 1998, p. 500), while the same content in Glenn's research is covered by the notion of legal tradition. Glenn, H. P., *Legal Traditions and Legal Traditions*, Journal of Comparative Law Vol. 2, Issue 1, 2007, pp. 70-72. For more on the etymology of the two terms s. Husa, J., *Legal Culture vs. Legal Tradition – Different Epistemologies?*, Maastricht European Private Law Institute Working Paper 18, 2012, p. 1

³² Merryman, J., H., *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*, Stanford University Press, Stanford, 1969, p. 15

³³ Mayer, M., E., *Rechtsnormen und Kulturnormen*, Breslau, 1903, p. 24

³⁴ Cf. Visegrady, A., Tucak, I., *Mađarska i hrvatska pravna kultura, Suvremeni pravni izazovi*, in: Župan, M., Vinković, M. (eds.), *Suvremeni pravni izazovi: EU-Mađarska-Hrvatska*, Osijek, Pécs, p. 15. For

enced by the educational process, has a significant impact on shaping the opinion on law and thus indirectly on the creation of legal culture. As we have identified in recent research, there are numerous indicators through which it is possible to describe the features of a legal culture within a legal system, and we are going to focus in particular on legal education, and consequently legal profession.³⁵

What would be the typical features which constitute the European legal culture in general? According to Hesselink, they imply a specific national aspect, internal perspective, systematic approach (*Systemdenken*), the use of abstract rules, deductive concluding, aspiration for objectivity and focus on the text.³⁶ There is a common agreement that these dominant characteristics are mirrored in legal education, so that legal positivism, dogmatic and authority based approach remain important features of the European education system.³⁷ However, due to the legacy of the socialist legal circle that Croatia was once a part of, its legal culture is considered even more positivist and formalistic.³⁸ Unlike the Western European countries, which were early sensitized by the EU integration process and its case law and have therefore adopted a pragmatic approach to legal standards, eastern European countries have maintained a positivist approach to the interpretation of legal norms, which is inherent to the period immediately following the entry into force of major European private law codifications.³⁹

Formalism is manifested in the ubiquitous understanding of the courts as mere applicators of legal rules, and by no means as active factors in the process of their formation. In her research on the features of the Croatian legal culture, Čapeta points out that Croatian courts in court proceedings only apply legal texts and rarely and exceptionally bylaws. By comparing the concepts of Western and East-

comparison, Van Hoecke and Warrington, *op. cit.* note 31, pp. 514-515, define the concept of legal culture by providing the following content elements: the concept of law, the theory of valid sources, legal methodology, legal arguments, a theory of legitimation of the law and the common view on the role of law in a society and on the (active or passive) role of lawyer

³⁵ In his presentation on legal culture in five Central European countries, Blankenburg cites several indicators by which it is possible to determine the state of legal culture in each country. These are legal education, legal profession, civil and criminal justice and the institutions of administrative and constitutional review. S. Blankenburg, E., *Legal Culture In Five Central European Countries*, WRR Scientific Council for Government Policy, The Hague, 2010, p. 11

³⁶ Hesselink, M. W., *The New European Legal Culture*, Kluwer, 2001, p. 9

³⁷ Cf. Hesselink, *op. cit.* note 36, p. 9; Merryman, J. H., *Legal Education There and Here: A Comparison*, *Stanford Law Review*, Vol. 27, No. 3, 1975, p. 869

³⁸ Cf. Rodin, S., *Discourse and Authority in European and Post-Communist Legal Culture*, *Croatian Yearbook of European Law & Policy*, Vol. 1, No. 1, 2005, p. 11; Čapeta, T., *Courts, Legal Culture and EU Enlargement*, *Croatian Yearbook of European Law & Policy*, Vol. 1, No. 1, 2005, p. 8; Uzelac, A., *Survival of the Third Legal Tradition?*, *Supreme Court Law Review* 49, 2d, 2010, p. 383

³⁹ Čapeta, *op. cit.* note 38, p. 7

ern European legal cultures, the author further observes that the courts do not question the validity of legal rules when applying them. The consequence of this established practice is that the courts do not even consider the Constitution as a legal source, but it is viewed through its political framework as the basis of the legal system used to adopt and implement laws.⁴⁰ The crucial influence on the formation of legal culture within a legal system is the way in which legal rules are interpreted. In the process of their application to a concrete case, the Croatian legal practice does not take into account the purpose of adopting certain norms, but their texts are applied in a formalist way, with no wider interpretation of their meaning and with very limited legal arguments.⁴¹ As in other transitional countries, which seek to align their legal arrangements with the *acquis communautaire*, textualism stands out as the foundation of legal interpretation in Croatia as well.⁴² Unclear parts of legal norms are interpreted in the way they are portrayed by legal doctrines, i.e. they are applied through some forms learned during university education.⁴³ The aforesaid way of interpretation of legal rules and the legal arguments that can be seen in court practice undoubtedly affect the formation of legal culture. Judicial decisions, as Rodin points out, have social consequences because courts indirectly, by making decisions, form a judicial policy.⁴⁴

It is evident that the same features concerning the legal profession are evident in all the countries that developed their legal systems under the influence of socialism.⁴⁵ Law is applied and interpreted by lawyers educated in the pre-war system, especially when it comes to criminal and civil law proceedings. Despite the need to harmonize the legal systems of the transition countries with the EU *acquis*, it cannot be neglected that new regulations are still based on the legitimacy of pre-war regulations, and that university programs, as well as chambers that unite

⁴⁰ *Ibid.* p. 10

⁴¹ Rodin also asserts that judges are guided by language interpretations of norms, thus finding the justification for making decisions in the content of a particular provision, not in the broad sense of the content of the law. Rodin, *op. cit.* note 38, p. 58

⁴² An example of a formalist and dogmatic legal system shaped by the influence of socialism and caused solely by historical factors is Poland. For more about the Polish legal culture s. Manko, R., *The Culture of Private Law in Central Europe after Enlargement: A Polish Perspective*, European Law Journal, Vol. 11, No. 5, 2005, pp. 527-548

⁴³ Čapeta cites several examples from the Croatian legal practice where the text of the legal rule is the only one that is taken into account when making judicial decisions. These cases have resulted in rather awkward judgments that are completely contrary to the intended purpose of the regulation applied to the disputed case. More in Čapeta, *op. cit.* note 38, p. 12

⁴⁴ Rodin, *op. cit.* note 38, p. 58

⁴⁵ More on the features of the Croatian legal system in the period of socialism see in: Uzelac, *op. cit.* note 38, pp. 377-396

certain predominant legal professions are based on precedents that should be re-examined.⁴⁶

Furthermore, it seems that the understanding of the legal culture in a way inherent to the previous regime also contributes to the important role that most prominent legal practitioners have lately had in the political process. The unanimous opinion that judges and practitioners in the Croatian legal system hardly ever or never participate in the legislative process, which is the peculiarity of our legal system in the first place, is questioned in some of the studies. The participation of practitioners in the legislative process, as Uzelac points out, often results in the limitation of changes in the legal system that would surely be used to depart from the established legal forms of the former system.⁴⁷ In connection with this, law professors are often criticized that they are educated solely on theoretical legal settings and are often deprived of the role they ought to have in the process of creating legal rules because of their limited practical experience. Thus, the possibility of effecting a different concept of the Croatian legal culture is even narrower.

In some studies that analyze the impact of traditional elements on the formation of legal systems under the influence of foreign law, Croatia, as well as other countries of former Yugoslavia, is taken into account as an example of a country that is prone and open to the acceptance of different forms of transnational justice. It also states that the traditions of these countries are based on written laws applied by courts in dispute settlement procedures. This undoubtedly confirms that the perception of the Croatian legal culture as described earlier has echoes outside of the boundaries of our legal system. It is further stated that the secular influence of the legal culture, which is moderately individualistic, serves as the starting point for accepting foreign judgments (such as those of the International Criminal Tribunal).⁴⁸ This peculiarity of the Croatian legal culture is also encouraging when it comes to the possible unification of foreign legal rules. Although the issue of unifying the rules of European law requires special attention and broader research, existing legal culture should not hinder this complicated process.

The previously analyzed understanding of legal culture, including the way it manifests itself in the court system, is certainly based on the educational process. Moreover, we dare to assert that the methodology of legal education exerts a dominant influence on the creation of future lawyers and thereupon on the formation of

⁴⁶ Blankenburg, *op. cit.* note 35, p. 11

⁴⁷ Uzelac, *op. cit.* note 38, p. 395

⁴⁸ Zartner, D., *The Culture of Law: Understanding the Influence of Legal Tradition on Transitional Justice in Post-Conflict Societies*, Indiana International & Comparative Law Review, Vol. 22, No. 2, 2012, p. 205, with reference to the literature in the note 62

legal culture itself. Unfortunately, the present system of Croatian legal education, despite numerous reforms, continues to support to some extent the formalist legal culture resulted from decades of various historical influences. Conversely, the influence of legal culture on the content and the realization of the educational process is, in our humble opinion, less pronounced.

4. THE CURRENT STRUGGLE WITH A BURDENED LEGACY

Since the development of the modern society began, no area of life has been imbued with more hope than education.⁴⁹ The same is true for Croatia, but given the current perspective of general education and the stumbling curricular reform, hope and hard work is exactly what is needed the most.

Active engagement and critical thinking of young students - future jurists who would work in the common labor market and participate as active citizens - can be expected only if we set a good foundation in the education vertical.⁵⁰ However, the present curricular reform which should modernize school curricula and teaching methods is at its crossroad. As stated in the European Commission's *Education and Training Monitor 2017* for Croatia, which assesses the main recent policy measures in the field of education and training, the current comprehensive curricular reform has been detected as one of the major challenges.⁵¹ Despite the positive side effect, which was increased public interest in education, the implementation of the reform remains troublesome, especially due to the restructuring of its enforcement committees and political turbulences.

⁴⁹ The idea is represented by Konrad Paul Liessmann, *Wissen als Provokation. Oder: Warum es so unangenehm ist gebildeten Menschen zu begegnen*, Symposium „Aktuelle Herausforderungen an Erziehung und Bildung“, 20 March 2015, Salzburg, [<https://www.youtube.com/watch?v=cbxCgN4k4oY>] Accessed 30 March 2018

⁵⁰ Some of the key objectives that are proposed for implementation via the comprehensive curricular reform in elementary and secondary education that would assist higher education in achieving its goals are: language skills, adult learning, work-based learning, digital and entrepreneurship skills, enhancement of critical thinking and media literacy, ensuring the acquirement of social, civic and intercultural competences, promoting intercultural dialogue and integration of disadvantaged groups etc. Cf. *Proposal for a new national framework curriculum* [http://mzos.hr/datoteke/Nacionalni_okvirni_kurikulum.pdf] Accessed 30 March 2018

⁵¹ Concerning its direction, the Council of the European Union made the following statement: “After ambivalent stakeholder reactions, the curricular reform was revised, and implementation has been significantly delayed. The process now needs to continue in line with the original objectives.” The Council also issued a country-specific recommendation to accelerate the reform. *Education and Training Monitor 2017*, [https://ec.europa.eu/education/sites/education/files/monitor2017-hr_en.pdf] Accessed 30 March 2018

Regarding the impacts of the previously mentioned major higher education reform carried out within the Bologna process, the debate continues to be largely followed by criticism.⁵² Although it is undeniable that the Bologna process has proved to be beneficial in many aspects, especially in terms of cooperation in the European Higher Education Area, Croatia has entered this process completely unprepared. Namely, even prior to the introduction of the Bologna reform, many structural problems existed at the Croatian universities,⁵³ and quality of the reform was further aggravated by problems which arose during the implementation.⁵⁴ As an explanation for the extensive gap between the envisaged ideas and end results, Rodin highlighted a lack of deeper understanding of the essential elements of the process, which does not come as surprise since there was never a general consensus by the stakeholders on the basic parameters (employability, qualification etc.).⁵⁵ Due to individual and country-specific perception of the Bologna system, it seems that there were as many distinct interpretations as signatory states. Kwiek drew attention to the important aspect of diversification in higher education between universities in the Western and Central and Eastern Europe. Indeed, no official document recognized that Bologna might be successful at western European universities and at the same time encounter difficulties in the transition countries,

⁵² Cf. Akšamović, D., *Croatian Legal Education Reform at the Crossroads: Preparing the Modern Lawyer*, in: Ikawa, D., Wortham, I. (eds), *The New Law School: Reexamining Goals, Organization and Methods for a Changing World*, Public Interest Law Institute and Jagiellonian University Press, 2010, pp. 87-93; Lučin, P., Prijić Samaržija, S., *The Bologna Process as a Reform Initiative in Higher Education in Croatia*, *European Education*, Vol. 43., Issue 3, 2011, pp. 26-42; Kurelić, Z., Rodin, S., *Failure of the Croatian Higher Education Reform*, *CEPS Journal*, Vol. 2, No. 4, 2012, pp. 29-52

⁵³ E.g. what stood out among these problems are the facts that universities in general had no clear mission and development strategies, the four largest and oldest universities were not integrated, and the system lacked independent external evaluation of quality. Furthermore, there were not enough financial resources and equipment, and at the same time there was a lack of interest in hiring assistants and non-teaching staff, while academic staff was burdened with increasing administrative workload. An insufficient number of teachers in relation to the number of students, modest mobility of all stakeholders in the academic community, underdeveloped international cooperation and a neglected science proved to be the major issues. For more information s. Krištof, M., Pisek, K., Radeka, I., *Primjena Bolonjskog procesa na hrvatskim sveučilištima*, 2010, http://www.nsz.hr/novosti-i-obavijesti/vijesti_iz_znanosti_i_obrazovanja/istrazivanje-o-primjeni-bolonjskog-procesa-na-hrvatskim-sveucilistima/ Accessed 7 February 2018

⁵⁴ The implementation was often declarative, without substantial content changes, so that a combination of old ways of studying interfered with the incomplete application of the new ones. There was a frequent incompatibility of ECTS credits with the actual student load in the curricula, as well as unclear definition of learning outcomes. Unsuitable preparation of high school students and compression of classes in a semester form led to a drop in criteria. Ultimately, the faculties were not able to adjust fast enough to the labor market, just as the economy and the public sector did not support the Bologna concept of education (Bachelor degree in particular) with appropriate workplaces and employment opportunities

⁵⁵ Rodin, S., *Higher Education Reform in Search of Bologna*, *Politička misao*, Vol. 46, No. 5, 2009, p. 21

particularly because of the blend of old and new problems that they faced at the same time, as well as their constant underfunding.⁵⁶ As is usually the case in Croatia, there was a discrepancy between good intentions expressed while introducing the reform and the reality of the functioning living system in practice. Ultimately - plain and simple - it did not provide competences and raise employability, it did not facilitate recognition of degrees, and it did not foster true mobility. So, may the reforms continue!

Right now, we are witnessing a period of dynamic and increasingly market-driven European economies in which our sluggish high education curriculum often cannot maintain a foothold without a more agile and serious redefinition of tasks. At the same time, hoping for fast results (especially if there is an upcoming external evaluation), usually through more formal than substantive implementation of the various reforms, we either opt for mere cosmetic changes or inflict more harm than good to the existing system. Such vicious cycle of continuous reforms and consequent transitional systems was perfectly highlighted in Liessmann's *Theory of Miseducation* by his ironic comment: "With each new reform, there is a growing need for a reform. All the problems, which the reforms entail, can be again solved only with the help of new reforms."⁵⁷ He adds that scientists are permanently engaged in the reforms of the institution, instead of spending more energy on teaching and research; meanwhile, they are investing too little energy on teaching and research, which is why the university must urgently reform and so on. Therefore, it will surely present a challenge to reform the legal studies in order to meet the needs of students and the economy without a radical transformation of values common to Croatian higher education today.

The shift should probably begin with the most disregarded field of Croatia's educational scheme and at the same time an area where universities can make a major contribution - lifelong learning. As reported by *Education and Training Monitor 2017*, adult participation in lifelong learning in Croatia for 2016 was only 3%, compared to the EU average which is 10.8%. Basically, the most vital area of lifelong learning can be therefore characterized as the weakest link in the education system. Since lifelong learning programs are intended for people of all ages, this

⁵⁶ Kwiek, M., *The Emergent European Educational Policies Under Scrutiny. The Bologna Process from a Central European Perspective*, Poznan, 2003, pp. 36-37, 42 [http://www.policy.hu/kwiek/PDFs/KwiekBologna_Long.pdf]. Accessed 15 February 2018; Compare also the arguments by Hörner who called attention to the fact that the reform in western countries was intended to coordinate the standardization of higher education, while in transition countries it was a part of political transformation and break with the old system. See Hörner, W., *Introduction*, in: Tamás Kozma, T. et al. (eds.), *The Bologna Process in Central and Eastern Europe*, Springer, Wiesbaden, 2013, p. 7

⁵⁷ Liessmann, K. P., *Teorija neobrazovanosti: Zablude društva znanja*, Jesenski i Turk, Zagreb, 2008, p. 140

would enable continuous education and personal development of senior lawyers at the same standards of quality which are required for university studies. Guided by the idea that legal professions require renewal and considering the dynamic development of some branches of law, law faculties could quickly adapt to the market needs, connect the academic community and legal professions, and, no less important, generate immediate financial income.⁵⁸ This format is especially convenient for training in EU law and policies. Namely, the whole process of Europeanization must have felt overwhelming to judges in a transitional country, as they were trained in the application of one's own national law and the diploma one obtained had an effect limited to that particular country.⁵⁹ Contrary to their previous experience, the flood of European regulations was perceived as something that was imposed top down in order for Croatia to meet the requirements of the EU accession. Significant advances have also been made in the institutional training of practitioners within the Judicial Academy, together with other specialized trainings for legal professions. Simultaneously, some objections have been raised as to the methodology and approach to training. Namely, as Uzelac pointed out, the circumstance that the education process in those legal schools is conducted by lawyers educated in the old system prevents a more critical discussion of the issues that arise there.⁶⁰

Furthermore, the current methodology of legal education is without any prejudice criticized as being based on theoretical rather than practical approach, preventing students from applying the acquired knowledge to specific problems that arise after graduation. We have already concluded that a formal argument, previously passed by the legislator, plays a central role in our formalistic legal culture, as the judiciary is often limiting itself to mere application of law and is not keen to take on any creative role. Since law creation is beyond the limits of their constitutional competence, we can understand their cautiousness with respect to suggesting a possible creation of new law in their judgements. Nevertheless, the education system still fails to encourage future jurists to use a teleological approach and rely on the fundamental legal principles proclaimed primarily by the Croatian Constitution but increasingly by the EU regulations and thus the common European legal tradition. In a largely positivistic and dogmatic education, by introducing the structure of the legal system and basic concepts to the students at the beginning

⁵⁸ E.g. Within its lifelong learning program, the Faculty of Law Osijek has offered the following courses: *Professional Training for Lawyer Linguists* and *Interdisciplinary Professional Training Communication with the Child in Judiciary*

⁵⁹ Cf. Schneider, H., *The Free Movement of Lawyers in Europe and its Consequences for the Legal Profession and the Legal Education in the Member States*, in: Faure, M., Smits, J., Schneider, H. (eds.), *Towards a European Ius Commune in Legal Education and Research*, Antwerp, 2002, pp. 15–38

⁶⁰ Uzelac, *op. cit.* note 38, p. 396

of their journey they are given a misleading impression that the legal system is a coherent and rational network, which provides previously prescribed solutions to all possible legal questions.⁶¹ Since critical thinking and discussion is still not generally encouraged in the methodological approach, especially not right from the first year of studies, the confrontation between the law in the books and its practical application is rarely stimulated. Because of that, we can expect the judiciary to eventually only become the 'mouth that pronounces the words of the law'⁶² and in Croatia, unfortunately, not always exclusively independent of political influence.

Therefore, it is of utmost importance to cultivate critical assessment of society during the entire education process and transfer the responsibility for learning to students. The legal system should be taught in all its complexity and in touch with real examples, rather than in a linear manner as shown in the text books. There have been requests to introduce more practice in a form of traineeship in the legal curriculum. Although we agree that clinical practice should be further developed as a part of the studies, it should be based on thorough theoretical grounds and organized in a way that actually enables active participation in legal process and not just offer a check mark for attendance. Legal curricula often include many compulsory subjects and not enough space for optional courses, but as far as our experience goes, it is much less important what the particular subjects are, as opposed to the way in which they are taught. Indeed, we would qualify methodology as the weakest link in the whole educational process. Despite some fresh and unconventional approaches to teaching which have been able to break through,⁶³ the general style tends to be rather conservative. Given that their promotion depends almost exclusively on scientific work, teachers are not sufficiently stimulated to invest additional efforts in the teaching methodology, and the mandatory teacher training which was required from younger staff was merely a set of unrelated lectures unsuitable for higher education. Nevertheless, in a system where PowerPoint is not considered a technical aid but the greatest methodological achievement of legal education, we need to motivate teachers and provide them with a support

⁶¹ Hesselink *op. cit.* note 36, p. 19

⁶² Referring to Montesquieu's famous phrase: '*la bouche qui prononce les paroles de la loi*' (*De l'Esprit des Lois*, 1748), in which he attempts to elucidate all the implications of the principle of separation of powers, Hesselink highlights the need for the judge to evolve from a mere applicator to a real creator, and, respectively, to regard the jurisprudence as a source of law. *Cf. Ibid.* pp. 11-12

⁶³ *E.g.* seminar method, discussion method, case method, problem method, Socratic method, simulation and role play, collaborative teaching, clinical legal education etc. For detailed description on particular methods see Randelović, D., *Kliničko pravno obrazovanje - nužni dio obrazovanja pravnika*, Legal topics, Year 4, No. 7, p. 23; Dokmanović, M., *Legal history course development challenges in Croatia, Serbia and Macedonia*, Zbornik Pravnog fakulteta u Zagrebu, Vol. 63, No. 5-6, 2013, p. 992; Avramović, S., *From General Legal History towards Comparative Legal Traditions*, The Annals of the Faculty of Law in Belgrade – Belgrade Law Review, Vol. 58, No. 3, 2010, p. 35

that will not overload them. The former ‘Humboldtian’ ideal bears little connection to the realities of contemporary mass legal education and crowded lectures, but in student-centered learning only smaller groups would allow respect for diversity instead of the previous one-size-fits-all approach.

Students tend to be unprepared for the labor market not only because of the traditional gap between theoretical education and practice, but because law enforcement often comes down to strict formalism or uneven application. In fact, the ideas, values and mentality of a particular culture, besides widely accepted practices and social norms, exercise strong influence on law in action. Contrary to the logical and systematic legal system presented during their studies, it is more likely that students will eventually encounter an inefficient and sluggish justice system, as well as an unresponsive bureaucratic administration which often requires time and fulfillment of many formal requests to resolve the case or even interventions through intermediary in order to accelerate the process or ensure a successful outcome.

Although it may not be immediately apparent, education is under constant influence of the environment and legal culture, which is essential if we want to convey values. We should not expect students to become responsible members of the society and use their knowledge with integrity if the standards we teach them within institutions are in opposition to the real world, or, in extreme cases, even to the behavior of teachers themselves. It also seems absurd that the state seeks to raise the share of highly educated citizens while at the same time political elites find such citizens rather inconvenient because they are thinking with their own heads. From a teacher’s perspective, it is not easy to educate professional jurists in a country where citizens have (justifiably) little trust in public institutions.⁶⁴ After all, values cannot be taught, they need to be lived.

5. CONCLUSION

There is a growing awareness within the EU’s agenda that education is becoming an essential utility for reinforcing cohesion and the European identity. Therefore, the Commission has recently proposed numerous initiatives to help seize the full

⁶⁴ Cf. Kovačić, I., *Trust in Croatian state institutions low*, [<https://eblnews.com/news/croatia/trust-croatian-state-institutions-low-56456>]. Accessed 30 March 2018; *Special Eurobarometer 461 Report - Designing Europe’s future: Trust in institutions. Globalisation. Support for the euro, opinions about free trade and solidarity*, [<http://ec.europa.eu/commfrontoffice/publicopinion/>] Accessed 30 March 2018

potential of education at Member States level in order to ensure employability and competitiveness, empower active citizenship, promote personal fulfillment and assure a deeper understanding of common values.

Building on the analysis about the nature and tradition of our legal education, as well as its interdependence with legal culture, the aim of this paper was to detect the current status and challenges of Croatian legal education and, finally, offer a humble contribution to its improvement and thus support the aforementioned European goals.

We encountered a general consensus within academia that legal education should be much less formal and positivistic and much more problem-oriented. However, this does not mean to continue the usual practice of rushed legal curricula reforms which tend to crop the curriculum of some traditional subjects in order to achieve fast production of legal technicians. On the contrary, pursuant to our Humboldtian legacy we should encourage historical, philosophical, sociological, and economic aspects of our common legal tradition. This is not only inevitable, as a result of the Bologna process, but also desirable for formation of personality, deepening of European identity and common values.

For the past few decades, the European market has seen a significantly increased demand for experienced legal services, which has encouraged international orientation of legal education. Fostering employability, however, does not mean that universities should act as service companies which deliver instant and highly specialized workforce. They should rather provide knowledge and necessary skills for flexible adaptation to changing market circumstances and thereby foster mobility. This primarily implies a shift in paradigms. From elementary education onwards, instead of rewarding the memorizing and reproducing of facts, we should encourage teamwork, problem solving capacities, reinforce initiatives and learning skills. Only a change in the methodology of teaching would allow for a confrontation between the law in the books and law in action. Allowing students to question the legal system objectively and argue for its reform instead of just blindly accepting the current state would create both independent and socially responsible jurists and active citizens.

Ultimately, a key prerequisite for long-term successful progress is a change of mentality, and it starts with education.

REFERENCES

BOOKS AND ARTICLES

1. Akšamović, D., *Croatian Legal Education Reform at the Crossroads: Preparing the Modern Lawyer*, in: Ikawa, D., Wortham, I. (eds.), *The New Law School: reexamining goals, organization and methods for a changing world*, Public Interest Law Institute and Jagiellonian University Press, 2010, pp. 87-93
2. Ash, M. G., *From 'Humboldt' to 'Bologna': history as discourse in higher education reform debates in German-speaking Europe*, in: Jessop, B., Fairclough, N., Wodak, R. (eds.), *Education and the knowledge-based economy in Europe*, Sense, Rotterdam, 2008, pp. 41-61
3. Ash, M. G., *Wurde ein „Deutsches Universitätsmodell“ nach Österreich importiert? Offene Forschungsfragen und Thesen*, in: Mazohl, B., Aichner, C. (eds.): *Die Thun-Hohenstein'schen Universitätsreformen 1849-1860: Konzeption – Umsetzung – Nachwirkungen, Veröffentlichungen der Kommission für Neuere Geschichte Österreichs*, Böhlau, Wien, 2017
4. Avramović, S., *From General Legal History towards Comparative Legal Traditions*, *The Annals of the Faculty of Law in Belgrade – Belgrade Law Review*, Vol. 58, No. 3, 2010, pp. 347-353
5. Bayer, V., *Osnivanje pravnog fakulteta u Zagrebu (god. 1776) i njegovo definitivno uređenje (1777. god.)*, in: Bayer, V., Pusić, E., Štampar, S. (eds.), *Osnivanje Pravnog fakulteta u Zagrebu (1776. god.) i njegovo definitivno uređenje*, Pravni fakultet, Zagreb, 1976, pp. 81-126
6. Bayer, V., *Političko-kameralni studij u Hrvatskoj u 18. stoljeću (1769-1776)*, Bayer, V., Pusić, E., Štampar, S. (eds.), *Osnivanje Pravnog fakulteta u Zagrebu (1776. god.) i njegovo definitivno uređenje*, Pravni fakultet, Zagreb, 1976, pp. 2-41
7. Blankenburg, E., *Legal Culture In Five Central European Countries*, WRR Scientific Council for Government Policy, Hague, 2010
8. Čapeta, T., *Courts, Legal Culture and EU Enlargement*, *Croatian Yearbook of European law & Policy*, Vol.1, No.1, 2005, pp. 1-21
9. Čepulo, D., *Hrvatska pravna povijest i nastava pravne povijesti na Pravnom fakultetu u Zagrebu od 1776. do danas*, *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 63, No. 5-6, 2013, pp. 885-919
10. Čepulo, D., *Legal education in Croatia from medieval times to 1918: institutions, courses of study and transfers*, in: Pokrovac, Z. (ed.), *Juristenausbildung in Osteuropa bis zum Ersten Weltkrieg*, Vittorio Klostermann, Frankfurt am Main, 2007, pp. 81-151
11. Čepulo, D., *Razvoj pravne izobrazbe i pravne znanosti u Hrvatskoj od 1776. godine i Pravni fakultet u Zagrebu od osnivanja 1776. do 1918. godine*, in: Pavić, Ž. (ed.), *Pravni fakultet u Zagrebu*, Zagreb, 1996, pp. 51-93
12. Cuvaj, A., *Građa za povijest školstva kraljevine Hrvatske i Slavonije od najstarijih vremena do danas*, Trošak i naklada Kr. hrv.-slav.-dalm. zem. vlade, Odjela za bogoštovje i nastavu, Zagreb, 1907
13. Dobronić, L., *Zagrebačka akademija, Dom i svijet*, Zagreb, 2004
14. Dokmanović, M., *Legal history course development challenges in Croatia, Serbia and Macedonia*, *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 63, No. 5-6, 2013, pp. 991-1017

15. Engelsfeld, N., *Pravni fakultet u Zagrebu od 1918. do danas*, in: Krapac, D., Vranjican, S., Jureković, M. (eds.), *Pravni fakultet u Zagrebu*, Zagreb, 2001, pp. 123-187
16. Glenn, H. P., *Legal Traditions of the World: Sustainable Diversity in Law*, Fifth Edition, Oxford University Press, 2014
17. Glenn, H. P., *Legal Traditions and Legal Traditions*, *Journal of Comparative Law* Vol. 2, Issue 1, 2007, pp. 69-87
18. Gross, M., Počeci moderne Hrvatske: neoapsolutizam u civilnoj Hrvatskoj i Slavoniji 1850-1860, Globus: Centar za povijesne znanosti Sveučilišta u Zagrebu, Odjel za hrvatsku povijest, Zagreb, 1985
19. Herkov, Z., *Iz povijesti javnih financija, financijskog prava i razvitka financijske znanosti Hrvatske : od početka 16. stoljeća do polovice 19. stoljeća*, Pravni fakultet, Centar za stručno usavršavanje i suradnju s udruženim radom, Zagreb, 1985
20. Hesselink, M. W., *The New European Legal Culture*, Kluwer, 2001
21. Horbec, I., "Učiti administraciju": školovanje javnih službenika u 18. stoljeću, *Hrvatska javna uprava*, Vol. 9, No. 4, 2009, pp. 1011-1055
22. Horbec, I., Švoger, V., Školstvo kao politicum: Opći školski red iz 1774., *Anali za povijest odgoja - Annals for the History of Education*, Vol. 9, 2010, pp. 5-47
23. Hörner, W., *Introduction*, in: Tamás Kozma, T. et al (eds.), *The Bologna Process in Central and Eastern Europe*, Springer, Wiesbaden, 2013, pp. 7-12
24. Husa, J., *Legal Culture vs. Legal Tradition – Different Epistemologies?*, Maastricht European Private Law Institute Working Paper 18, 2012, pp. 3-30
25. Kurelić, Z., Rodin, S., *Failure of the Croatian Higher Education Reform*, *CEPS Journal*, Vol.2, No. 4, 2012., pp. 29-52
26. Liessmann, K. P., *Teorija neobrazovanosti: Zablude društva znanja*, Jesenski i Turk, Zagreb, 2008
27. Lučin, P., Prijić Samaržija, S., *The Bologna Process as a Reform Initiative in Higher Education in Croatia*, *European Education*, Vol. 43., Issue 3, 2011, pp. 26-42
28. Manko, R., *The Culture of Private Law in Central Europe after Enlargement: A Polish Perspective*, *European Law Journal*, Vol. 11, No. 5, 2005, pp. 527-548
29. Mayer, M., E., *Rechtsnormen und Kulturnormen*, Breslau, 1903
30. Merryman, J. H., *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*, Stanford University Press, Stanford, 1969
31. Merryman, J. H., *Legal Education There and Here: A Comparison*, *Stanford Law Review*, Vol. 27, No. 3, 1975, pp. 859-878
32. Paletschek, S., *Die Erfindung der Humboldtschen Universität. Die Konstruktion der deutschen Universitätsidee in der ersten Hälfte des 20. Jahrhunderts*, *Historische Anthropologie*, 10, 2002, p. 183-205
33. Randelović, D., *Kliničko pravno obrazovanje - nužni dio obrazovanja pravnika*, *Legal topics*, Year 4, No. 7., 2016, pp. 22-33
34. Ranieri, F., *Der europäische Jurist. Rechtshistorisches Forschungsthema und rechtspolitische Aufgabe*, *Ius Commune* 17, 1990, pp. 9-25

35. Rodin, S., *Diskurs i autoritativnost u europskoj i postkomunističkoj pravnoj kulturi*, Politička misao, Vol. 42, No. 3, 2005, pp. 41-64
36. Rodin, S., *Higher Education Reform in Search of Bologna*, Politička misao, Vol. 46, No. 5, 2009, pp. 21-38
37. Rüegg, W., *A History of the University in Europe: Volume 3, Universities in the Nineteenth and Early Twentieth Centuries (1800–1945)*, Cambridge University Press, New York, 2004
38. Rüegg, W., *A History of the University in Europe: Volume 4, Universities since 1945*, Cambridge University Press, 2010
39. Schneider, H., *The Free Movement of Lawyers in Europe and its Consequences for the Legal Profession and the Legal Education in the Member States*, in: Faure, M., Smits, J., Schneider, H. (eds.), *Towards a European Ius Commune in Legal Education and Research*, Antwerp, 2002, pp. 15–38
40. Simon, T., *Die Thun-Hohensteinische Universitätsreform und die „Geschichtliche Rechtswissenschaft“*, Beiträge zur Rechtsgeschichte Österreichs, 2017, pp. 132-143
41. Spengler, H.-D., *Römisches Recht und europäische Rechtskultur*, in: Buchstab, G. (ed.), *Die kulturelle Eigenart Europas*, Freiburg in Breisgau, Herder, 2010, pp 43-68
42. Švooger, V., *O temeljima modernog školstva u Habsburškoj Monarhiji i Hrvatskoj*, Povijesni prilozi, Vol. 42, No. 42, 2012, pp. 309-328
43. Uzelac, A., *Survival of the Third Legal Tradition?*, Supreme Court Law Review 49, 2d, 2010, pp 377-396
44. Van Hoecke, M., Warrington, M., *Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law*, The International and Comparative Law Quarterly, Vol. 47, No. 3, 1998, pp. 495-536
45. Van Horn Melton, J., *Absolutism and the eighteenth-century origins of compulsory schooling in Prussia and Austria*, Cambridge University Press, Cambridge, 1982
46. Vereš, V. T., *U potrazi za najstarijim hrvatskim sveučilištem*, Prilozi za istraživanje hrvatske filozofske baštine, Vol. 25., No. 1-2 (49-50), 1999, pp. 215-230
47. Visegrady, A., Tucak, I., *Mađarska i hrvatska pravna kultura, Suvremeni pravni izazovi*, in: Župan, M., Vinković, M. (eds.), *Suvremeni pravni izazovi: EU-Mađarska –Hrvatska*, Osijek, Pećuh, pp. 15-34
48. Zartner, D., *The Culture of Law: Understanding the Influence of Legal Tradition on Transitional Justice in Post-Conflict Societies*, Indiana International & Comparative Law Review, Vol. 22, No. 2, 2012, pp 297-315

WEBSITE REFERENCES

1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee of the Regions - Rethinking Education: Investing in skills for better socio-economic outcomes, [<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0669&from=EN>] Accessed 15 February 2018
2. Comprehensive curricular reform,

- [http://mzos.hr/datoteke/Nacionalni_okvirni_kurikulum.pdf] Accessed 30 March 2018
3. Education and Training Monitor 2017,
[https://ec.europa.eu/education/sites/education/files/monitor2017-hr_en.pdf] Accessed 30 March 2018
 4. Future of Europe: Towards a European Education Area by 2025
[http://europa.eu/rapid/press-release_IP-17-4521_en.htm] Accessed 25 January 2018
 5. Kovačić, I., *Trust in Croatian state institutions low*,
[<https://eblnews.com/news/croatia/trust-croatian-state-institutions-low-56456>] Accessed 30 March 2018
 6. Krištof, M., Pisek, K., Radeka, I., *Primjena Bolonjskog procesa na hrvatskim sveučilištima*, 2010,
[http://www.nsz.hr/novosti-i-obavijesti/vijesti_iz_znanosti_i_obrazovanja/istrazivanje-o-primjeni-bolonjskog-procesa-na-hrvatskim-sveucilistima/] Accessed 7 February 2015
 7. Kwiek, M., *The Emergent European Educational Policies Under Scrutiny. The Bologna Process from a Central European Perspective*, Poznan, 2003,
[http://www.policy.hu/kwiek/PDFs/KwiekBologna_Long.pdf] Accessed 15 February 2018
 8. Konrad Paul Liessmann, *Wissen als Provokation. Oder: Warum es so unangenehm ist gebildeten Menschen zu begegnen*, Symposium „Aktuelle Herausforderungen an Erziehung und Bildung“, 20.3.2015, Salzburg,
[<https://www.youtube.com/watch?v=cbxCgN4k4oY>] Accessed 30 March 2018
 9. Laying the foundations of the European Education Area: for an innovative, inclusive and values-based education,
[<https://ec.europa.eu/education/education-summit>] Accessed 25 January 2018
 10. Proposal for a Council recommendation on promoting common values, inclusive education, and the European dimension of teaching,
[<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A23%3AFIN>] Accessed 21 January 2018
 11. Proposal for a new national framework curriculum,
[http://mzos.hr/datoteke/Nacionalni_okvirni_kurikulum.pdf] Accessed 30 March 2018
 12. Recommendation of The European Parliament and of The Council of 18 December 2006 on key competences for lifelong learning,
[<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006H0962&from=EN>] Accessed 15 February 2018
 13. Special Eurobarometer 461 Report - Designing Europe's Future: Trust in institutions. Globalisation. Support for the euro, opinions about free trade and solidarity,
[<http://ec.europa.eu/commfrontoffice/publicopinion>] Accessed 30 March 2018
 14. Strengthening European Identity through Education and Culture. The European Commission's contribution to the Leaders' meeting in Gothenburg, 17 November 2017
[https://ec.europa.eu/commission/sites/beta-political/files/communication-strengthening-european-identity-education-culture_en.pdf] Accessed 21 January 2018