

Historical perspectives of legal education in Hungary, recent problems and the future²

I. Roots of legal education

Attempting to describe the speciality of the Hungarian legal education is perhaps more difficult than doing about it the research itself. This problem is referring to, in one hand, the development of legal education (within the European one) from the beginning to the present, and on the other hand to the effects of the changing society on the institutions of legal education. Furthermore, an attempt has been made to sketch the future development of this educational system. The answers are in the history of education system within the legal education.

In the beginning, we have to reflect on the development of the legal education systems in Europe, England and in the United States. Without deeper analysis and comparison between the different educational systems we have to underline the causes of the current situations of the instruction system, the connection between legal instruction and society, and the legal profession of the different countries. The difference among the American, English and Continental legal educations go back to historical, medieval roots. In contrast to the English situation where the legal instruction remained in the hands of the profession (barristers and the so-called bar) with a practical knowledge, especially the precedents, the European legal instruction, first of all served the system of the governmental authority. Thus their legal education has been conformed to the authoritarian aim. That meant the Continental instruction was made by the different states and these states expected that the universities had to educate their own official norms, statutes, etc. they (emperors, kings) gave to the society.

Being aware of the historical facts has made it possible the fully understand why the legal instruction systems in these three different legal cultures vary so much in method, knowledge, practical relevance, and practical expertise. The answer is in their history.

By the twelfth century, two outstanding seats of learning had emerged in Europe, Bologna and Paris. At the first the jurist Irnerius between 1116 and 1140 introduced the Corpus Juris Civilis to Europe,³ and at the second a group of masters with the blessing of the Church occupied themselves with the liberal arts and theology. At Paris, by 1150, the theologians occupied the cathedral area and the masters and students of the liberal arts. The teachers in these two cities attracted audiences from all over Europe, and both teachers and students, in different ways in the two centres, formed voluntary associations for the purpose of organization and protection. These recognized groups in these two cities were known as „studia”, that is, schools of general repute, but elsewhere, in fact wherever a cathedral chapter had a school whose fame extended beyond its own locality, studia existed.

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A kutatást az EFOP-3.6.2-16-2017-00007 azonosító számú, Az intelligens, fenntartható és inkluzív társadalom fejlesztésének aspektusai: társadalmi, technológiai, innovációs hálózatok a foglalkoztatásban és a digitális gazdaságban című projekt támogatta. A projekt az Európai Unió támogatásával, az Európai Szociális Alap és Magyarország költségvetése társfinanszírozásában valósul meg.

³ Generally see: Hastings Rashdall, *The Universities of Europe in the Middle Ages*. Salerno Bologna Paris. The Clarendon Press. Oxford. vol. 1. 1985.

Only the studia of Bologna and Paris, and a little later Oxford, reached the next stage in their development. As they grew in size and scope faculties were organized and officers appointed. The seal of their success was set upon them when they were recognized by the Holy See, for they were then accepted everywhere. They were, as studia generalia, free of the threat of royal or civic interference, or from the undue influence of the chancellor of the neighboring cathedral. Paris gained this distinction before Bologna, which the Emperor Frederick Barbarossa had in 1158 taken under his wing in opposition to the pope's Paris. In this case the power of the emperor was almost equal to the prestige of the pope, and under his patronage Bologna flourished as it never did again.⁴ In the course of the thirteenth century the term „universitas“, a word used in Roman law for any kind of corporation, supplanted that of „studium generale“ and acquired its modern sense of universitas litterarum.⁵

The first universities were in Bologna, Paris and later in Oxford. The universities of Paris, famed for theology and the liberal arts and patronized by the papacy, and Bologna, notable for law and with a development under imperial auspices, were the models for the systems which were adopted by the other universities of Europe when they came into being. Paris, whose government was carried out by the masters, the masters constituting the university, was the prototype of the majority of the universities of northern Europe. Bologna, on the other hand, was rather a guild of students, who as a body possessed the supreme active power, while the professors formed themselves into a college of masters isolated from the students, and put themselves outside the great university corporation which the students formed. This system was followed in general by the universities of southern Europe. The third great university of the Middle Ages was Oxford, which followed Paris. These three universities were the only ones founded „ex consuetudine“, that is they were already in existences as „studia generalia“ in all but name when recognized by the pope. All the rest that followed were either founded by potentates and recognized in time by the papacy, or were founded by the papacy for the furtherance of its own influence, and as their origin was „ex privilegio“ they never enjoyed the same glory. In spite of it the English legal instruction system remained in the hand of the practitioner lawyers and their institutions: the Inns of Court.⁶ (Thus there is one common thing in the English and the American instruction system:

⁴ Charles Homer Haskins, *The Rise of Universities*. Holt and Co. New York. 1953. New Seal Books. 1957. 13. p. This book deals with the rise of the studia generalia.

⁵ Friedrich Carl von Savigny: *Deschichte des Römiches Recht im Mittelalter*. Mohr und Zimmer. Beidelberg. 1815-1851. III. 295, § 154. p.

⁶ The growth of the English legal profession in the earliest period of its organized existence was slowed by several ancient principles. Litigation was very personal and, since the theory of agency was just beginning to develop, personal pleading of legal matters was the rule. Furthermore, procedure and the swearing of oaths were very formal, with the outcome often depending on the exact words pleaded and their pronunciation. The idea was that if someone who had sworn an oath lied, God would confuse his tongue and cause a jumble of words or a mispronunciation. Under this view, it was unfair and improper to have a professional pleader appear for a litigant. Nevertheless, the legal profession inexorably increased in importance and stature, as did the Inns of Court. The method of legal education available and predominating at the Inns at any given time depended on whether or not court was in session. When the courts were not hearing cases, the readers would give lectures covering a variety of topics and conduct special moots called boots. When court was in session, the Inns were crowded with the judges and lawyers as well as the students. In the evenings the dual nature of an Inn became apparent as those who dwelled there took part in an educational exercise that has survived, with intermittent interruptions, for seven centuries: the moot court. Practice courts were held in which cases on current questions of law were presented and argued by admitted and skilled litigators with aid from the students. After such practice courts, discussions were held. This collegial and pedagogical drawing together of the judges, lawyers and students was of great importance in an age when law reports and legal literature were in an “embryonic stage” of development. An important by-product of the development of the Inns of Court was the creation and fostering of the profession of law as a somewhat closed society. Culturally, professionally and, obviously, geographically, the legal talent of England was centered in the environs of the great central courts. This gave a unique “priesthood” aspect to the English Bar, which whatever the accompanying benefits for England, was to be

they are close to the legal profession distinguishing from the Continental one. In the United States, legal education has been connected to the economic life of the civil society, and the local legal knowledge has been adapted to this.⁷ Exception was the so called southern strategy (that was the sates of the Confederation in the Civil War) reflected on the preparation of gentlemen for an intellectual education needed by those who might become politicians, legislators, or statesmen.⁸ After the 1860's these two methodologies of legal instruction have been unified and that is the American way of legal education.⁹)

After that we have to see our own education system in order to clarify the special roots. The historical research of the Hungarian legal education has shown the special reasons that led to the conformation of the Hungarian instruction system to the European "mainstream".¹⁰ Moreover, the Hungarian system had some specialities and as a consequence we have to think of them.

The first university in the Hungarian Kingdom was established in 1667. Before that time the Hungarian education of "lawyers" happened to either in other countries (especially in Italy) or in the so-called "*patvaria*". That meant a kind of tutorial system, an advocate or a judge and a student worked together and the students usually copied different kinds of official papers, certifications, etc. (*apud viros in jure peritos*)¹¹ similar to the Inns of Court in England.

At the university the students studied Roman law, Canon law, and the Hungarian Customary law which was the *Tripartitum (Decretum Generale)* in written form including the procedure law. In fact the students attempted to learn only the Customary Law because this subject was relevant in the real legal life of the country. This instruction system has continued more or less until the late 1700's, when the Habsburg Dynasty changed it because the European system was changed as well. This was the time of the European absolute reigns and the kings wanted to have loyal state officials. As the Hungarian king declared the aim of the

treated with suspicion by Americans. Admission to the Bar was fully in the hands of the benchers and the readers. Attendance at a required number of meals was the only formal requirement, presumably to insure that some exposure to the moots was experienced by the prospective barrister. It should not be assumed, however, that a student's intellectual abilities and performance at the educational activities of the Inn were not taken into account. Perhaps because evaluative methods were primitive and highly subjective, few records relating to academic requirements have survived.

⁷ See: Thomas L. Shaffer and Robert S. Redmount: *Lawyers, Law Students and People*. Colorado Springs, Colorado, USA: Shephard's Inc; 1977. p. 16-17.

⁸ Adrienne Koch: *The Philosophy of Thomas Jefferson*. Columbia University Press. New York. 1943. p. 167.

⁹ That was the beginning: in 1779 Thomas Jefferson was elected Governor of Virginia and a Visitor of William and Mary College. In December of that year his reorganization plan for that institution was put into effect; it included the establishment of a professorship of "Law and Police." The first person to fill the position was George Wythe, signer of the Declaration of Independence, Chancellor of Virginia, leader of the bar and the attorney with whom Jefferson had clerked. The method of instruction was lecture, based on Blackstone's exposition of the English common law, with differences of local law being noted and commented upon by the professor. The students and their professor also held practice courts in the Virginia state capital. The year 1790 saw professorships of law instituted at Benjamin Franklin's College of Philadelphia and at Brown College. King's College (Columbia) followed suit in 1793, as did Princeton in 1795. In 1798, the University of Transylvania in Lexington, Kentucky, established the first regular professorship of law for students other than undergraduates.

¹⁰ Fritz Ringer: *The Fields of Knowledge*. Paris, France: Editions de la Maison des Sciences de l'Homme; 1992; also see: Antoine Prost: *Histoire de l'enseignement en France 1800-1967*. Paris, France: Librairie Armand Colin; 1968. pp. 226-228.

¹¹ Karl Bücher: *A munkamegosztás típusai*. (The types of division of labour in society.) In: Zoltán Szántó: *A munkamegosztás gazdaságsszociológiai elmélete*. Szociológiatörténeti szöveggyűjtemény. Budapest, Magyarország: Aula; 1990. pp. 63-69.

legal education was in the late 1700's: "I want to have good state officials"¹² (not to have good lawyers).

That was the point in fact and in time that not just changed the legal education but it was reformed in such a way (similarly to the European mainstream) in order to educate the so called Codices. Within these codices the emperor gave norms to Hungarian society different from the ancient Hungarian customs. So, as the emperor said, the University and later the universities had to teach only the positive texture of the laws and the lawyers (state officials) were not able to depart from the words of the laws. The effect of that way of educational system is perceptible nowadays as well.

The above mentioned simple and brief history of the Hungarian legal instruction system have two sociological consequences why our institutions and our teaching methods have remained the same as they were three hundred years ago.

- First of all the main cause is the time, because the Hungarian system has worked for long. These three hundred years look like eternity and the profession thinks of that: "that was like that hundred years ago, two hundred years ago, so that should and will work in the future as well".
- The second problem is within the legal profession and the institutions of legal education. Every member of the profession studied at the same universities. It does not matter if they are teachers, members of these universities or judges, lawyers, prosecutors and so on. They went through the same socialization, they studied the same material.

II. Problems of recent times ...

As a consequence of the above mentioned the members of our legal profession insist on the historical way of instruction so we can see and we can say the historical facts are the most important things of an unchangeable way of thinking and education in spite of any changes in the society.¹³ However, because of the sociological factors some questions come up. Should the Hungarian legal education be changed and if "yes", how could it be done? There are some ways and we could show some examples in foreign countries: in America (United States, Canada) and in the European Union as well.

- In the first place, the researches have concentrated on the criteria to classify the legal instruction systems, and secondly these ones paid special attention to the dynamics of the different educational systems. Researches have shown that there are legal instruction systems based on *one legal tradition*, and there are systems that are grounded on *two or more legal cultures*.¹⁴ Besides these, there is the so called *transsystemic* legal teaching where students admit into a single civil and common law program. This research has led to the analysis of the various hypothesizes, theories and predictions, for instance the *instrumentalists* and *culturalists*, that reflect on the future development of legal instruction. The studies has also shown that in instructed knowledge, teaching profile and diploma the legal education systems have been

¹² See: Szabó, Imre (szerk.): A burzsoá állam- és jogbölcselet Magyarországon. (The philosophy of state and law in bourgeois societies.) Második, javított kiadás. Budapest, Magyarország: Akadémiai Kiadó; 1980. p. 887.

¹³ See: Ferge, Zsuzsa: Az iskolarendszer és az iskolai tudás társadalmi meghatározottsága. The social determination of the knowledge and system of schools.) Budapest, Magyarország: Akadémiai Kiadó; 1984.

¹⁴ See: Yves-Marie Morissette: McGill's Integrated Civil and Common Law Program. 52. Journal of Legal Education. 12. 2002. p. 12.; and Michael McAuley: On a Theme by René David: Comparative Law as Technique Indispensable. 52. Journal of Legal Education. 42. 2002.

coming closer to each other almost to the point of compatibility. From the end of the twentieth century, this process will continue to the 21st century.¹⁵

- Through analysing the acquired information, this study has dealt in three respects with the actual questions of legal education. Firstly the researches have reflected on the empirical studies that provided a comprehensive framework for the backgrounds and characteristics of *those entering law teaching* in the present time. It has been clarified that in the law faculties the greatest effect on the relationship of praxis and academic sphere is the tradition. In Hungary there is a moderate contact and discourse between these two spheres. As a consequence in our system should improve this interaction between these two spheres.
- The third thing instead of teaching the positive text of laws has to be studied in another way. An attempt has been made to explain what it means “*thinking like a lawyer*” as the most important segment of the knowledge in legal education, and how this way of thinking can be obtained. When an attempt has been made to define what it means “thinking like a lawyer”, the research has employed these theories of (for example) *Nancy B. Rapoport*, *Chaterine Valcke*. They emphasize that attention must be paid to the professional legal culture to the autonomy of the legal profession and law, while *Rapoport* explicates argumentative questions, and *Coing* suggests interpretation methods.¹⁶
- For the questions of instruction method, another hypothesis comes up which is based on the theory of *Basil Bernstein*. This one has highlighted the integration and collection type of education and the necessity of *integration* of the various disciplines and classes in legal education. Within this problem three practical problems have been discussed. First of all, a solution for the problem of the final examinations was put forward. It is suggested that after the examination of the various legal professions, assuring the possibility of professional mobilisation, a second examination would be necessary for the specific legal professionals. Secondly, for the applicability of the legal knowledge it is recommended “to build a bridge” between the practical and theoretical instructions. As a third point, we have to mention that because of the effects of legal harmonization in the European Union the role of law faculties in legal education will probably increase, and the faculties have to specialize in different fields of knowledge.¹⁷
- Two challenges in the near future has to be reflected on. The first issue is the problems of the multidisciplinary practice are discussed saying that only the cooperation among lawyers and members of other professions, which cooperation has always existed, is to be allowed. The multidisciplinary practice however endangers such core values of the legal profession as independence, confidentiality and the avoidance of conflicts of

¹⁵ Antonio Garcia Padilla: Perspectives on the Internalization of Legal Education. *Journal of Legal Education*. 2001. 51(350) 350-354. Further see: The LSU Law Center-Canada Bijuralism Conference, and Papers from the La Pietra Conference of International Legal Educators. *Journal of Legal Education*. 2001-2002; 51(51) 51-52.

¹⁶ Nancy B. Rapoport: Is „Thinking Like a Lawyer” Really What We Want to Teach? In: Pamela Lysaght, Amy E. Solan, Bradley G. Clary (editors): *Erasing Lines. Integrating Law School Curriculum*. Association of Legal Writing Directors. West; 2002. pp. 91-108.; Arnold I. Siegel: Some Thoughts on Dean Nancy B. Rapoport’s „Is Thinking Like a Lawyer Really What We Want to Teach?” In: Pamela Lysaght, Amy E. Solan, Bradley G. Clary (editors.): *Erasing Lines. Integrating Law School Curriculum*. Association of Legal Writing Directors. West; 2002. pp. 123-126; Scott H. Bice: Good Vision, Overstated Criticism. In: Pamela Lysaght, Amy E. Sloan, Bradley G. Clary (editors); In: Pamela Lysaght, Amy E. Solan, Bradley G. Clary (editors.): *Erasing Lines. Integrating Law School Curriculum*. Association of Legal Writing Directors. West; 2002. pp. 109-112.

¹⁷ See: Basil Bernstein: *Class, Codes and Control. On the Classification and Framing of Educational Knowledge*. In: Ferge, Zsuzsa – Háber, Judit (editors): *Az iskola szociológiai problémái*. Budapest, Magyarország: Közgazdasági és jogi Könyvkiadó; 1974. pp. 123-152.

interest.¹⁸ As the second issue, the essay proposed that to have an optimal quality in legal instruction strategy, there has to be a balance between the face to face and the electronic teaching methods.¹⁹

- Finally we have another but urgent and very important problem because we are the member of the European Union and that is the harmonization of legal education within the system of the European Union mentioned above. We need to pay a special attention to this problem.

III. ... especially considering the European Union

Recently, in the European Union much attention has been given to the harmonization and unification of law. We can see that since the Second World War considerable efforts have been made to promote the harmonization of private law and primarily the commercial contract law. Although there are debates on the unification of law in the European Union, debates on the teaching of law are almost entirely missing. In recent years it has been increasingly necessary to familiarize students both with the rules and the deep structure of more than one legal system. Law students in the European Union are likely to work in an environment where they will have to deal with many legal systems in the context of a single case. Business relationships for example are increasingly transnational and the economic relationships within Europe, and in the world, are constantly crossing jurisdictional lines. In the past law society referred to one legal system, while nowadays lawyers in the European Union have to work with more than one legal culture. However the majority of law students still familiarize themselves with only one legal system. As *Xavier Blanc-Jouvan* noted the main feature of legal instruction in all countries, including the common law world, is based only on the national law. The situation is changing today. As students already feel that they are part of a global world, they want to know something about other legal traditions, including the English or American legal system.

We know that in the recent years some effort has been made to address this problem. In Europe there are some programs for students to learn another legal system. In almost every law school there are courses in comparative law, which consist of a general introduction to the major legal systems existing in the world. The law schools invite foreign scholars to teach or co-teach some courses in order to introduce students to another legal world. These courses are excellent, but considering legal relationships it is likely that today these academic courses are not enough. Furthermore, the students are expected to spend an appreciable period of time studying another legal tradition abroad. The Erasmus program is such an inter-university program. I think that in the European Union the most ambitious attempt to address the problem of trans-systemic law teaching is the *Hanse Law School* where students are expected to learn the law system of the Netherlands and Germany. Similarly to this, the *Faculty of Law of the University of Maastricht* introduced the so-called European Law Studies Program where students enter a course focused on the general and common principles used by the

¹⁸ See: John B. Attanasio: The Brave New World of Multidisciplinary Practice. Foreword. *Journal of Legal Education*. 2000. 50(469): 469-481.; Ramon Mullerat: The Multidisciplinary Practice of Law in Europe. *Journal of Legal Education*. 2000. 50(481): 481-493.; Howard Abadinsky: Law and Justice. An Introduction to the American Legal System. Chicago, Illinois: Nelson-Hall. 1990. 109-114. p.

¹⁹ John Tiffin – Lalita Rajasingham: In Search Of The Virtual Class: Education in an Information Society. Routledge. London. New York. 1995.; Paul Wangerin: Technology in the Service of Tradition: Electronic Lectures and Live-Class Teaching. 53. *Journal of Legal Education*. 213. 2003. 213-228. p.; David M. Becker: Some Concerns About the Future of Legal Education. 51. *Journal of Legal Education*. 469. 2001. 469-486. p.

member states of the European Union. These approaches of law teaching are focused on the mastery of more than one culture but they remain limited in scope or in vision.²⁰

To better understand the way of trans-systemic law teaching I think we have to analyze the legal education at the *Faculty of Law of McGill University* in Quebec, Canada. The result of this brief analysis can have an important message for all legal tutors in Europe.

The McGill University Faculty of Law has always had a strong tradition of teaching comparative law but now the McGill teaching program is a real bisystemic, transsystemic, bijural curriculum combining the civil law and the common law.

It is well-known, that Canada is a federal country where since the seventieth century two legal systems of private law have coexisted in the provinces. Out of the two, the common law tradition dominates some branches of law such as the commercial and business law, procedural law and so on. After a French heritage, the private law of Quebec has been affected by the English system mainly in the area of commercial and procedure law. In this way the Quebec jurisdiction has a plural character of law using the method of comparison. For example the *stare decisis* is not part of the Quebec law system but court decisions have been very considerable in judicial analysis or dissenting judicial opinions.

Because of the above-mentioned bijuralism, legal education in Canada has a special importance. As *Catherine Valcke*, a law professor at the University of Toronto said that “legal players must be capable of playing two games at once”. As a consequence of the particular origins of Canadian law, it was an English-speaking law school, the only one in the early 20th century in Quebec, under the deanship of *Frederick Parker Walton* and *Robert Warden Lee*, which first introduced a bijural curriculum. In fact common law courses were offered alongside the traditional civil law program. By the end of the sixties a new so-called National Program was introduced which philosophy was a “mutual understanding between different regions in Canada”. This Program made it possible for the students to complete a civil or common law degree or to complete both degrees in four years. The Program provided students with a training that allowed them to qualify as lawyers both in civil and common law jurisdictions. In this way, the McGill University began to produce jurists who could work both in transnational and international environments, and of course increase professional mobility. It is worth mentioning that common and civil law degree graduates at McGill are qualified for practice in a number of states in the USA. Despite further effort to develop a comparative teaching method, the bijural curriculum was mainly a cohabitation of two largely autonomous orders of private law. As *Nicholas Kasirer*, a dean at the Faculty of Law at McGill University, noted: the McGill Program “meant a peaceful cohabitation rather than active dialogue between the common law and the civil law”. It has to be mentioned that in the same undergraduate curriculum, this mixed legal education exists at the universities of *Montreal*, *Ottawa*, and *Sherbrooke*.

In 1999, as a response to external and internal pressures, such as the desire to make the Faculty more attractive to the students, a major reform came. Before 1999 the two streams were sequential rather than integrated as they are in the new program where students can admit to a single integrated program and complete it within three years. In this new transsystemic teaching, the fundamental concepts of the common and civil law are taught within a single course where law is learned in function of overarching categories of law. The courses include: Extra-contractual obligations/Torts, Contractual obligations/Contracts,

²⁰ See: Committee on Bar Admission and Lawyer Performance and Richard A. White, AALS Research Associate: AALS Survey of Law Schools on Programs and Courses Designed to Enhance Bar Examination Performance. 52. *Journal of Legal Education*. 453. 2002. p. 460.; and see: 77/249/EGK (22th of March in 1977.); 89/48/EGK (21th of December in 1988.); 98/5/EK (16th of Februar in 1988.) and European Law Faculties Association. (ELFA) The University of Birmingham. www.elfa.bham.ac.uk. 2012.

Comparative Federalism, Private International Law and so on. The only course that is not taught in a transsystemic way is the Civil Law Property because of its cultural specificity. This teaching method gives students a coherent understanding of fundamental legal principles rather than an understanding of a single law system. This new approach of law teaching invites students and scholars to think about law in a new way. Furthermore, this new intellectual model of education is undoubtedly “an open door on the world” and it can deepen and expand the way of thinking about law. This dialog between legal cultures in the classrooms presented a legal knowledge that can highlight the importance of exchange between legal orders, and it might help to organize a new legal order.²¹

Rene David had the following standpoint on these questions: “Some are tempted to consider Canada as the Promised Land for comparative law, but the pilgrims are still in the desert”. The Canadian legal instruction is based on the coexistence of two legal cultures and something similar, but a more complex one exists in the European Union. As a consequence, the development of legal education in the EU may have to adapt to the new reality, and analyzing the law teaching at McGill will help us to achieve our goals. In the following, in order to help you to think about these questions, let me offer you some arguments for the above-mentioned questions.

1. A polijural education structure can provide students with a more complex legal knowledge and identity which can be useful in the multicultural world of Europe or in anywhere in the world.

2. A polijural education structure provides both students and scholars with the ability of comparative analysis. Students will not be taught within a unisystemic perspective but learn a more complex cultural context.

3. The comparative analysis will be at the center of the legal knowledge of students and tutors as well.

4. With a polijural education, the general legal principles will become more and more important in the European legal community and common legal knowledge.

5. As a result, the European law society will not think in terms of a national legal system, rather in a perspective of several legal jurisdictions.

IV. Conclusions

To sum up, of course, use of the integration system of education and the cooperation between the praxis and the academic sphere perhaps with the help of clinical legal education and the so-called multidisciplinary system will be a better way to teaching law for students and for changing the attitudes of our legal society. These points are relevant to the European Union, especially to the legal unification process, which can develop modern law, and to the legal rules will be not just increasingly bisystemic but multisystemic or multinational. A kind of transsystemic legal instruction will be able to contribute to a new European “*ius commune*”, which was based on the Roman law in the past, but today this is a process of coordination of laws within the European Union. This process can be called the re-Europeanization of legal community on the basis of common legal culture and common legal

²¹ Armand de Mestral: Guest Editorial: Bisystemic Law-Teaching – The McGill Programme and the Concept of Law in the EU. 40. Common Market Law Review. 799-807. 2003. Netherlands.; Yves-Marie Morissette: McGill’s Integrated Civil and Common Law Program. 52. Journal of Legal Education. 12. 2002. p. 12.; Roderick A. Macdonald: The National Law Programme at McGill: Origins, Establishment, Prospects. 13. Dalhousie Law Journal. 211. 1990.; Julie Bédard: Transsystemic Teaching of Law at McGill: Radical Changes, Old and New Hats. 27. Queen’s Law Journal. 237. 2001.

science. Nevertheless, I think that in the aspect of harmonization of European legal education, our law society has to be aware of the cultures, legal cultures, traditions, legal traditions and the tradition of legal education structures of each European country.