

# LEGAL HISTORY COURSE DEVELOPMENT CHALLENGES IN CROATIA, SERBIA AND MACEDONIA\*

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*Having in mind the ongoing transformation of the system of legal education in Europe and elsewhere, in particular the emphasis on the promotion of practical skills, the paper explores the recent developments and future challenges for the traditional course in the legal studies curriculum – legal history in three South East European countries. The paper presents the findings of the research outlining the current level of development of legal history at the targeted universities in the region. Furthermore, the paper identifies the stimulating and constraining factors in syllabus development as well as proposes specific recommendations for improvement of the legal history courses in Croatia, Serbia and Macedonia. Finally, the paper makes an attempt to answer what has influenced the course design especially in the last 20 years.*

*Keywords: higher education, law, history, Croatia, Serbia, Macedonia*

## 1. INTRODUCTION

In the past two decades, American as well as many European law schools have commenced to reassess their legal studies curricula. This process was

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initiated by the notion that law schools have a moral and ethical obligation to society and, to an even greater degree, to their students — to adequately prepare them to succeed as professionals. The main question was whether the current system of education was adequate to answer the needs of the students and their future employers. In 1999 the process of reassessment of the curricula was accelerated with the signing of the Bologna declaration in the European Union (EU) which called for creation of European area of higher education and a system of readable and comparable degrees.<sup>1</sup> In its essence, the Bologna process initiated the transformation of the curriculum of study programs across the Union with the sole purpose of answering the needs of the market in a more successful manner. In other words, the universities were expected to make students client-ready.

The new challenge affected law schools as well. Law schools were expected to put an emphasis on development of practical skills of students and reduce doctrinal knowledge in their curricula. As a result of that, the model of education, i.e. making students client-ready, has been widely discussed.<sup>2</sup> In that direction, one of the main questions raised was what role would the traditional contextual, historical, sociological or economic disciplines play in the future education of law students and in the legal studies curriculum. Consequently, law schools were expected to formulate a new balance between the positive and contextual legal disciplines. At the beginning of the process, understandably many authors shared the fear that under the new conditions contextual legal disciplines will be doomed. Legal history was one of the contextual legal disciplines that faced this challenge.

This discipline traces the comparative historical development of both public and private law, from the oldest legal civilizations up to ancient, medieval and contemporary legal traditions. In that direction, legal history has existed as a compulsory subject in the curricula of many law schools across the globe. According to Wampler, legal history is one of the fastest growing disciplines and it is often perceived as a “necessary ingredient for a first rate legal education”.<sup>3</sup>

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<sup>1</sup> European Commission. *The Bologna Declaration on the European space for Higher Education: An Explanation*. Available at: <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf> [Accessed on 10 November 2011].

<sup>2</sup> Garvey, J. B., Zinkin, A. F., Making Law Student Client-Ready: A New Model in Legal Education. In: *Duke Forum for Law and Social Change*, 2009, Vol. 1, p. 129.

<sup>3</sup> Wampler, S. L., *Legal History at Columbia*. Available at: [http://www.law.columbia.edu/center\\_program/law\\_history/about](http://www.law.columbia.edu/center_program/law_history/about) [Accessed on 10 January 2012].

The major objective of the subject is to enable a proper and in-depth understanding of the dynamic of earlier and contemporary legal systems, based upon the constant interaction with the society and other legal systems.<sup>4</sup> This goal could be reached only through a deep and historical insight of the complex process of lawmaking and the evolution of law on both, international and national level. However, recent developments in legal education, especially the quest for client-ready graduates, have raised the issues of the position of contextual legal disciplines such as legal history.

The tradition of teaching this discipline has existed in former Yugoslavia at several law schools. After the wars of 1990's and the transition to democracy law schools in former Yugoslavia have undertaken transformations and modifications of the legal studies curriculum. The transformation of the curriculum was influenced by the European experiences, in particular the Bologna process as well as local conditions in each country.

Changes and modifications in the syllabus of legal history that took place after the dissolution of the Yugoslav Federation and the factors that influenced the process are the main focus of this paper. In that direction, the research made an attempt to explore and analyze the main trends and developments in the field of legal history in Croatia, Serbia and Macedonia, define current challenges and finally, based on the conducted survey, offer recommendations and specific steps for improvement. Serbia and Croatia were deliberately selected due to the role these two countries play in the region as well as their history of entanglement, especially in the wars in ex-Yugoslavia (1991 – 1995). In that direction, special attention of the research was put on the tradition of teaching and evaluation of course name, current status of the discipline, content of the course, teaching methodology and assessment of student performance as well the cooperation among departments on national and regional level.

Besides that, the research assessed the treatment of joined past in the legal history syllabus in Croatia, Serbia and Macedonia. The transformations in the syllabus were evaluated in respect to the ongoing educational reform to meet the standards of the European credit transfer system.

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<sup>4</sup> Avramović, S., From General Legal History Towards Comparative Legal Traditions. In: *Annals of the Faculty of Law in Belgrade – Belgrade Law Review*, 2010, Vol. 58, No. 3, p. 22.

## 2. CURRENT EUROPEAN TRENDS IN LEGAL HISTORY COURSE DEVELOPMENT

The challenge of defining and rethinking approaches to teaching legal history is a global phenomenon.<sup>5</sup> Professors, chairs and departments of legal history across the globe are constantly preoccupied with improvement of their teaching methodology and the main task – to equip students with knowledge and skills that will assist them in their professional career. Having this in mind, the research has begun with the analysis of relevant sources concerning the general trends in development of legal history in Europe in the last twenty years. After thorough examination of the available sources, the following conclusions could be defined:

Firstly, there is a clear and evident tendency of Europeanization of legal history study in the European countries. Europeanization of the study of legal history stands for exploration of the development of national laws/legal history as an aspect of European legal culture and European jurisprudence. As a result of that, law is perceived as one of the unifying elements of European culture and consequently, legal history is seen as a part of European legal history in general sense.<sup>6</sup> This concept was especially promoted after the World War II and corresponded with the commencement of the European integration process of the Western European countries. In that direction, Heirbaut argued that the EU integration process has led to greater awareness of the similarities among European legal systems and their differences with other legal systems.<sup>7</sup>

The main assumption of the aforementioned idea and concept is that European legal history can contribute to the “Europeanization of modern legal thinking”. European legal integration can be more easily achieved and comprehended if national laws are viewed as part of the great legal families, each shaped by historical dynamics. It will become easier to understand similarities and differences, to recognize diverse legal heritage, influences and transplants among legal systems, either as a donor or receiving society if one has studied

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<sup>5</sup> He, J., Xinhua, X., The Reform of Undergraduate Teaching on the “History of Foreign Law”. In: *Asian Social Science*, 2010, Vol. 6, No. 5, p. 36.

<sup>6</sup> Schulze, R., European Legal History – A New Field of Research in Germany. In: *Journal of Legal History*, 1992, Vol. 13, No. 3, p. 270.

<sup>7</sup> Heirbaut, D., Europe and the People Without Legal History: On the Need for General History of Non-European Law. In: *Tijdschrift voor Rechtsgeschiedenis*, 2000, Vol. 68, No. 3, p. 279.

legal history.<sup>8</sup> Future lawyers should be equipped with general knowledge of law and European legal traditions that could assist them in adapting to different conditions for legal practice within EU. As a result of that, the Europeanization of legal disciplines including legal history will lead to creation of new generation of European lawyers.

It was in the beginning of 1990's when Schulze called for "Europeanization of legal science".<sup>9</sup> The idea of Europeanization of legal science in Germany emerged in 1950's and the pivotal role was played by the Franz Wieacker's book "Modern History of Private Law with Particular Reference to the Development of the Law in Germany"<sup>10</sup> which analyzed the development of the law in Germany as an aspect of European legal culture and European jurisprudence. In other words, the focus of interest of legal historians in Germany was shifted from national legal history – to its study in a European continental context. This tendency was adopted by many universities in Germany that devoted themselves to the challenges of research and teaching of European legal history particularly in the second half of 20<sup>th</sup> century.

Similar situation existed in the United Kingdom. In 2000 Watkin has underlined that it became apparent that a recurring theme among contemporary historians of English law was an increased awareness of the European dimension to English legal developments. Consequently, he emphasized the tendency of contemporary English legal historians to explore English legal history in European continental context unlike nineteenth and twentieth century legal historians that focused on the "literally insular nature of much of the development of English law from the thirteenth century onwards, in particular the absence of any Reception within England of the revived Roman law". Besides that, Watkin also emphasized that the interest for the European context of English legal history has begun to occur in the last 35 years, a period marked by the UK entry to the European community.<sup>11</sup> This position was also supported by Baker who argued the European legal history in England began to occur in 1960's not only by law schools but by historians without background in law as well.<sup>12</sup>

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<sup>8</sup> Palmer, V. V., *Mixed Jurisdictions of the World: The Third Legal Family*. Cambridge University Press: 2001.

<sup>9</sup> Schulze, R., *op. cit.* (fn. 6), p. 271.

<sup>10</sup> Wieacker, F., *Privatrechtsgeschichte der Neuzeit unter besonderer Berücksichtigung der Deutschen Entwicklung*. Vandenhoeck & Ruprecht: 1952.

<sup>11</sup> Watkin, T. G., The Future of Legal History. In: *International Journal of the Legal Profession*, 2000, Vol. 7, No. 2. p. 127.

<sup>12</sup> Baker, J. H., Two Decades of English Legal History. In: *Zeitschrift für Neuere Rechtsgeschichte*, 1986, Vol. 8, p. 43.

Legal historians in France and Italy were also focused on writing of national legal histories in the 19<sup>th</sup> and the first half of 20<sup>th</sup> century similar to their English and German colleagues. However, the intellectual root of *ius commune* of national legal systems was not forgotten – in fact, it was widely accepted and further explored. It was the common law of continental Europe that ceased to exist with the enactment of national codifications. The “Europeanization of legal science” was supported by legal practitioners as well. According to the Advocate General of the EC Court of Justice “the Europeanization of the legal education will be a natural consequence of the Europeanization of law”.<sup>13</sup> The tendency of rise of European legal history was also emphasized in Lesaffer’s latest publication and by several other authors.<sup>14</sup>

Secondly, as a result of the aforementioned developments related to “Europeanization of European legal history”, another dominant position that emerged among legal historians in the last few decades was that the syllabus of legal history should incorporate the developments of the second half of 20<sup>th</sup> century such as the establishment and development of the institutions and law of the EU. This tendency was further justified in respect to the current and future law students, who to a large extent do not perceive the early phases of EU integration (1950’s and 1960’) as part of the contemporary history.

Thirdly, an additional tendency that consequently could be defined in respect to the recent developments of legal history was the prospect for long-term cooperation between legal history and comparative law.

Having in mind the differences among European national legal systems, the main idea behind this concept is that legal history and comparative law should be able to provide European lawyers with set of principles and legal concepts that would develop communication and cooperation despite existing differences and thus become a unifying element in lawyer’s work. In that direction, Professor Reinhard Zimmerman for a long period has been a strong

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<sup>13</sup> Maduro, M. P., *Legal Education and the Europeanization and Globalisation of Law*. Available at: [http://www.contraditorio.pt/admin/source/files/1276200432-PolicyPaper10\\_01\\_LegalEducationandtheEuropeanizationandGlobalisationofLaw-Original.pdf](http://www.contraditorio.pt/admin/source/files/1276200432-PolicyPaper10_01_LegalEducationandtheEuropeanizationandGlobalisationofLaw-Original.pdf) [Accessed on 10 January 2012].

<sup>14</sup> Lesaffer, R., *European Legal History: A Cultural and Political Perspective*. Cambridge University Press: 2011; Stein, P., *Roman Law in European History*. Cambridge University Press: 1999; Bellomo, M., *The Common Legal Past of Europe: 1000 – 1800 (Studies in Medieval and Early Modern Canon Law)*. Catholic University of America Press: 1995; Robinson, O. F., Fergus, T. D., Gordon, W. M., *European Legal History*. Oxford University Press: 2005.

promoter of the approach that legal-historic and comparative studies represent the driving vehicle of the legal science of new Europe.<sup>15</sup> He urged for study of common issues in European legal history and invoked the era of *ius commune* as a golden age.

Apart from that, several authors have underlined the importance of study of comparative law as prerequisite for consistent and coherent approach to the harmonization or unification of EU Member State laws. In that direction, Professor Koziol defined the need for study of comparative law and legal history as an instrument for development of open-minded European lawyers, better understanding of fundamental perspectives and common bases resulting in highly increased chances for improvement of the legal system or for draft of a better system.<sup>16</sup> On the other hand, the importance of applying comparative methods in both teaching and writing academic course books should not be forgotten as Donahue suggested in his report.<sup>17</sup>

Fourthly, it seems that the issue of innovation of teaching of this traditional legal discipline with new methods should play an important role in the future development of legal history courses. This is part of a general process of innovation of legal education, a process that called for development of new approaches in teaching law through development of practical skills of the students and making them more client-ready. Several recent studies on general legal education have suggested this new approach. As a result of that, the use of the case study method, full advantage of multimedia technology, networks, multi-language instruction, role-play simulation, moot courts, clinical legal history, diversification of course readings are some of the potential instruments that develop critical legal thinking and reasoning as well as student skills.<sup>18</sup> In that direction, an excellent innovative method was developed at the School of law, University of Sheffield in 2008 where a student generated study guide in

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<sup>15</sup> Zimmermann, R., Roman and comparative law: the European perspective (some remarks apropos a recent controversy), In: *Journal of Legal History*, 1995, Vol. 16, No. 1, p. 21.

<sup>16</sup> Koziol, H., Comparative Law – a Must in the European Union: Demonstrated by Tort Law as an Example. In: *Journal of Tort Law*, 2007, Vol. 1, No. 3, p. 1.

<sup>17</sup> Donahue, Ch., Jr., Comparative Legal History in North America. In: *Proceedings of the 18<sup>th</sup> International Congress of Historical Sciences*, Montreal: 1995, p. 17.

<sup>18</sup> Avramović, S., *Clinical Legal History: A New Teaching Method (Simulation of Athenian Court)*. Alen Watson Foundation: 2006. Available at: <http://www.alanwatson.org/publications.htm> [Accessed on 1 September 2011].

a form of a wiki was developed as part of the Legal History module.<sup>19</sup> Consequently, development and implementation of such innovative approaches should be further justified.

Finally, although legal history is focused on the study of legal systems in historical context, it is evident that new areas of research emerge such as legal history of non-European law or the interconnections between gender and legal history.<sup>20</sup> The study of new areas that interconnect with legal history could further advance its development as a dynamic legal discipline.

### 3. TEACHING LEGAL HISTORY – A CASE STUDY OF CROATIA, SERBIA AND MACEDONIA

This part of the paper presents and analyzes the results from the gathered primary sources during the site visits and conducted interviews at six universities in Croatia, Serbia and Macedonia.

The research has been based on case study methodology. After the identification, analysis and assessment of relevant existing sources and materials for the topic of the research (reports, documents or publications) with the intention to gain insight into the current developments in the field of legal history, a selection of universities in the targeted countries has been made. The selection was made on the basis of several factors: ranking and impact of universities on national and regional level, tradition of teaching legal history at the law schools within the universities, geographic factor<sup>21</sup> and innovations in the teaching of the discipline. It should be emphasized that the research was concentrated on the discipline legal history (general and national), a subject that is studied at all law schools of the selected universities. Although the subject Roman law represents a separate legal historical discipline, it was not a part of the research.

The research was focused on the public universities in the selected countries. As a result of that, two law schools in each country (Croatia, Serbia and Macedonia) have been chosen for case study analysis:

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<sup>19</sup> Davis, F. F., Loasby, I. D., I Love Legal History: Web 2.0 and the Teaching of Law. In: *Journal of Commonwealth Law and Legal Education*, 2009, Vol. 7, No. 1, p. 19.

<sup>20</sup> Batlan, F., Engendering Legal History. In: *Law and Social Inquiry*, 2005, Vol. 30, No. 4, p. 823; Huxley, A., Legal Transplants as Historical Data: Exemplum Birmanicum. In: *The Journal of Imperial and Commonwealth History*, 2009, Vol. 37, No. 2, p. 167.

<sup>21</sup> Based on the geographic factor two universities in each country were selected (one in the national capital and the second in a regional center).

- University of Zagreb – Faculty of law, established in 1776, (<http://www.pravo.unizg.hr/>);
- University of Split – Faculty of law, established in 1961, (<http://www.pravst.hr/>);
- University of Belgrade – Faculty of law, established in 1841, (<http://ius.bg.ac.rs/>);
- University of Niš – Faculty of law, established in 1960, (<http://www.prafak.ni.ac.rs/>);
- Ss. Cyril and Methodius University in Skopje – Faculty of law, established in 1951, (<http://www.pf.ukim.edu.mk/>) and
- Goce Delčev University in Štip – Faculty of law, established in 2007, (<http://pra.ugd.edu.mk/>).

The primary data of the research were obtained through site visits and face-to-face interviews with pertinent interlocutors (heads of departments, teaching and administrative staff and in some cases - students) at the selected universities.

Apart from that, it should be emphasized that the websites of all targeted law schools provided satisfactory initial information about relevant issues for the research. The syllabi for both subjects, units of learning as well as examination rules have been transparently published on all law school's websites.

The findings of the conducted research were analyzed and recommendations were formulated. The main aim of the interviews was to obtain firsthand information regarding the current status of legal history syllabus at the selected universities. During the interviews, special attention was put on the following elements: tradition of teaching, name and content of the course, teaching methodology, evaluation of student performance, course readings, cooperation with other departments on national and regional level etc.

### **3.1. Tradition of teaching and evolution of the course name**

It is evident that a long tradition of teaching legal history existed in Croatia, Serbia and Macedonia. At the law schools in Croatia and Serbia, for an extensive period of time, two separate legal history courses (General and National legal history) have existed<sup>22</sup>, while in Macedonia there was only one legal

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<sup>22</sup> In Serbia this was the case with the law schools of the universities in Belgrade and

history course in the legal studies curriculum. Although long tradition of study of legal history existed, the research has showed that the name of the course was very often changed or modified at all selected universities.

The course *General legal history* was established at the University of Zagreb in 1868 and was taught until 1933 when it was abolished.<sup>23</sup> After World War II, the course *General history of state and law* was reintroduced in the curriculum in the academic year 1946/47.<sup>24</sup> This course is part of the general legal studies program at the school ever since. Its title has not been changed.

The course *Croatian legal history* existed in the general legal studies program of Law school in Zagreb for over a century. It was established in 1911 when it was separated from the course General legal history.<sup>25</sup> After the creation of the Kingdom of Serbs, Croats and Slovenians, in 1920 the course was renamed to “Legal history of Serbs, Croats and Slovenians” and later to “Yugoslav legal history”. In the period from the end of World War II to the dissolution of Yugoslavia in 1991, the subject was studied as “History of state and law of the Peoples of Yugoslavia”.<sup>26</sup> This course explored the national histories of the Yugoslav republics, from the settlement of Slavs to the creation of “new Yugoslavia” in World War II.

As a result of the dissolution of Yugoslavia and the beginning of the process for declaring Croatian independence, in 1991 the name of the course was changed. It was clear that the new name of the course, “History of Croatian law and state”, included an explicit national prefix.

A major transformation of the syllabus occurred in 2005. The name of the subject was transformed to “Croatian legal history in the European context”. The syllabus of the subject was modified as well. The aim of the new syllabus was to “explore the development of the Croatian legal system and legal culture as a separate part of the appropriate processes in Europe as well as to provide

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Novi Sad, while only one legal history course dominated the program of the University of Niš.

<sup>23</sup> Čepulo, D., Teaching General Legal History at the Faculty of Law in Zagreb 1868 – 1933: Contexts, Origins, Profile, Comparisons. In: *Pravni fakultet u Zagrebu. II. Prilozi za povijest katedri i biblioteke Fakulteta*. Pravni fakultet u Zagrebu: 1996.

<sup>24</sup> *Ibid.*, p. 401.

<sup>25</sup> *Ibid.*

<sup>26</sup> Engelsfeld, N., Povijest katedre hrvatske pravne povijesti. In: *Pravni fakultet u Zagrebu. II. Prilozi za povijest katedri i biblioteke Fakulteta*. Pravni fakultet u Zagrebu: 1996, p. 310.

understanding of traditional conditionality of the contemporary Croatian legal system and legal culture”.<sup>27</sup>

Similar tradition of teaching legal history at the other selected Croatian university (University of Split) existed before 1990's. Two separate compulsory courses existed before dissolution of Yugoslavia: General history of state and law and History of state and law of Yugoslav Peoples. However, in certain periods the two subjects were integrated in one course. Contrary to the practice of the Law school in Zagreb, there is no division between the academic staff responsible for teaching each course and consequently the academic staff is involved in teaching both courses. This was obviously a result of the lower number of students and limited resources compared to the Law school in Zagreb. After 1990's certain modifications were implemented in the name and syllabus of both subjects. The name of the course General history of state and law was changed to “General legal history”. Furthermore, the course History of Croatian law and state renamed to Croatian legal history in the beginning of 1990's. The reasons for renaming of the subject were the same as at the Law school in Zagreb.

As far as the selected Serbian universities are concerned, both law schools in Belgrade and Niš had a long tradition of study of both general and national legal history.

However, at the Law school in Belgrade, *National legal history* has a noticeably longer tradition. National legal history was introduced in the curriculum with the establishment of the Belgrade lyceum in 1841 under the name “History of legal knowledge”. Later the course was known as History of Slavic Law.

Significant transformation of the curriculum of the Law school in Belgrade occurred in 1938 when due to the adopted national act, the curricula of the three existing Law faculties in the Kingdom of Yugoslavia (Belgrade, Ljubljana and Zagreb) were harmonized. As a result of that, two separate subjects (People's legal history and Comparative legal history) were provided to be envisaged in the curricula of the three law schools<sup>28</sup>, but this was not applied in Zagreb because the respective act was annulled by the authorities of the newly established Banovina Croatia. Besides that, the subject Sharia law was included in the curriculum of the Belgrade law school only.

<sup>27</sup> Čepulo, D., *Hrvatska pravna povijest u europskom kontekstu*. Pravni fakultet u Zagrebu: 2006, p. III.

<sup>28</sup> Avramović, S., Stanimirović, V., *Uporedna pravna tradicija*. Pravni fakultet u Beogradu: 2010.

In the period from 1945 – 1991 the course was known under the name “History of state and law of the Yugoslav Peoples” as it was the case with other Yugoslav republics. After the dissolution of Yugoslavia, in the beginning of the 1990’s, the course was renamed to National history of state and law. During the interview with professor Mirković, the idea of transformation of the name of the course to Serbian legal history was mentioned.<sup>29</sup>

As far as the course *Comparative legal tradition* at the Law school in Belgrade is concerned, it should be underlined that the tradition of study of this subject at the University of Belgrade lasted for over 60 years. As it was already mentioned, the concept of two separate legal history courses (general and national) in the country was developed before the beginning of World War II. This concept was maintained after the war, but the name of the course was modified to General history of state and law. However, having in mind the political changes that took place in the country after the liberation (development of socialism and close relations to the Soviet Union), this course was to a large extent influenced by a concept that in its nature was Soviet and promoted “strong political approach to the study of legal history. This concept focused on the history of state rather than to history of law.”<sup>30</sup>

Contrary to the experience of the law schools in Belgrade, Split and Zagreb, there was a long tradition of studying only one legal history course at the University of Niš. In the period from 1961 – 1995 the course “History of state and law” was taught at the first year of studies at the Law school in Niš. Later, in 1995 the course “History of state and law” was separated into two compulsory courses at the first year of studies: General legal history and National legal history.<sup>31</sup>

Corresponding tendency existed at the selected Macedonian universities as well. The tradition of teaching legal history at the Law school in Skopje has commenced with the foundation of the institution in 1951 and has been lasting for over sixty year. Similar to the legal studies program at the Law school in Niš, only one compulsory legal history course existed in the curriculum of the Law school in Skopje. In the period from 1951 – 1976 the name of the subject was “History of state and law”. This course included both general and national legal history. In 1976 the name of the course was harmonized with

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<sup>29</sup> Interview with professor Zoran Mirković held in Belgrade on 27 May 2011.

<sup>30</sup> Interview with professor Sima Avramović held in Belgrade on 26 May 2011.

<sup>31</sup> *Fifty Years from the Establishment of the Law School in Niš*. Law school, University of Niš: 2010, p. 8.

other Yugoslav republics and the name was changed to “History of state and law of the Peoples of Yugoslavia” which consequently resulted in modification of the syllabus. The current name of the course “History of law” was adopted in 1993 and is used ever since.

Finally, this concept was also accepted by the recently established Goce Delčev University in Štip that is the youngest university in Macedonia. It was established in 2007 as a part of government efforts to improve accessibility to higher education of the population in Eastern Macedonia. The purpose of including this university in the research was to examine the approach of newly established universities to legal history.

### 3.2. Legal history between Tradition and Bologna: *Status quo*

Although it is obvious that tradition of teaching legal history existed at the selected universities, during the interviews with the members of the departments one observation concerning the status of the course was emphasized by all interviewees. All interviewed interlocutors unanimously agreed that in the period after the dissolution of Yugoslavia, all departments faced the challenge of preserving the subject/s in its given form in the legal studies curriculum.

For instance, during the interview with the head of the Chair for Legal History at the Law school in Niš, Professor Dragan Nikolić, several challenges for the future of the subject were discussed. Accordingly, it was a belief of Professor Nikolić that there was a tendency of decreasing the importance of legal history subjects in the region. This was a result of the changing nature of the contemporary legal studies, the Bologna process and the quest for practical oriented curricula as well as the interdepartmental and interpersonal relations within law schools which to a large extent put a greater accent on the study of positive law. Moreover, a new trend to include a large historical part in the syllabus of the other legal subjects has emerged in last several years.<sup>32</sup> Similar observations were shared by other interviewed heads of departments. For example, the Head of the Chair for Legal History at the Law school in Split, Professor Željko Radić, has underlined that, having in mind the fact the historical method represented one of the four methods for study of law (together with dogmatic, theoretical and comparative method) and that each of

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<sup>32</sup> Interview with the Head of the Chair for legal and historical Sciences, Dragan Nikolić, held in Niš on 23 June 2011.

them had an equal importance, it was the position of the Chair that both legal historical subjects should keep their autonomy as separate and compulsory.<sup>33</sup>

Opposition to maintaining contextual legal disciplines such as history of law or Roman law as compulsory subjects in the curriculum existed at all law schools. This approach was justified with the new generator of changes in the European high education system – the so-called Bologna process. The new framework created by Bologna urged for reducing doctrinal knowledge and increasing “student skills”. As a result of that, in many cases and for a confined period of time, the representatives of positive legal sciences advocated the need for exclusion of legal history course/s from the legal studies curriculum or its reduction. However, the primary data of the research obtained from site visits lead us to the conclusion that this attempt was largely not successful.

The two compulsory separate legal history courses (General history of law and state and Croatian legal history in the European context) at the Law school of the University of Zagreb continued to be a part of the legal studies curriculum. Both subjects are taught in the first year of undergraduate studies. The subject General history of law and state is taught in the winter semester while the subject – Croatian legal history in the European context – in the summer semester of the first year of legal studies. The student workload for both subjects is 8 ECTS.<sup>34</sup>

As it was the case with the Law school in Zagreb, separate legal history subjects currently exist at the Law school in Split: General legal history and Croatian legal history. The subject General legal history is taught in the winter semester and the subject Croatian legal history in the summer semester of the first year of legal studies. The student workload for both legal history subjects is 8 ECTS.

The latest legal studies program at the Law school of the University of Belgrade was adopted in the academic year 2005/2006. According to the program, both subjects (general and national legal history) are envisaged as separate and compulsory in the general curriculum of the school. The subject *Comparative legal tradition* is taught in the winter semester of the first year of studies and the subject *National history of state and law* in the summer semester. The courses *Comparative legal tradition* and *National history of state and law*

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<sup>33</sup> Interview with the Head of the Chair for Croatian legal history, Željko Radić, held on 15 April 2011 in Split.

<sup>34</sup> European Credit Transfer and Accumulation System. One credit (1 ECTS) generally corresponds to 25 – 30 hours of work of the student.

have a student workload of 6 ECTS.<sup>35</sup> All interviewed members of the academic staff pointed out the role of personal influence in keeping two separate legal history subjects at the school.

On the other hand, at the Law school of the University of Niš, as a result of the changes implemented under Bologna, in 2008 the two existing legal history subjects were reintegrated into one compulsory subject – History of law. The subject is taught in the winter semester of the first year of studies and has a workload of 7 ECTS. At the same time, a new elective course – Constitutional History of Serbia was offered to the first year students.<sup>36</sup>

As far as the *status quo* of the course at selected Macedonian universities is concerned, the position of legal history in the legal studies curriculum remained as it used to be. History of law is a compulsory subject in the winter semester of the first year of studies at the Law school of University of Skopje. The course has a workload of 7 ECTS.<sup>37</sup> At the same time, the course “History of law” is foreseen as a compulsory subject taught in the winter semester of studies at the University of Štip. The overall workload of the students is 6 ECTS.<sup>38</sup>

It could be concluded that after the beginning of the Bologna process all legal history courses at selected universities, except for the University of Niš, have maintained their position within the legal studies curriculum. In other words, legal history courses have survived the Bologna process of reform and preserved their traditional position within legal studies curriculum. Furthermore, it should be underlined that the position of the contextual legal disci-

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<sup>35</sup> Law School. University of Belgrade. General Undergraduate Legal Studies Program. Available at: <http://ius.bg.ac.rs/informacije/Nastavni%20plan%20osnovnih%20i%20master%20studija.doc> [Accessed on 10 April 2011].

<sup>36</sup> It should be pointed out that a LLM program in legal history existed at the law school for over 15 years. It was established in 1997 and further developed in 2004 curriculum of the Faculty. The legal history module according to Bologna was established in 2011.

<sup>37</sup> As far as the postgraduate studies are concerned, a LLM program in State and legal history of Macedonia existed at the Law School in Skopje for over 30 years. After the implementation of ECTS, a new LLM program in History of law was developed. The program has two modules (History of European law and state and Legal history of Macedonia). Law School. Ss. Cyril and Methodius University. Curriculum of the LLM Program in History of law. Available at: [http://www.pf.ukim.edu.mk/images/File/PREDMETNA\\_PROGRAMA\\_ZA\\_ISTORIJA\\_NA\\_PRAVOTO.doc](http://www.pf.ukim.edu.mk/images/File/PREDMETNA_PROGRAMA_ZA_ISTORIJA_NA_PRAVOTO.doc) [Accessed on 15 September 2011].

<sup>38</sup> Law School. Goce Delčev University in Štip. General Undergraduate Legal Studies Program. Available at: [http://pra.ugd.edu.mk/images/stories/file/pdf/studiskiProgrami/studiski2/Pravosudna\\_nasoka.pdf](http://pra.ugd.edu.mk/images/stories/file/pdf/studiskiProgrami/studiski2/Pravosudna_nasoka.pdf) [Accessed on 15 September 2011].

plines in the general legal studies curriculum was strengthened with the 2010 ELFA Ljubljana Resolution on the Bologna process. This resolution has stressed the importance of general subjects such as legal history as valuable fields of legal education.<sup>39</sup>

### 3.3. Course content

Another significant issue that was analyzed in the research was the issue of the content of the course. In that direction, the research has focused on the changes and modifications of courses that have been implemented after the dissolution of Yugoslavia in particular, its current content and time-framework as well as the reasons and conditions that influenced its development.

Belgrade Law School was one of the first schools in the region to commence the complex process of change of the name, content and methodology of the subject General legal history. The first initial steps were carried out at the end of 1990's when the name of the subject was changed to General legal history. Consequently, the content of the course was transformed. The main reason for the modification of the course originated from the urgent need to put an emphasis on the study of law and to avoid the aforementioned socialist approach to the study of general legal history.

Furthermore, the crucial changes occurred in 2006 when a completely new approach in the development of the discipline was promoted. As a result of that, the course was renamed and its content was modified. The creation of the concept for study of general legal history under the name "Comparative legal tradition" was justified with several arguments: (1) the fact that the subject General legal history does not exist on the leading universities; (2) the evolution of comparative law in the last 20 years; (3) the trend of development of similar concepts across the globe and (4) personal contacts with distinguished scholars.<sup>40</sup> According to professor Avramović, the shift from general legal history, "a general and risky concept", to a more neutral one – comparative law, was justified by the fact that legal history and comparative law are complementary disciplines. The position was also supported by Alan Watson who argued

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<sup>39</sup> *European Law Faculties Association (2010). ELFA Resolution on the Bologna Process*. Available at: <http://elfa-afde.eu/ResolutionsLjubljana2010.aspx> [Accessed on 10 October 2011].

<sup>40</sup> Avramović, S., *op. cit.* (fn. 4), p. 22.

that comparative law has a strong historical component.<sup>41</sup> This approach was also backed by several scholars mentioned in the second part of this paper.

As part of the new approach the time-framework of the course was expanded from the end of World War II to the beginning of 1990's and thus has included the EU integration process. Having in mind the joint European legal tradition as well as the fact that EU law represents the new *ius commune*, according to professor Avramović, this adjustment of the syllabus was necessary in order to meet the latest trends of the discipline.

Remarkable changes of the content of the course Croatian legal history were also implemented at the Law School in Zagreb. Although the time-framework remained as it used to be, in the beginning of the 1990's the syllabus of the subject has transformed dramatically. The issues associated with other Yugoslav republics were excluded from the syllabus except for the part dedicated to Bosnia and Herzegovina.

Alongside with modifying the course title from History of Croatian law and state to Croatian legal history in the European context, in 2005 the course syllabus was strengthened with new topics, strongly connected with the historical development of Croatian law and the influence of neighboring legal systems (such as Venetian, German, Hungarian and Byzantine law). The emphasis of the modified syllabus was put on the Croatian dimension of development of law with an increased focus in particular on the interrelations with Hungarian law. In addition, the syllabus was expanded with issues related to private law, criminal law, as well as criminal and civil procedure. Besides that, topics from the second half of the 20<sup>th</sup> century have been included in the syllabus, especially the period from 1945 – 1992 (legal history of postwar Yugoslavia and the legal status of Croatia). The backbone of this period in the syllabus is oriented on the evolution of constitutional law, border issues as well as some elements of history of law in a general sense. Separate units of the syllabus are dedicated to the dissolution of Yugoslavia, establishment of Croatia as an independent state and its international recognition.

According to the Head of the Chair of History of Croatian law and state, Dalibor Čepulo, the modifications of the title and content were carried out as a result of the Bologna process. There is an evident willingness to further expand the time-framework of the syllabus with issues associated to the finalization of

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<sup>41</sup> Watson, A., *Legal History and a Common Law for Europe*. Institutet för rätthistorisk forskning: 2001, p. 17.

the country's EU integration process. However, this approach could be further challenged by the positions of other legal disciplines connected to EU law.<sup>42</sup>

As far as the course General history of state and law at the University of Zagreb is concerned, the time-framework of the course syllabus incorporates the standard content, starting from the law of the oldest civilizations (cuneiform and Egyptian law), ancient and medieval law to modern/contemporary law. However, the second half of the 20<sup>th</sup> century is not included in the course and as a result of that the syllabus time-framework ends with 1945 and the Soviet law.

It should be emphasized that during the visit of the Chair for General history of law and state several undergraduate students have been interviewed as well. The students were very supportive of the idea for including the second half of 20<sup>th</sup> century in the syllabus of the subject General history of law and state, in particular the EU integration process. The idea of expanding the time-framework of the course was supported by the academic staff too.

After 1990's certain modifications were implemented in the syllabi of both legal history subjects at the University of Split. As far as the course General legal history is concerned, the part of the course dedicated to Russia and October revolution was considerably decreased. At the same time, new parts connected to medieval law (Venetian and German law) were introduced in the course. The focus of the course was put on the ancient and medieval law. Modern legal traditions are part of the syllabus but not to the extent as it was the case with ancient and medieval law.<sup>43</sup>

Furthermore, the syllabus of the subject Croatian legal history was modified in the same pattern as at the law school in Zagreb in the 1990's (the part related to history of other Yugoslav republics was excluded and the emphasis was put on Croatia and Bosnia and Herzegovina). As it was the case with General legal history, the time-framework of the course finishes with World War II and thus, the legal developments typical for the second half of 20<sup>th</sup> century are not included in the course.

During the interviews with the members of the Chair, several challenges for the development of the discipline were mentioned. It seems that the Chair has unmistakably defined the priorities for the future, especially the reassessment

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<sup>42</sup> Interview with the Head of the Chair for history of Croatian law and state, Dalibor Čepulo, held in Zagreb on 14 April 2011.

<sup>43</sup> *School of Law. University of Split. Syllabus of the course General Legal History.* Available at <http://www.pravst.hr/kolegiji.php?p=101>. [Accessed on 17 March 2011].

of the course readings as well as the need for modernization of the teaching methodology. At the same time, the Head of the Chair, Željko Radić clearly defined the intention of expanding the time-framework of both courses with the second half of the 20<sup>th</sup> century which reflects the latest trends in the discipline.<sup>44</sup>

Similar to the Croatian experience, the changes of the name of the subject National history of state and law at the Law school at the University of Belgrade in the 1990's were a consequence of the modifications of the content and syllabus of the course. In that direction, the parts associated with few other Yugoslav republics were excluded from the syllabus (Slovenia, Croatia and Macedonia). However, issues connected to the development of law in Serbia, Montenegro, Bosnia and Herzegovina and Dubrovnik, although being a part of Croatia<sup>45</sup>, remained in the syllabus of the course. The time-framework of the course starts with medieval Serbian state and ends with the beginning of World War II. According to professor Mirković, time-framework of the course should remain the same for the time being, a position that was shared by his colleague from the Law school in Niš, professor Nikolić.

As a result of the changes carried out in 2008 at the Law school of the University of Niš, both parts (general and national legal history) were integrated in the syllabus of the new course. The part of the course dedicated to General legal history begins with oldest civilizations and ancient sources of law and ends with the French Revolution. On the other hand, the time-framework of the part covering national legal history commences with the settlement of Slavs and medieval Slavic states in the Balkans and ends with the period before World War II.

Finally, having in mind the fact that the course History of law at the University of Skopje is composed of two parts (general and national legal history), there is different approach regarding the time-framework of each part of the course. The time-framework of the general legal history begins with the oldest civilizations and ancient law and ends with the period before World War II. The part dedicated to Macedonian legal history commences with the settlement of the Slavs in Macedonia and finishes with the period before World War II. Similar to the conclusion reached for the majority of analyzed syllabi

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<sup>44</sup> Interview with the Head of the Chair for Croatian Legal History, Željko Radić, held on 15 April 2011 in Split.

<sup>45</sup> It is explained by intense trade relations between Serbian medieval state and Dubrovnik.

at other selected universities, the inclusion of the part regarding the second half of the 20<sup>th</sup> century in the syllabus will further advance the study of this discipline.<sup>46</sup> This position was supported during the interviews with members of the academic staff.<sup>47</sup> Furthermore, as a result of the fact that the legal studies curriculum at the Law school of the University of Štip was developed under strong influence of the Law school in Skopje, matching approach in the course content was applied.

### 3.4. Teaching methodology and evaluation of student performance

As far as the teaching methodology is concerned, the classical approach of combination of lectures and seminars is often applied at all law schools. It is evident that this traditional approach represents a major teaching tool at the targeted countries. At the same time, there is a diversity of methods for evaluation of student performance although it seems that final oral or written exam remain dominant.

There are several best practice examples of teaching and evaluation methodology. The teaching and evaluation methodology of the subject Comparative legal tradition at Belgrade law school is unique in the region and at the same time, very impressive. The classes encourage student participation and research as well as teamwork. An excellent example of innovation of the teaching methodology represents the establishment of clinical legal history in particular the simulation of Athenian court. This new method stimulates the development of practical skills of students.<sup>48</sup> Furthermore, student's performance is evaluated continuously throughout the semester and involves several parameters (work in groups, class attendance, participation in lectures and seminars, midterm papers, midterm and final exam).<sup>49</sup>

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<sup>46</sup> Dokmanović, M., Sixty Years of History of Law Study at the Faculty of Law in Skopje. In: *Collection of academic papers in honour of Professor Emeritus Kiki Mangova – Ponjavić*. Faculty of Law in Skopje: 2013 [in print].

<sup>47</sup> *Law School. Ss. Cyril and Methodius University. Syllabus of the subject History of law*. Available at: <http://www.pf.ukim.edu.mk/DesktopDefault.aspx?tabindex=0&tabid=304> [Accessed on 13 September 2011].

<sup>48</sup> Avramović, S., Clinical legal history: simulation of Athenian court - a new teaching method. In: *Zbornik radova Pravnog fakulteta u Splitu*, 2006, Vol. 43, No. 3-4, p. 347.

<sup>49</sup> *Law school. University of Belgrade. Evaluation of pre-exam obligations and system of evaluation*. Available at: [http://www.ius.bg.ac.rs/prof/materijali/avrslim/vrednovanje\\_pre-dispitnih\\_obaveza.htm](http://www.ius.bg.ac.rs/prof/materijali/avrslim/vrednovanje_pre-dispitnih_obaveza.htm). [Accessed on 9 May 2011].

Furthermore, it should be highlighted that the academic staff at the Law school in Niš also applies some innovative methods. In that direction, besides the traditional combination of lectures and seminars, the students are encouraged to write midterm papers as well as make presentations on the results. There was a remarkable example of organization of simulation of Parliamentary debate concerning the drafting of Serbian constitution which undoubtedly corresponds to the Bologna process requirement of developing practical skills of the students. The final grade is composed of several elements (attendance in class, participation in lectures and seminars, midterm exam, presentations and final exam).<sup>50</sup>

Student presentations are also encouraged at the Law school in Zagreb. In that direction, strong commitment to modernization of the syllabus and teaching methodology was also underlined. Recently elected Head of the chair, Zrinka Erent – Sunko, has emphasized that “the course should be modernized, student should be more involved in the lectures and seminars and participation in discussions should be encouraged. Ex-cathedra lectures should be abandoned.”<sup>51</sup>

It seems that in the case of the course General history of state and law at the Law school in Zagreb, the development of the subject to a large extent has been conditioned by the interpersonal relations and change of generations at the chair. As a result of that, the dissolution of Yugoslav federation and the transition to democracy did not have a considerable impact on the syllabus structure, teaching methodology, course readings or examination.

Hence, it is a fact that for a relatively short period of time initial pioneer steps for improvement of the syllabus and teaching methodology have been introduced. Consequently, a considerable number of discussions have been organized and relevant documents of contemporary legal history have been used in classes in order to equip students with practical skills. Moreover, new elective course has been developed in order to offer students a more specialized study of certain areas of contemporary legal history. Additionally, there were ideas for modifications of the name of the course (such as Development of private and public law) and avoidance of noun history in order to make it

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<sup>50</sup> *Law school. University of Niš. Information concerning the course History of law.* Available at: <http://www.prafak.ni.ac.rs/files/silabusi/Istorija%20prava.pdf>. [Accessed on 11 May 2011].

<sup>51</sup> Interview with the Head of the Chair of General History of Law and State, Zrinka Erent – Sunko, held in Zagreb on 13 April 2011.

more attractive to the students. Besides that, the future of the discipline is perceived in context of positive law.

Similar tendencies are evident at the University of Split. Course teaching methodology of legal history represents a combination of traditional lectures and seminars. The evaluation of student's knowledge is based on written exams combined with an oral exam. The evaluation is mostly carried out at the end of semester which disables continuous assessment of students' performance.<sup>52</sup>

At the law school in Skopje, the teaching methodology of the subject represents a combination of lectures and seminars as well as presentations and discussion. From time to time group student activities and institutional visits are organized. At the same time, it appears that more innovative methods of teaching should be developed in the future. Evaluation of student performance is carried out through several methods (two midterm exams, participation in class and final exam).

However, a serious challenge for development of a more innovative teaching and evaluation methodology represents the high number of students and consequently the lack of staff – a position that was stressed at all institutions. Furthermore, in some cases (Skopje, Split, Niš and Štip) the academic staff is in charge of both parts, general and national legal history which decreases the opportunities for more inventive approach.

In that direction, the number of students and the lack of academic staff were often mentioned in the interviews. For instance, given the number of students administered by the Chair of General history of law and state at the Law school in Zagreb, this challenge could not be overcome in a short period of time. Similar situation exists at the law schools in Split and Štip. Therefore, the lack of staff as well as the number of students represents a potential obstacle for more expeditious innovation of the syllabus and teaching methodology.

One of the challenges for improvement of the teaching methodology underlined during the interviews was the publishing of relevant course books. In several cases, course books dated before the dissolution of Yugoslavia, even written in the 1970's, are used as compulsory readings for the course. Because of that, some of the recommended course books largely do not include the latest trends in the discipline. In that direction, several interlocutors have emphasized the urgent need for development of adequate course books, conceptualized to answer the needs of new generation of students and deprived of

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<sup>52</sup> *School of Law. University of Split. Syllabus of the course Croatian Legal History.* Available at: <http://www.pravst.hr/kolegiji.php?p=116> [Accessed on 18 March 2011].

any ideological influence. Moreover, the course readings should be up-to-date and correspond to the course syllabus. At the same time, students should be provided with a wider list of additional relevant readings, both domestic and international.

Finally, it seems that new innovative methods of teaching should be encouraged as well as continuous evaluation of student performance. Foreign and European experiences could serve as appropriate guidelines for the department in order to address these challenges. In that direction, further efforts of the departments/chairs should be justified. Additionally, improvement of student's evaluation should be encouraged, evaluation based on final exam only should be abandoned and emphasis should be put on continuous evaluation of student's performance and knowledge throughout the semester.

### 3.5. Cooperation with other departments on national and regional level

After the dissolution of Yugoslavia, the existing practice of annual meetings of the members of the Chairs for legal history from all republics was terminated. According to several interlocutors, this form of cooperation represented a valuable instrument for sharing experience, improvement of syllabus and overall teaching methodology in the targeted countries.

Currently the evident deficiency of a more intensive cooperation among the departments in the country and the region was accentuated by almost all interviewed members of staff. However, few international scientific events have been organized in the last several years in Vienna, Belgrade and Zagreb. Moreover, the idea of publishing a regional e-journal was discussed in 2009 but the idea still has not been put in practice. Besides that, there was an example of an *ad hoc* national meeting of the chairs for Croatian legal history held in Zagreb.

Similar to the answers received in Croatia, the lack of cooperation was highlighted by the interlocutors in Serbia and Macedonia as well. According to professor Mirković there is cooperation with other departments in the country, but it is of individual nature and does not affect the design of the syllabus. Because of that, it could be concluded that, in general, these contacts are of private nature and are not institutionalized.

It seems that there is preparedness to advance the cooperation among selected universities. However, it was the position of some heads of chairs that the focus of the cooperation should be also oriented to other Central Europe-

an or East European legal systems and universities (for instance, Vienna and Budapest or Sofia and Istanbul) which are more directly related to sources of law in every respective country. On the other hand, the regional cooperation should not be overlooked especially for the periods when the countries shared common past and common legal system.

#### 4. CONCLUSION

The research “Legal History Course Development Challenges in Croatia, Serbia and Macedonia” has explored the current trends in the development of legal history in the selected countries and made an attempt to answer the question what has influenced the course design especially in the last 20 years. In that direction, several conclusions could be defined on the basis of the conducted research.

It is obvious that the tradition of teaching this discipline has existed in the former Yugoslavia at all law schools. The research has shown that this discipline in most cases was taught as two separate compulsory subjects (General history of state and law and History of state and law of Yugoslav Peoples). As it was already underlined, this concept derived from the considerable influence of the Soviet law and nature of the Yugoslav Federation and proclaimed equality of all republics. At the same time, it should not be forgotten that there were examples of few law schools in the country, such as Skopje and Niš, which had only one legal history compulsory subject in their curriculum in this period.

In the beginning of 1990’s, during the process of dissolution of Yugoslavia the law schools in the country have undertaken transformations of the legal history syllabus. The syllabus transformations have arisen from two main processes: the transition from socialism to democracy which led to the need of de-ideologization of the science and on the other hand, the raise of nationalism and the independence of the former Yugoslav republics.

The analysis has shown that in the first decade after the dissolution of Yugoslavia the emphasis of the reform of the syllabus of legal history subjects in the targeted countries was put on the national legal history. In that direction, the titles of the courses as well as the content was drastically modified. As a result of the gained independence of the republics and the renaissance of national identities, the titles of courses included an explicit national prefix. As expected the content of the courses excluded the other former Yugoslav republics and concentrated on the national narratives and in several cases –

the country's immediate neighborhood. Moreover, in the first decade after the dissolution, the syllabi gradually shifted their focus from the history of state to history of law.

It is even more interesting to analyze the second decade. At the beginning of the new millennium, the conflicts in the region formally ended and there was a new EU membership political agenda in the region. However, this time there was a new generator of changes – the so-called Bologna process and the creation of European higher education system.

It is the finding of the research that the second decade was marked by the beginning of a process of Europeanization of the study of legal history in the region. As explained in the second part of this paper, this approach analyzed the development of national laws in history as an aspect of European legal culture and European jurisprudence. At the same, this approach does not represent *sui generis* phenomena for the region. On the contrary, as it was previously discussed, the tendency of study of national legal systems as part of the common European heritage is directly linked to the ongoing process in other European countries.

The experiences of several EU member countries as well as a number of publications that were examined (Watkin, Schulze, Heirbaut, Baker etc.) found similar patterns and tendencies in the development of legal history after World War II. Undoubtedly, the European tendencies have been incorporated in the development of some curricula in the region. Another tendency that was analyzed in the second part of the paper (Zimmerman, Coing, Kötz, Watson etc.), was the trend of long-term cooperation between legal history and comparative law which was accepted by some law school at the selected universities.

As a result of that, the examples of study of Croatian legal history in the European context in Zagreb as well as the transformations of the study of General legal history in a comparative context in the subject Comparative legal tradition at the Law school in Belgrade are very inspiring. Without a doubt, these modifications reflect the latest trends in the discipline. Consequently, it seems that the driving forces of the changes of the syllabus of legal history in the region are the law schools in nation capitals. Understandably, there were several factors that influenced this process (tradition of teaching, number of students and members of academic staff, financial and logistical resources etc). This was also the case with selected universities in Macedonia where it appears that the Law school in Skopje represents *spiritus movens* of the development of the discipline in the country.

Besides that, several courses in the region (Zagreb and Belgrade) have expanded their time-framework with the second half of 20<sup>th</sup> century such as the establishment and development of the institutions and law of the European Union or the legal history of second Yugoslavia. This approach was also characteristic of European tendencies for including the early phases of EU integration (1950's and 1960's) in the syllabus. In that direction, further efforts for expanding the time-framework of the course on other law schools in targeted countries should be encouraged.

It is obvious that there are several examples of law schools that followed this pattern of development of the curriculum. Some schools adopted a more innovative approach in the redesign of the curriculum and some of them accepted a more gradual one. Courses were modified or if you prefer rebranded within the framework of the aforementioned tendencies. Content was changed and unfortunately in one case the two standard legal history courses have been integrated or re-integrated in one course (Law school in Niš).

On the other hand, many challenges for legal history in the countries selected for the purpose of the research still exist. The issue of relevant and up-to-date course reading seems to be the highest priority. In that direction, a process of modernization of course readings should be initiated without a delay. It should not be forgotten that the writing of course book and handbooks should not be carried out through the lens or from viewpoint of national history but from the view of the common European legal heritage. Besides that, there is no need to study just from a single course book. Students should be offered different sources of information. At the same time, foreign readings should be made available to the student.

The innovation of teaching methodology and evaluation of student knowledge should be further justified. The use of variety of different teaching and evaluation methods will further develop critical legal thinking and reasoning as well as student skills. Innovations are often perceived as key ingredients to a practice-based, client-oriented education, which prepares law students for the awesome responsibility of representing others.

To conclude, having in mind the developments and tendencies examined in the paper, it could be concluded that more or less legal history in the region of South East Europe has survived Bologna for the time-being. It seems that the skepticism that existed ten years ago is not as strong as it used to be. The chairs in the region have more or less successfully adapted to the new conditions. Still, many might raise one legitimate question: Has the reform finished or just begun?

## Sažetak

Mišo Dokmanović \*

**IZAZOVI RAZVOJA PREDMETA PRAVNE POVIJESTI U HRVATSKOJ, SRBIJI I MAKEDONIJI**

*U radu se pobliže obrađuju promjene i prilagodbe sadržaja predmeta iz pravne povijesti koje su se dogodile nakon raspada Jugoslavije te faktori koji su utjecali na te procese. U skladu s time istraženi su i analizirani glavni trendovi i događaji na polju pravne povijesti u Hrvatskoj, Srbiji i Makedoniji. Također, definirani su suvremeni izazovi i konačno, na temelju izvršenih analiza, iznesene preporuke i predloženi konkretni koraci radi ostvarenja poboljšanja u izvođenju nastave iz odnosnih predmeta.*

*Posebna pozornost u istraživanju je posvećena tradiciji predmeta i promjenama naziva, trenutnom položaju disciplina, sadržaju predmeta, metodologiji poučavanja, načinima procjene usvojenih znanja i suradnji na nacionalnoj i regionalnoj razini. Osim toga, u radu su analizirani načini sagledavanja i poučavanja zajedničke prošlosti u sadržajima predmeta pravne povijesti u Hrvatskoj, Srbiji i Makedoniji. Konačno, promjene u sadržajima predmeta pravne povijesti ocijenjene su sukladno tekućim reformama nastavnih programa u okviru širih prilagodbi sustavu ECTS (European Credit Transfer System).*

*Ključne riječi: visoko obrazovanje, pravo, povijest, Hrvatska, Srbija, Makedonija*

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